

RESOLUTION NO. 4093

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Evangle Assembly, New Life Center

Purpose

A permanent public utility easement, 30 feet in width, as described in attached EXHIBIT A and shown in attached EXHIBIT B.

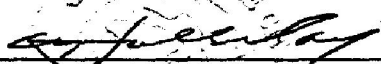
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 14TH DAY OF APRIL 1999.




Council President

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of April, 1999, by and between EVANGLE ASSEMBLY, NEW LIFE CENTER, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A permanent public utility easement more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

✓ Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

EVANGLE ASSEMBLY, NEW LIFE CENTER

By: Garry Siegenthaler
Garry Siegenthaler, Pastor

STATE OF Oregon
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 15 day of March, 1999, by Garry Siegenthaler as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 11/1/2002

EVANGLE ASSEMBLY, NEW LIFE CENTER

By: Wayne Kreitman
Wayne Kreitman, Business Administrator

STATE OF Oregon
County of Oregon) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 15 day of March, 1999, by Wayne Kreitman as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 11/1/2002

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4093 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of April, 1999.

[Signature]
City Manager

ATTEST:



[Signature]
City Recorder

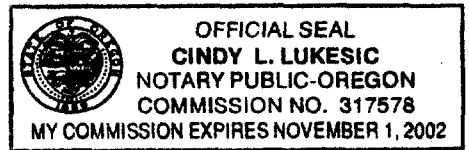


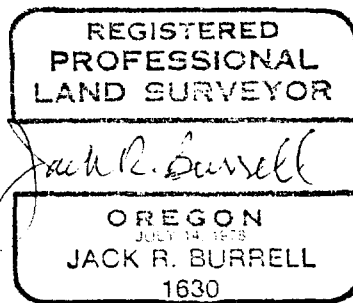
EXHIBIT "A"

(Public Utility Easement in NEW LIFE CENTER property)

A parcel of land for Public Utility Easement purposes located in that EVANGLE ASSEMBLY, NEW LIFE CENTER tract described by deed recorded in Volume MF 568, Page 661 of the Linn County Deed Records on July 10, 1991 that is more particularly described as follows:

Beginning at a point on the east right-of-way line of Columbus Street (a 60 foot wide right-of-way) that is South 00°19'18" West 1593.11 feet from the Initial Point of Partition Plat No. 1998-13, a partition of record in Linn County, Oregon; thence South 00°19'18" West, along said east right-of-way line, 50.00 feet; thence South 89°40'42" East 50.00 feet; thence North 00°19'18" East, parallel with said east right-of-way line 155.33 feet, more or less to the centerline of Oak Creek; thence South 82°40'52" West, along said centerline of Oak Creek, 30.27 feet to a point that is 20.00 feet, when measured perpendicularly, from said east right-of-way line; thence South 00°19'18" West, parallel with said east right-of-way line, 101.31 feet to a point that is South 89°40'42" East 20.00 feet from the Point of Beginning; thence North 89°40'42" West 20.00 feet to the Point of Beginning.

February 5, 1999
PUBLIC UTILITY EASEMENT IN
NEW LIFE CENTER PROPERTY
(97-51-J) JRB:ls
File Ref: nlm/mennonite/legal/9751J PUE for NLC.doc



EXPIRATION DATE: 12/31/99

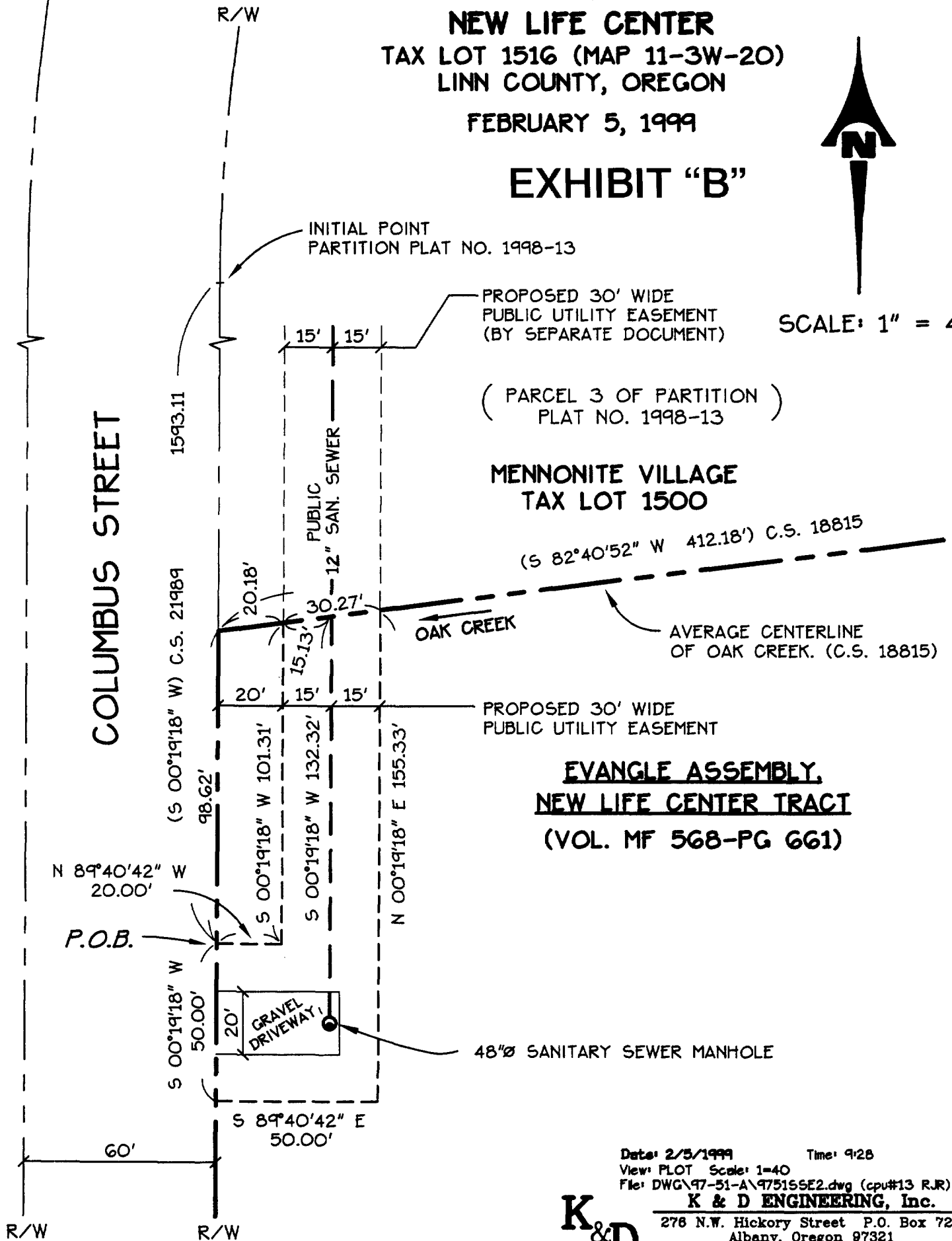
PUBLIC UTILITY EASEMENT MAP
FOR
NEW LIFE CENTER
TAX LOT 1516 (MAP 11-3W-20)
LINN COUNTY, OREGON

FEBRUARY 5, 1999

EXHIBIT "B"



SCALE: 1" = 40'



**EVANGLE ASSEMBLY,
NEW LIFE CENTER TRACT
(VOL. MF 568-PG 661)**

Date: 2/5/1999 Time: 9:28
View: PLOT Scale: 1=40
File: DWG\97-51-A\975155E2.dwg (cpu#13 RJR)
K & D ENGINEERING, Inc.
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583



STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By PA, Deputy

M 20
S 70
A ___
O ___

MF 1027

PAGE 996

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Apr 19 1 58 PM '99

Resolution No. 4093

Recorded Document Recorder File No. 3370