

RESOLUTION NO. 4255

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Linn County

A 10-foot-wide strip of land for public utility easement purposes, more particularly described in attached EXHIBIT "A," shown in attached map labeled EXHIBIT "B," and located in attached Vicinity Map.

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

DATED THIS 26TH DAY OF APRIL 2000.



Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 5TH day of APRIL, 2000, by and between Linn County, herein called Grantors, 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 grantors have this day bargained and sold and by these presents do 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:

Permanent public utility easement, said easement being more particularly described in the attached legal description labeled EXHIBIT A and attached map labeled 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 the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
- 4. The Grantors do 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR: LINN COUNTY

CITY OF ALBANY:

By: David R. Schmidt
Title: Chairman

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

By: John K. Lindsey
Title: Commissioner

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4255, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of April, 2000.

By: Catherine Skiens
Title: Commissioner

Steve Bryant
City Manager

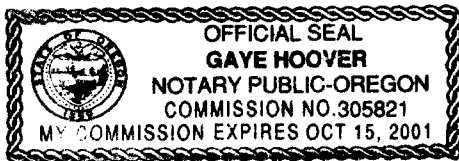
STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

ATTEST:

The foregoing instrument was acknowledged before me this 5th day of APRIL, 2000, by DAVID R. SCHMIDT LINN COUNTY COMMISSIONER (Title), and by JOHN K. LINDSEY, LINN COUNTY COMMISSIONER (Title), and by CATHERINE SKIENS, LINN COUNTY COMMISSIONER (Title), of Linn County, an Oregon corporation on behalf of the corporation.

Ken Thompson
City Recorder

Gaye Hoover
Notary Public for STATE OF OREGON
My Commission Expires: 10-15-2001



10' PUBLIC UTILITY EASEMENT

A portion of that certain tract of land described as Parcel 2 of Partition Plat No. 1995-65 recorded in the Linn County Record of Partition Plats, which is lying within the following described tract of land:

Beginning at the Northeast corner of Parcel 1, Partition Plat 1995-65, said corner also being coincident to the intersection of the West right of way line of Timber Street and the South right of way line of Knox Butte Road; thence along said Timber Street right of way South 00°06'11" West 10.03 feet to a point; thence leaving said West right of way line North 85°46'14" West 736.27 feet, paralleling the South right of way line of Knox Butte Road to the East right of way line of Opal Court; thence along said Opal Court right of way North 00°02'54" East 10.03 feet to the intersection with the South right of way line of Knox Butte Road; thence leaving said intersection South 85°46'14" East 736.28 feet along said South right of way to the point of beginning, all lying in the Northeast ¼ of Section 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

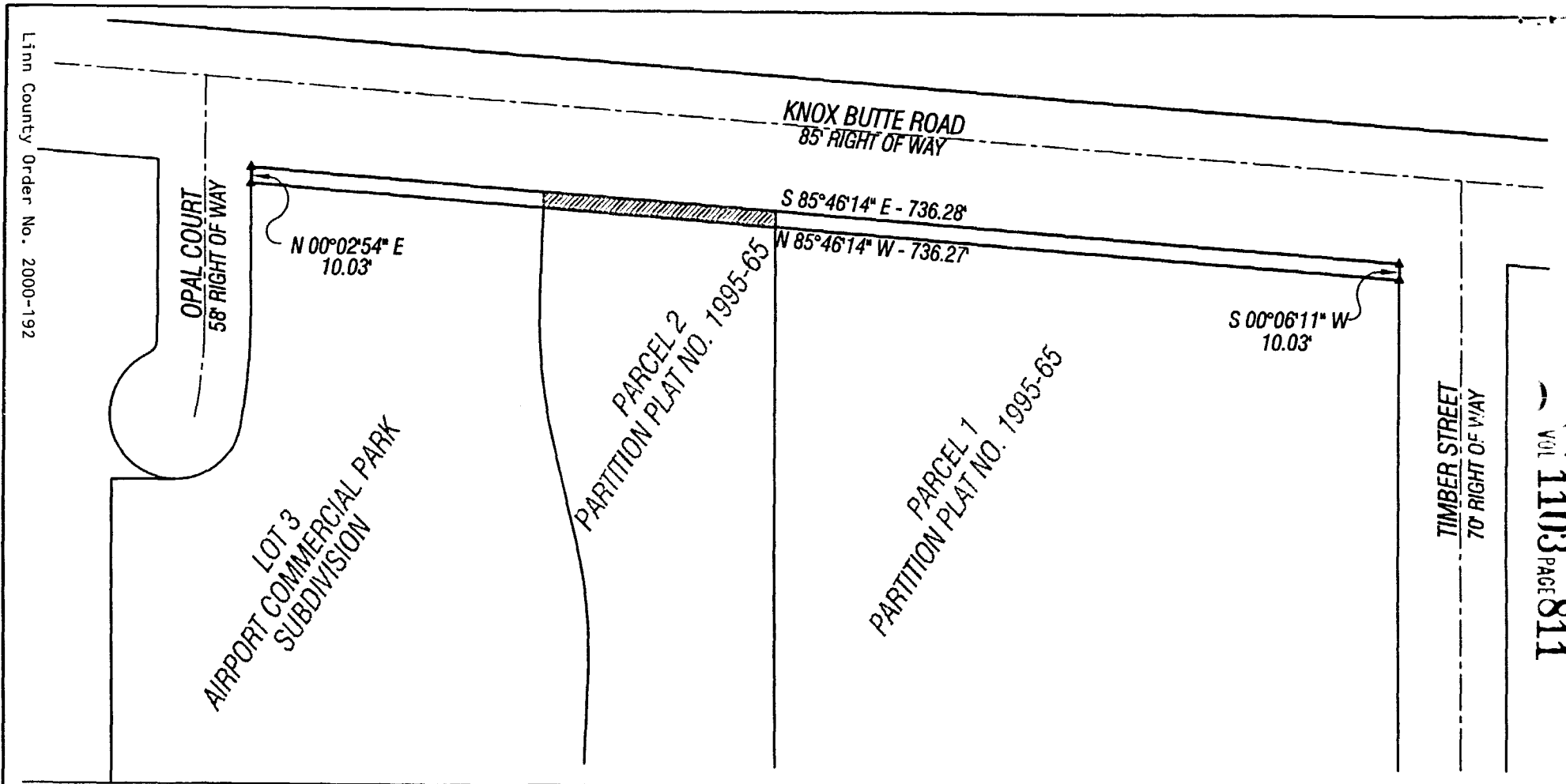
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Leonard L. Smith

OREGON
SEPTEMBER 23, 1977
LEONARD L. SMITH
1329

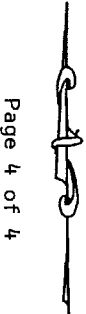
EYP 6-30-00

EXHIBIT B



Linn County Order No. 2000-192

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10' UTILITY EASEMENT
 LYING IN THE
 NORTHEAST 1/4
 OF
 SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST
 WILLAMETTE MERIDIAN
 CITY OF ALBANY
 LINN COUNTY, OREGON

SCALE 1" = 100'

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Leonard L. Smith

**OREGON
 SEPTEMBER 28, 1977
 LEONARD L. SMITH
 1829**

RENEWAL 6/30/2000

PacWest
 Engineering

1530 NINTH AVE. SE TEL 1-888-926-7634
 ALBANY, OR. 97321 FAX 541-926-7539

Client:
 CITY OF ALBANY

Drawn:
 M. RUETTIGERS

Field:
 N/A

Calc'd:
 N/A

Checked:
 L. SMITH

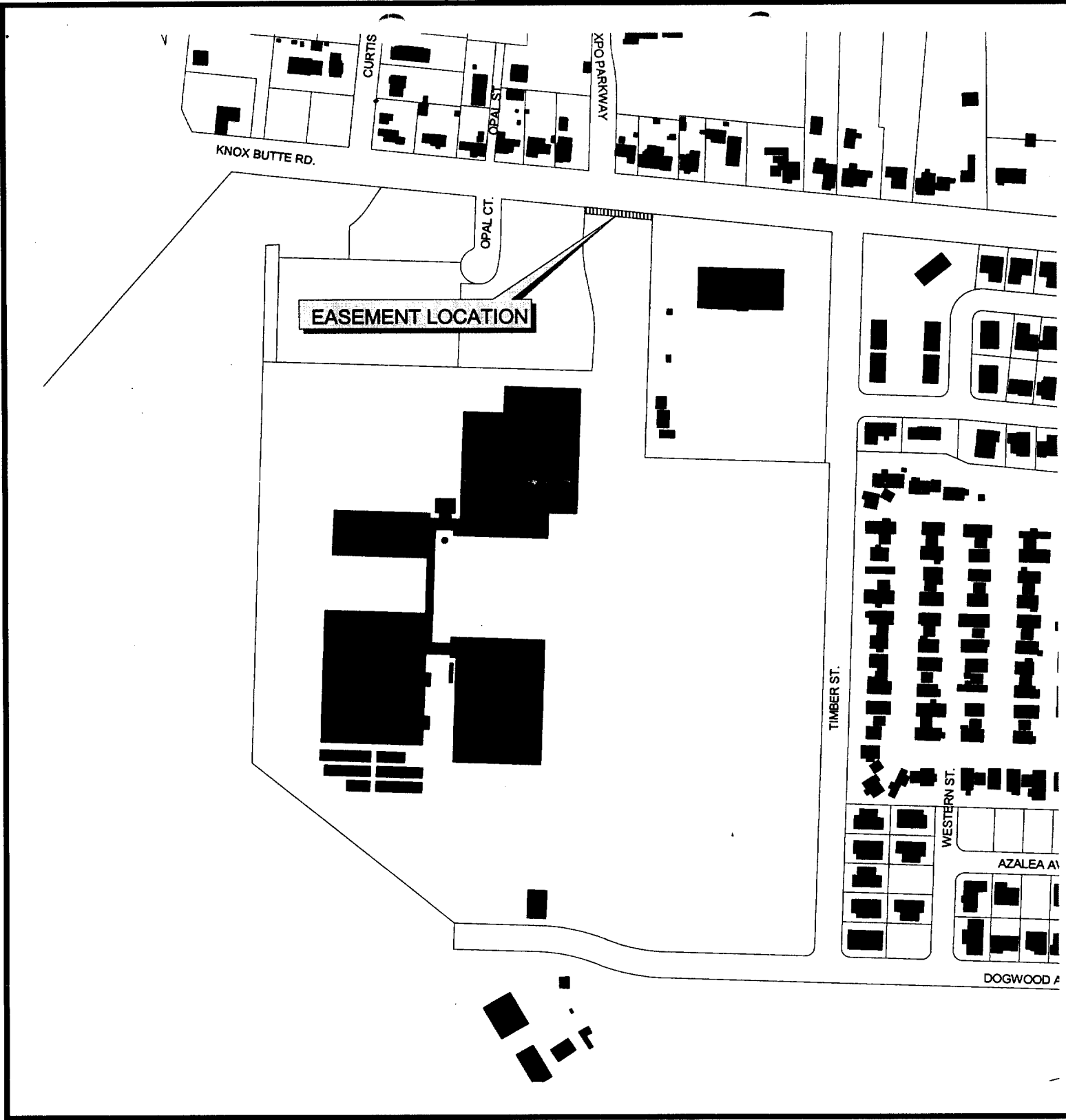
Project:
 99-100

Drawing No.:
 EXHIBIT

Date:
 3/3/00

Scale:
 1" = 100'

Page Of
 1 1



VICINITY MAP



10-FT PUBLIC UTILITY EASEMENT

11S-3W-4D-105

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Mar 15, 2000

0 300 Feet



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other transactions based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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 [Signature], Deputy

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R 25
S 70
A 11
O

MF 1103

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May 2 1 22 PM '00

Resolution No. 4255

Recorded Document Recorder File No. 3601