

RESOLUTION NO. 4126

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

William S. Wilt

Purpose

A 44-foot wide public utility easement, more particularly 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 9TH DAY OF JUNE 1999.

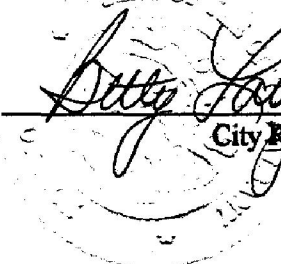


Mayor

ATTEST:



City Recorder Clerk



THIS AGREEMENT, made and entered into this 25 day of MAY, 1999, by and between **William S. Wilt**, 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 44-foot wide public utility easement, 22 feet on both sides of the centerlines of streets within Edgewood Manufactured Home Park, Expansion I, more particularly described in attached EXHIBITS "A" and "B" and shown in attached EXHIBIT "C".

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.

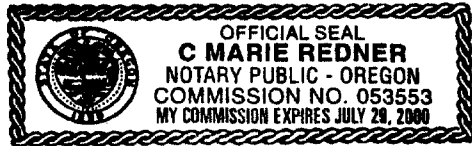
GRANTOR:

William S. Wilt
William S. Wilt

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

The foregoing instrument was acknowledged before me this 25th day of May, 1999, by William S. Wilt as his voluntary act and deed.

C Marie Redner
Notary Public for Oregon
My Commission Expires July 29, 2000



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 4126 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of June, 1999.

Steve Bryant
City Manager

ATTEST:

Betty Langquell
City Recorder

'EXHIBIT A'

PUBLIC UTILITY AND MAINTENANCE
EASEMENT DESCRIPTION

for

"B" & "C" STREETS

LOCATED IN EDGEWOOD MANUFACTURED HOME PARK, EXPANSION IN THE
SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.,
CITY OF ALBANY, LINN COUNTY, OREGON

THIS PUBLIC UTILITY AND MAINTENANCE EASEMENT IS TO BE 44 FEET IN EVEN WIDTH,
22 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE :

BEGINNING AT A POINT WHICH IS 700.21 FEET, NORTH 80°47'12" WEST OF A 5/8" IRON ROD MARKING THE SOUTHEAST CORNER OF COUNTY SURVEY 22012; THENCE NORTH 89°49'30" WEST, 228.36 FEET; THENCE ALONG THE ARC OF A 100 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH 49°18'12" WEST 129.95 FEET) A DISTANCE OF 141.45 FEET; THENCE ALONG THE ARC OF A 355.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 34°08'56" WEST, 304.18 FEET) A DISTANCE OF 314.34 FEET; THENCE ALONG THE ARC OF A 100 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH 29°29'54" WEST, 100.05 FEET) A DISTANCE OF 104.78 FEET; THENCE NORTH 00°31'09" EAST, 120.68 FEET; THENCE ALONG THE ARC OF A 75.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH 57°21'59" EAST, 125.58 FEET) A DISTANCE OF 148.83 FEET; THENCE SOUTH 65°47'12" EAST 133.71 FEET; THENCE ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS SOUTH 47°03'55" EAST 128.39 FEET) A DISTANCE OF 130.70 FEET; THENCE ALONG THE ARC OF A 375.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS SOUTH 43°11'47" EAST, 192.25 FEET TO THE TERMINAL POINT OF THIS DESCRIPTION. SAID TERMINAL POINT BEING 899.89 FEET, NORTH 60°33'35" WEST OF SAID 5/8 IRON ROD MARKING SAID SOUTHEAST CORNER OF SAID COUNTY SURVEY 22012.

FILE
CG ON SERV 1 (J)
TEXT
STA 1
97-3B&C ST EASE DESCR
3/25/99

'EXHIBIT B'

PUBLIC UTILITY AND MAINTENANCE
EASEMENT DESCRIPTION

for

"A" STREET

LOCATED IN EDGEWOOD MANUFACTURED HOME PARK, EXPANSION IN THE
SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.,
CITY OF ALBANY, LINN COUNTY, OREGON

BEGINNING AT A POINT WHICH IS 280.71 FEET, NORTH 03°51'11" WEST OF A 5/8" IRON ROD MARKING THE MOST EASTERLY, NORTHEAST CORNER OF EDGEWOOD ESTATES, A SUBDIVISION OF RECORD, LINN COUNTY PLAT RECORDS SAID ROD BEING ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH MOUNTAIN VIEW DRIVE A DEDICATED 60.00 FOOT RIGHT OF WAY; THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH MOUNTAIN VIEW DRIVE ALONG THE ARC OF A 305.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 34°28'52" WEST, 44.51 FEET) A DISTANCE OF 44.54 FEET; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF SAID SOUTH MOUNTAIN VIEW DRIVE, NORTH 46°52'39" EAST, 77.11 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH 01°46'13" WEST, 27.02 FEET) A DISTANCE OF 30.57 FEET; THENCE ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS SOUTH 43°07'21" EAST, 84.57 FEET) A DISTANCE OF 84.80 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 84°28'29" WEST, 27.02 FEET) A DISTANCE OF 30.57 FEET; THENCE SOUTH 46°52'39" WEST 83.80 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AS SHOWN ON ATTACHED EXHIBIT MAP "C".

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE SOUTH LINE OF THE PARCEL SURVEYED IN COUNTY SUVEY 22012.

FILE
CG ON SERV 1 (7)
TEXT
STA 1
97-3A ST EASE DESCR
3/25/99

STATE OF OREGON
County of Linn

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

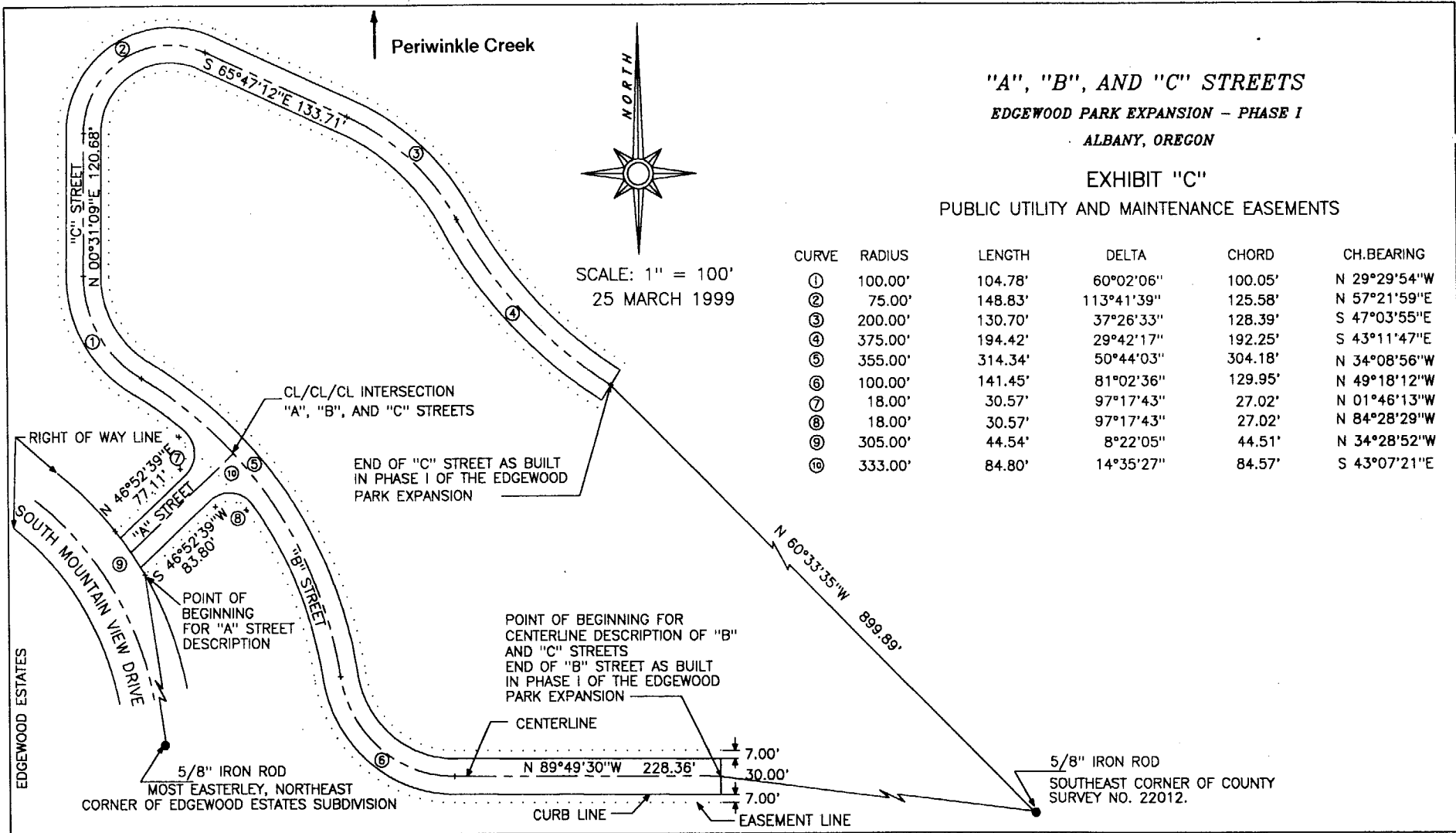
STEVE DRUCKENMILLER
Linn County Clerk

MF 1042

By PA, Deputy PAGE 587

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(35) 1/12/2003-49
97-35 CRD

Resolution No. 4126

Recorded Document Recorder File No. 3400