

RESOLUTION NO. 2782

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

Grantor

Monty and Linda Ellison (Fmly Ltd Ptn)
James Gyovai

Purpose

A 5-foot wide permanent utility easement across a portion of Lot 8, Block 81, of Monteith's Southern Addition to the City of Albany, Linn County, Oregon.

Bill and Nancy MacHugh

A 20-foot wide permanent utility easement across Parcel "B" as designated on County Survey #18923, said parcel being south of Queen Ave., east of the Albany-Santiam Canal, and west of the Southern Pacific Railroad Right-of-Way.

DATED this 11th day of May, 1987.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6th day of January, 1988, by and between Monty and Linda Ellison (Fmly Ltd Ptn) and James Gyovai, 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, undergrowth, 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 consist of:

A 5-foot wide permanent easement that is parallel, adjacent and south of the line described below and further shown on the attached drawing labeled EXHIBIT A.

Beginning at the northwest corner of that parcel conveyed to Monty and Linda Ellison, MF451-315 Linn County Deed Records, a portion of Lot 8, Block 81 of Monteith's Southern Addition to the City of Albany, Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence Easterly on the north property line of said lot, 57.0 feet, to the intersection of the north property line with the east property line of said lot and there terminating

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 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. removal of condition no.5, of the Conditions of Approval for VR-31-87.
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.

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



Monty Ellison
 Monty Ellison
Linda Ellison
 Linda Ellison
 X James Gyovai
 James Gyovai

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

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

The foregoing instrument was acknowledged before me this 6th day of January, 1988, by grantor(s) as his/her/their voluntary act and deed.

Beth A. Bosley
 Notary Public for Oregon
 My Commission Expires: 12-22-91

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2782, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 12th day of May, 1988.

CITY OF ALBANY, OREGON

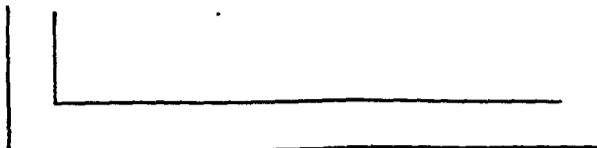
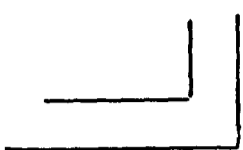
William B. Barrons
 City Manager

[Signature]
 City Recorder

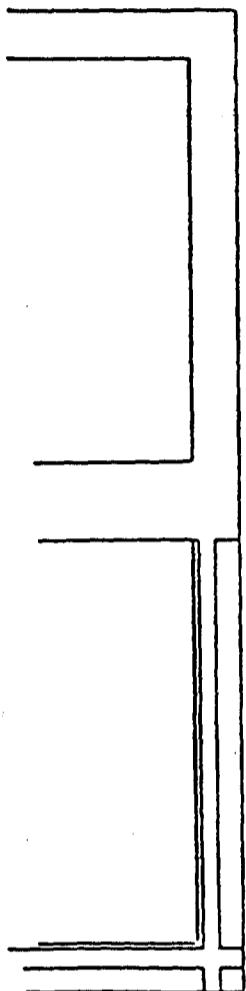
EXHIBIT A

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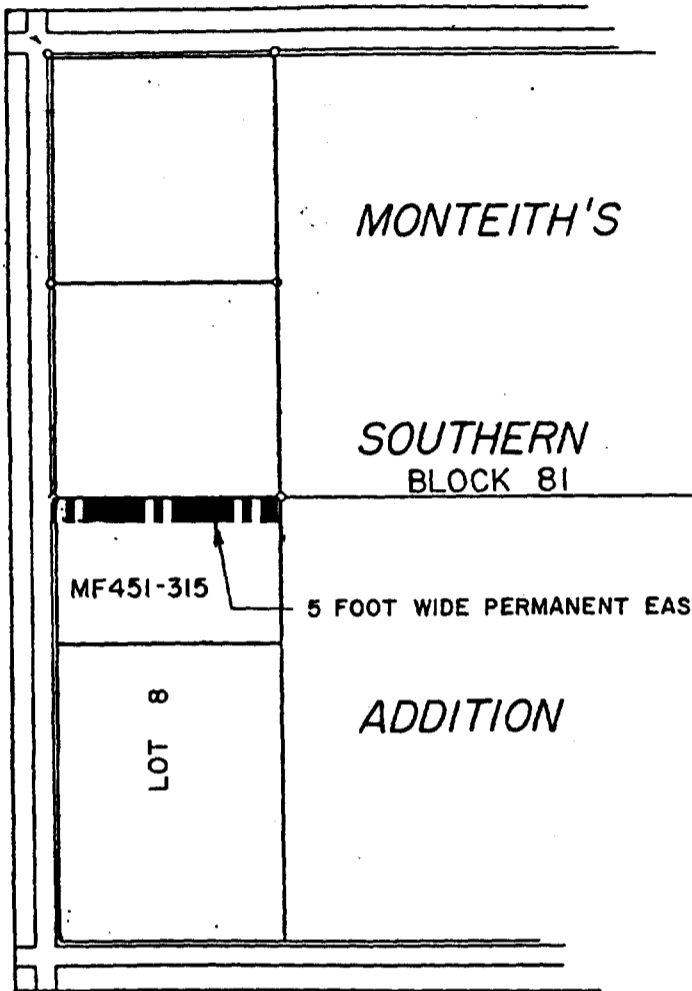
N.T.S.



9TH AVE.



ELM ST.



MONTEITH'S

SOUTHERN
BLOCK 81

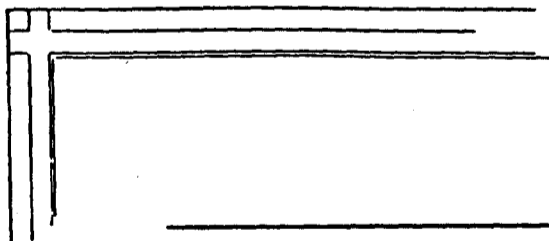
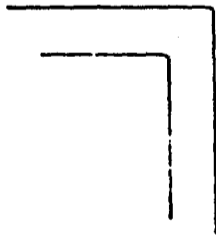
MF451-315

5 FOOT WIDE PERMANENT EASEMENT

LOT 8

ADDITION

10TH AVE.



15°
Mar 31 3 31 PM '88

STATE OF OREGON
County of Linn

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

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STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]* Deputy
City of Albany
P.O. Box 490
Albany, Or 97321

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26 day of April, 1988, by and between Bill and Nancy MacHugh, 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 consist of:

A 20 foot wide permanent easement centered on the following described line and further shown on the attached drawing labeled EXHIBIT A.

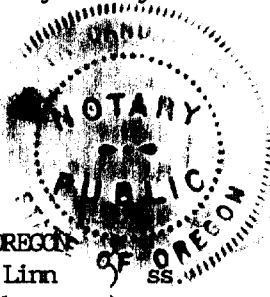
Beginning at a point on the most westerly property line of that parcel conveyed to Bill and Nanacy MacHugh, MF 468-666, Linn County Deed Records, said point being S 20°49'00"W, 992.83 feet, from a 5/8-inch iron rod located on the south right-of-way line of Queen Avenue and the west right-of-way line of Southern Pacific Railway, in the southwest one quarter, Section 7, Township 11 South, Range 3 West, Willamette Base & Meridian, City of Albany, Linn County, Oregon, and further described in Exhibit "D" of County Survey 18923: thence N 77°01'30"E, approximately 208 feet, to the west right-of-way line of the Southern Pacific Railway, and there terminating.

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 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 dollars (\$1.00) for the permanent easement.
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.

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



William B. Barrons

 Bill MacHugh
Nancy M. MacHugh

 Nancy MacHugh

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

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

The foregoing instrument was acknowledged before me this 26 day of April, 1988, by grantor(s) as his/her/their voluntary act and deed.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2782, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 12th day of May, 1988.

Quynha Barbara Brown

 Notary Public for Oregon
 My Commission Expires: 12-10-88

CITY OF ALBANY, OREGON

William B. Barrons

 City Manager

[Signature]

 City Recorder

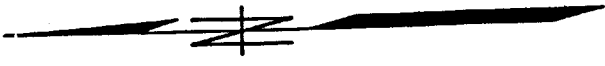
 A circular seal for the City Recorder of Albany, Oregon. The seal contains the text "ALBANY" and "OREGON" around the perimeter.

EXHIBIT D

Beginning at a p.k. nail which is 183.18 feet South 87° 15' East from a 3/8 inch iron rod on the South right-of-way line of Queen Avenue and West right-of-way line of Southern Pacific Railway located in the southeast one quarter, Section 7, Township 11 South, Range 3 West, Milamette Meridian, City of Albany, Linn County, Oregon; running thence South 8° 43' East 300 feet to a 3/8 inch iron rod; thence South 87° 15' East 19.22 feet; thence North 8° 34' 24" East 279.72 feet to the South right-of-way line of Queen Avenue; thence North 87° 15' 00" East 18.47 feet to the Point of Beginning.

EXHIBIT E

Beginning at a p.k. nail which is 143.62 feet South 87° 15' East from a 3/8 inch iron rod on the south right-of-way line of Queen Avenue and West right-of-way line of the Southern Pacific Railway; located in the southeast one quarter, Section 7, Township 11 South, Range 3 West, Milamette Meridian, City of Albany, Linn County, Oregon; running thence South 8° 25' 31" East 299.84 feet; thence South 87° 15' East 18.03 feet to a 3/8 inch iron rod; thence North 8° 43' East 300 feet to a p.k. nail on the south right-of-way line of Queen Avenue; thence North 87° 15' East, 19.56 feet along said right-of-way line to the Point of Beginning.

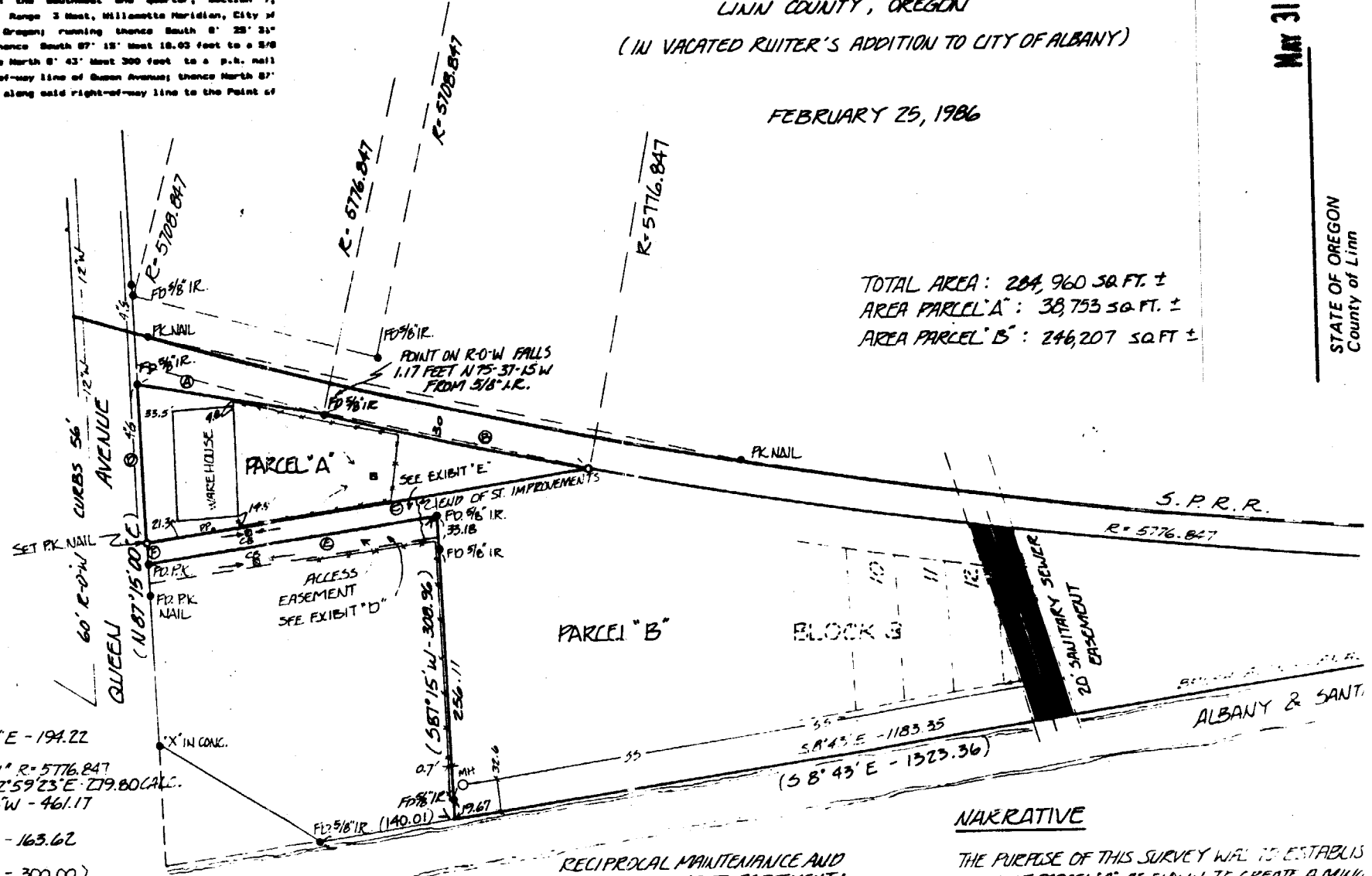


— C.S. 18923 —
FINAL MAP
MINOR PARTITION

530 QUEEN AVE.
 SW 1/4 SECTION 7, T.11S., R.3W., W.B. & M.,
 LINN COUNTY, OREGON
 (IN VACATED RUITER'S ADDITION TO CITY OF ALBANY)

FEBRUARY 25, 1986

TOTAL AREA: 284,960 SQ. FT. ±
 AREA PARCEL "A": 38,753 SQ. FT. ±
 AREA PARCEL "B": 246,207 SQ. FT. ±



- Ⓐ N 9° 46' 08" E - 194.22
- Ⓑ Δ = 246° 31' R = 5776.847
CHORD = N 12° 59' 23" E - 279.80 CALC.
- Ⓒ N 8° 25' 36" W - 461.17
- Ⓓ N 87° 15' E - 163.62
- Ⓔ (S 8° 43' E - 300.00)
- Ⓕ N 87° 15' E - 19.56
- Ⓖ (Δ = 76° 36' 19" R = 60' L = 80.22)

RECIPROCAL MAINTENANCE AND ACCESS EASEMENT AGREEMENT:
 EXHIBITS "D" AND "E" DESCRIBE THE ACCESS EASEMENTS. THE UPKEEP AND REPAIR OF JOINT ACCESS AREA IS A JOINT

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH LINE OF PARCEL "A" AS SHOWN TO CREATE A MINOR IN TYING MONUMENTS EAST OF THE RAILROAD R/L FOUND TO BE A 0°37' DIFFERENCE IN BEARING TIES AND INTERSECTIONS WITH THE RAILROAD R

15.00

MAY 31 3 32 PM '88

STATE OF OREGON
 County of Linn

STEVE DRUCKENMILLER
 Linn County Clerk

Deputy
 City of Albany
 P.O. Box 490
 Albany, Or. 97321

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

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Resolution No. 2782

Recorded Documents Recorder Files No.

Ellison/Gyovai 0695

MacHugh 0692