

RESOLUTION NO. 4813

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Kin Foo Chan  
Ying C. Chan**

Purpose

A permanent 8-foot wide utility easement and a 20-foot wide temporary construction easement from Chan to City of Albany, more particularly described in the attached "EXHIBIT A", shown in the attached drawing "Exhibit B" and located on the attached Vicinity Map.

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

DATED AND EFFECTIVE THE 26<sup>TH</sup> DAY OF MARCH 2003

  
Mayer

ATTEST:

  
City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14TH day of MARCH, 2003 by and between **Kin Foo Chan and Ying C. Chan**, herein 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, 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:  
  
An 8.0 foot wide permanent utility easement and a 20.0 foot wide temporary construction easement described in the attached legal description labeled "EXHIBIT A" and shown on the 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. The **temporary** easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation, or maintenance purposes.
3. The easement granted is in consideration of **\$600.00**, 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 by Grantor on this easement.

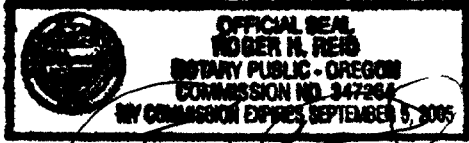
Return to: City of Albany - Recorder  
P.O. Box 490, Albany, OR 97321

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

GRANTOR:

Kin Foo Chan  
Kin Foo Chan  
STATE OF Oregon )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of March, 2003, by Kin Foo Chan as his/her voluntary act and deed.

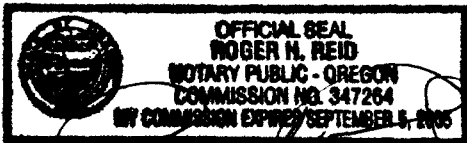


[Signature]  
Notary Public for Oregon  
My Commission Expires: 9-5-2005

Ying C. Chan  
Ying C. Chan

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

The foregoing instrument was acknowledged before me this 14 day of March, 2003, by Ying C. Chan as his/her voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 9-5-2005

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 4813, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of March, 2003

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder

## Exhibit A

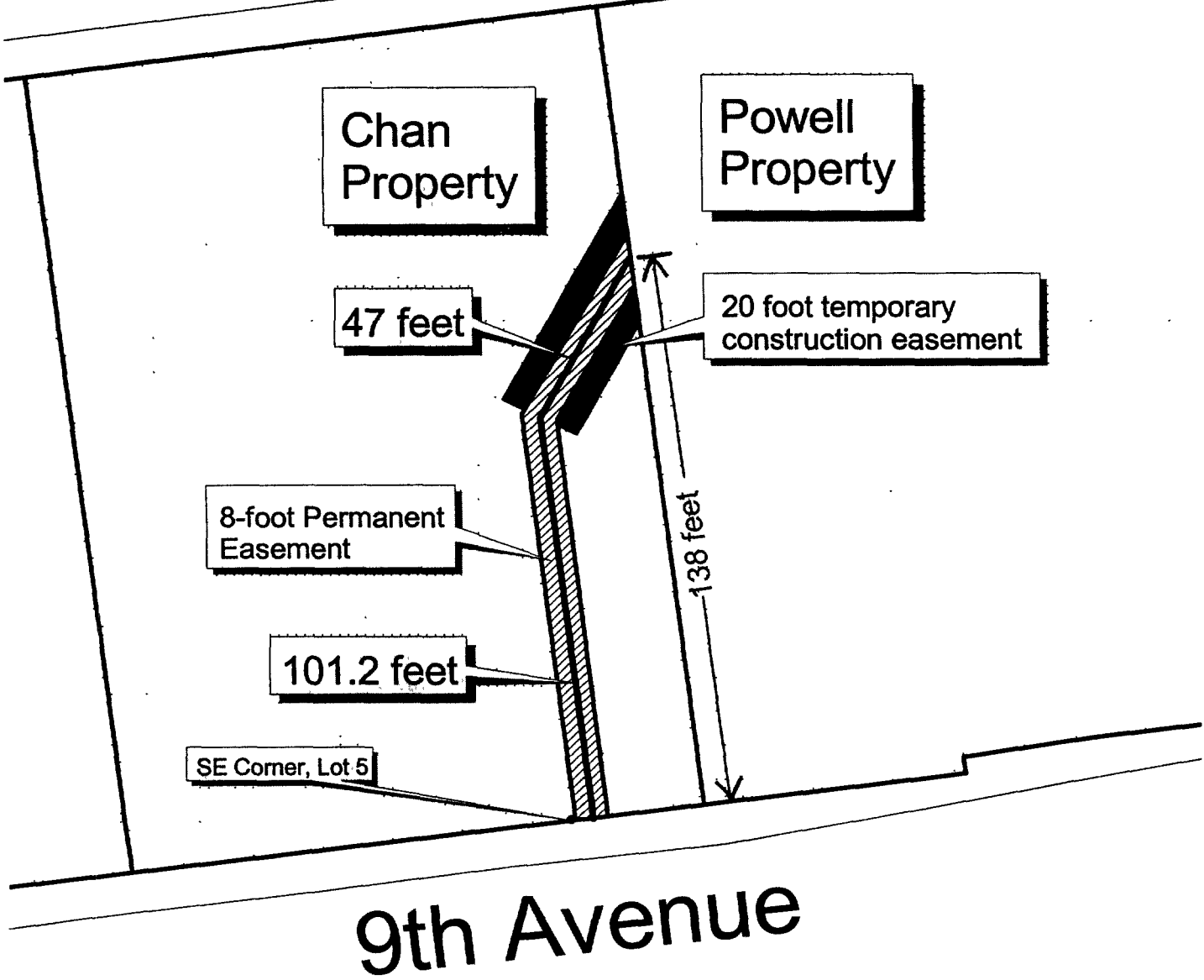
### **Legal Description for an 8-foot wide permanent sanitary sewer easement, centered on the following described centerline:**

**Beginning** at a point on the south line of Lot 5, Block 3, of Hackleman's Park Addition, in Albany, Linn County Oregon, said point lying 5.6 feet east of the southwest corner of Lot 5, centered over the existing sanitary sewer line, **thence;** Northerly, centered over the existing sanitary sewer line, parallel with the west line of Lot 5 a distance of 101.2 feet to the center of the existing sanitary sewer manhole, **thence;** Northeasterly, 47 feet more or less, to a point that lies on the east line of that property conveyed to Kin Foo Chan and Ying C. Chan by a deed filed in Linn County Oregon Microfilm Deed Records Volume 820, Page 40, said point also lying 138 feet north of the south line of Lot 5. **As shown on the attached map labeled Exhibit B.**

### **Legal Description for a 20-foot wide temporary construction easement, centered on the following described centerline:**

**Beginning** at a point on the south line of Lot 5, Block 3, of Hackleman's Park Addition, in Albany, Linn County Oregon, said point lying 5.6 feet east of the southwest corner of Lot 5, centered over the existing sanitary sewer line, **thence;** Northerly, centered over the existing sanitary sewer line, parallel with the west line of Lot 5 a distance of 101.2 feet to the center of the existing sanitary sewer manhole **to the True Point of Beginning, thence;** Northeasterly, 47 feet more or less, to a point that lies on the east line of that property conveyed to Kin Foo Chan and Ying C. Chan by a deed filed in Linn County Oregon Microfilm Deed Records Volume 820, Page 40, said point also lying 138 feet north of the south line of Lot 5. **As shown on the attached map labeled Exhibit B.**

# Pacific Boulevard



# 9th Avenue

## Exhibit B, Easement Map



Public Works

gordons nil

Gordon Steffensmeier

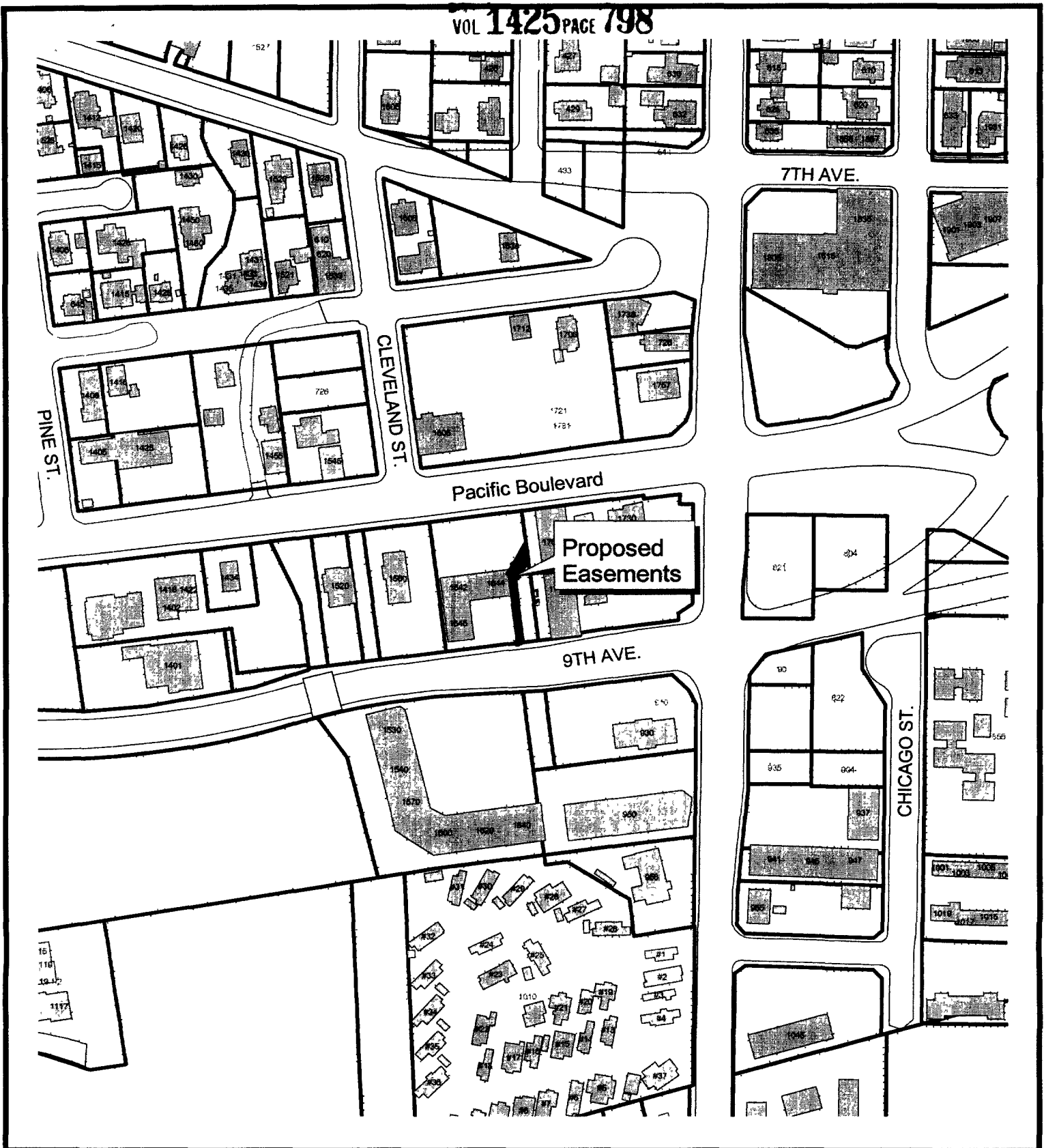
Mar 11, 2003

0 40 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 this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchase or other investments 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.





# Vicinity Map



Public Works

gordons nil

Gordon Steffensmeier

Mar 11, 2003

0 200 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 this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchase or other investments 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 SW Deputy MF1425  
PAGE 794

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Recorded Document Recorder File No. 4215