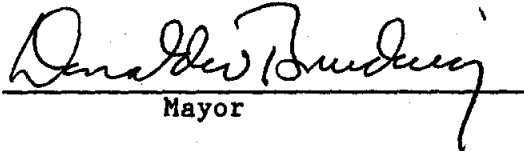


RESOLUTION NO. 2478

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following:

<u>Grantor</u>	<u>Purpose</u>
Peltier Real Estate Company	A 40 foot wide temporary easement for construction of the storm drain project.
Peltier Real Estate Company	A 15 foot wide permanent easement for maintenance of the storm drain.

DATED this 21st day of June, 1984.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



## EASEMENT FOR A STORM DRAIN

THIS AGREEMENT, made and entered into this 7<sup>th</sup> day of June 1984, by and between Peltier Real Estate Company 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 storm sewer lines for the purpose of conveying sewer 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 sewer and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said sewer.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consist of:
  - a. a permanent easement which covers a strip of land 15 feet in width for the purpose of maintenance, and
  - b. a temporary easement which covers a strip of land 40 feet in width for the purpose of construction; over the property described herein.
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 maintenance and 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 purposes.

3. The land affected by this agreement is located in the County of Linn, State of Oregon; and is a portion of the tract as shown on the attached drawing, marked "Exhibit A," which is herewith made a part of this agreement.
4. The true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
  - a. the sum of one dollar (\$1.00) for the permanent easement; and
  - b. the additional sum of one dollar (\$1.00) for the temporary easement.
5. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be paid to the Grantors within a period of thirty (30) days from the date of this instrument.

- 6. 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.
- 7. No permanent structure shall be constructed on this easement.

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

*Robert Bunn*  
 Vice President

STATE OF OREGON        )  
 County of                )ss  
 City of                    )

On this 24<sup>th</sup> day of June, 1984 personally appeared the above named Robert Bunn Vice President Petitioner Real Estate Co and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 24<sup>th</sup> day of June, 1984.

*Dean A. Barron*  
 Notary Public for Oregon

My Commission Expires: 4-16-86

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

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2478, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated: June 28, 1984.

CITY OF ALBANY, OREGON

*William B Barron*  
 City Manager

*W. J. J. J. J.*  
 City Recorder

DESCRIPTIONSPermanent Easement

A 15 foot wide permanent storm drain easement described as follows:

Beginning at the southwest corner of Lot 1, Block 1 of Jackson Industrial Sub-division, Albany, Linn County, Oregon; thence N 1°05' W 229.30 feet along the east right-of-way line of Industrial Way to the true point of beginning; thence N 1°05' W 23.45 feet along said right-of-way line to the southeast right-of-way line of the Southern Pacific Railroad; thence N 38°41' E 355.74 feet along said right-of-way; thence S 81°01' 30" W 76.51 feet to the northeast property line of the parcel described in M.F. 75, Page 812 in deed records of Linn County, Oregon; thence S 26°07' 15" E 15.07 feet along said property line; thence S 81°01' 30" W 75.32 feet; thence S 38°41' W 376.82 feet to the true point of beginning.

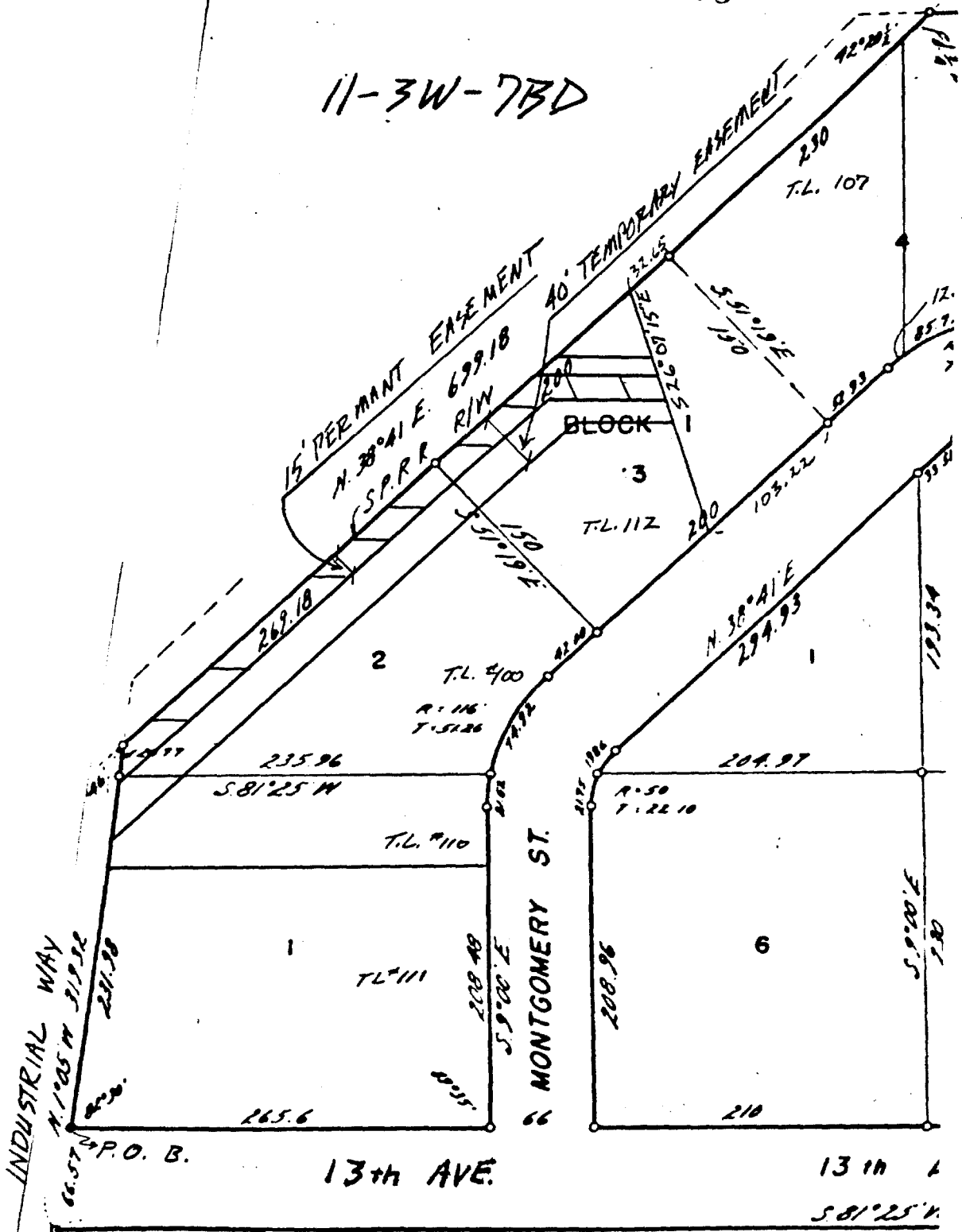
Temporary Easement

A 40 foot wide temporary easement for the construction of a storm drain line described as follows:

Beginning at the southwest corner of Lot 1, Block 1 of Jackson Industrial Sub-division, Albany, Linn County, Oregon; thence N 1°05' W 190.23 feet along the east right-of-way line of Industrial Way to the true point of beginning; thence N 1°05' W 62.52 feet along said right-of-way line to the southeast right-of-way line of the Southern Pacific Railroad; thence N 38°41' E 374.29 feet along said right-of-way; thence S 81°01' 30" W 58.93 feet to the northeast property line of the parcel described in M.F. 75, Page 812 in deed records of Linn County Oregon; thence S 26°07' 15" E 41.86 feet along said property line; thence S 81°01' 30" W 55.78 feet; thence S 38°41' W 406.86 feet to the true point of beginning.

Peltier Real Estate Co.  
and  
City of Albany  
Exhibit A  
Page 1

11-3W-7BD



564254

July 3, 1984

STATE OF OREGON  
County of Linn

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

Volume: MF 363 Page: 172

At 8:30 O'clock a.m.

DEL W. RILEY  
Linn County Clerk

By Y. H. H. Deputy  
*C. J. [Signature]*

Resolution No. 2478

Recorded Document Recorder File No. 1560