

RESOLUTION NO. 2811

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

Grantor

Menmonite Village Albany, Oregon

Purpose

Public utility easements located on the properties just north of the existing Menmonite Village for expansion of the Menmonite Village, Albany, Linn County, Oregon.

DATED this 14 day of September, 1988.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 38st day of August, 1988, by and between **MENNONITE HOME OF ALBANY, INC.**, a non-profit, Oregon corporation, 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:

Sanitary Sewer

LATERAL "A": A twenty-foot sanitary sewer easement running ten feet on either side of the following described centerline: Beginning at a point, on the East right-of-way line of Columbus Street, Market Road No. 11-A, which is 30.00 feet South $89^{\circ}40'25''$ East and 2417.46 feet North $0^{\circ}19'35''$ East from the Southwest corner of the Jordan S. Robinson Donation Land Claim No. 55, in Section 20, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; said Beginning Point being 154.98 feet North $0^{\circ}19'35''$ East of a 5/8-inch iron rod on the East right-of-way of Columbus Street, said iron rod being 30.0 feet easterly of the Northwest corner of Parcel B, as recorded in Vol. 290, Page 275, Microfilm Records of Linn County, Oregon; running thence South $89^{\circ}40'25''$ East 170.53 feet to Sta. 1+80, Lateral A (= Sta. 0+00, Lateral B); thence South $69^{\circ}50'30''$ East 183.02 feet; thence North $50^{\circ}01'22''$ East 544.33 feet; thence South $36^{\circ}19'47''$ East 206.17 feet; thence South $60^{\circ}15'14''$ East 211.99 feet to Sta. 13+25, Lateral A (= Sta. 0+00, Lateral C); thence South $64^{\circ}50'37''$ East 270.59 feet; thence North $70^{\circ}09'23''$ East 60 feet; thence South $73^{\circ}20'00''$ East 280 feet, more or less, to the centerline of a storm drain easement.

LATERAL "B": Beginning at Sta. 0+00, Lateral B (= Sta. 1+80, Lateral A); thence North $40^{\circ}34'04''$ East 300 feet; thence North $50^{\circ}01'22''$ East 490 feet to a point 10 feet beyond the sanitary sewer manhole at the end of Lateral B.

LATERAL "C": Beginning at Sta. 0+00, Lateral C (= Sta. 13+25, Lateral A); thence North $28^{\circ}30'00''$ East 118.16 feet; thence North $0^{\circ}24'54''$ East 173.77 feet; thence North $32^{\circ}32'38''$ West 118.60 feet; thence North $65^{\circ}30'10''$ West 180.00 feet to a point 10 feet beyond the sanitary sewer manhole at the end of Lateral C.

Waterline

LATERAL "A": A fifteen-foot waterline easement along the following described line: Beginning at a point on the East right-of-way line of Columbus Street, Market Road No. 11-A, which is 30.00 feet South $89^{\circ}43'15''$ East and 2268.50 feet North $0^{\circ}19'35''$ East from the Southwest corner of the Jordan S. Robinson Donation Land Claim No. 55, in Section 20, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said Beginning Point being 6.0 feet North $0^{\circ}19'35''$ East from a 5/8-inch iron rod on the East right-of-way of Columbus Street, said iron rod being 30.00 feet easterly from the Northwest corner of Parcel "B" as described in Vol. 290, Page 275, Microfilm Records of Linn County, Oregon; thence commencing 9.0 feet left and 6.0 feet right of the waterline centerline described as follows: running thence South $89^{\circ}43'15''$ East 174 feet; thence North $11^{\circ}31'45''$ East 91.0 feet to a point of intersection at Sta. 3+19; thence North $11^{\circ}31'45''$ East 39.0 feet, more or less, to a point 6.0 feet beyond the terminus of a fire hydrant lateral. From Sta. 3+19 continuing thence South $78^{\circ}28'15''$ East 126.0 feet; thence North $79^{\circ}01'45''$ East 70.0 feet; thence North $50^{\circ}01'22''$ East 501.0 feet to a point of intersection at Sta. 10+16, Lateral A (= Sta. 0+00, Lateral B); thence turning a 90° angle right and continuing 6.0 feet left and 9.0 feet right of centerline along the arc of a 174-foot radius curve right (chord bears South $31^{\circ}56'05''$ East 48.69 feet) a distance of 48.85 feet to a point of reverse curvature; thence along the arc of a 276-foot radius curve left (chord bears South $42^{\circ}41'46''$ East, 177.92 feet) a distance of 181.16 feet to a point of tangency; thence South $61^{\circ}30'00''$ East 178.29 feet to a point of intersection at Sta. 14+24, Lateral A (= Sta. 0+00, Lateral D = Sta. 0+00, Lateral E); thence continuing South $61^{\circ}30'00''$ East 77.37 feet; thence along the arc of a 1026-foot radius curve left (chord bears South $67^{\circ}25'00''$ East, 211.52 feet) a distance of 211.90 feet to a point of tangency; thence South $73^{\circ}20'00''$ East 310.0 feet, more or less, to the centerline of a 20-foot storm drain easement.

LATERAL "B": From Sta. 0+00, Lateral B (= Sta. 10+16, Lateral A); continuing 9.0 feet left and 6.0 feet right of centerline as follows: North $39^{\circ}58'38''$ West 208.0 feet to a point of intersection, at Sta. 2+08, Lateral B (= Sta. 0+00, Lateral C); thence North $39^{\circ}58'38''$ West 180.0 feet, more or less, to a point on the future right-of-way line of Waverly Drive.

LATERAL "C": From Sta. 0+00, Lateral C (= Sta. 2+08, Lateral B), continuing 6.0 feet left and 9.0 feet right of centerline as follows: South $50^{\circ}01'22''$ West 320.0 feet to a point 6.0 feet beyond the terminus of the 8-inch diameter waterline and fire hydrant lateral.

LATERAL "D": From Sta. 0+00, Lateral D (= Sta. 14+24, Lateral A), continuing southerly 6.0 feet left and 9.0 feet right of centerline as follows: South $28^{\circ}30'00''$ West 87.38 feet; thence along the arc of a 176-foot radius curve left (chord bears South $14^{\circ}24'48''$ West, 85.67 feet) a distance of 86.54 feet to a point of tangency; thence South $0^{\circ}19'35''$ East 583.12 feet; thence along the arc of a 194-foot radius curve right (chord bears South $6^{\circ}32'55''$ West, 46.45 feet) a distance of 53 feet to a point 6.0 feet beyond the terminus of an 8-inch diameter waterline and fire hydrant lateral.

LATERAL "E": From Sta. 0+00, Lateral E (= Sta. 14+24, Lateral A), continuing northerly 9.0 feet left and 6.0 feet right of centerline as follows: North $28^{\circ}30'00''$ East 107.90 feet; thence along the arc of a 124-foot radius curve left (chord bears North $14^{\circ}27'27''$ East, 60.18 feet) a distance of 60.78 feet to a point of tangency; thence North $0^{\circ}24'54''$ East 146.51 feet, thence along the arc of a

124-foot radius curve left (chord bears North 24°18'15" West 103.71 feet) a distance of 113.0 feet, more or less, to a point 6.0 feet beyond the terminus of a future 8-inch diameter waterline and fire hydrant lateral.

- 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 and in further 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.

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

MENNONITE HOME OF ALBANY, INC.

By Marvin D. Kauffman Board Chairman
 By Thelma King Sec.

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 31 day of August, 1988, by MARVIN KAUFFMAN, president, and by THELMA KING, secretary, of Mennonite Home of Albany, Inc, a non-profit, Oregon corporation, on behalf of the corporation.

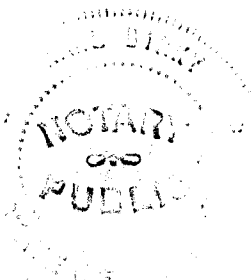
I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2811 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 15th day of September, 1988.

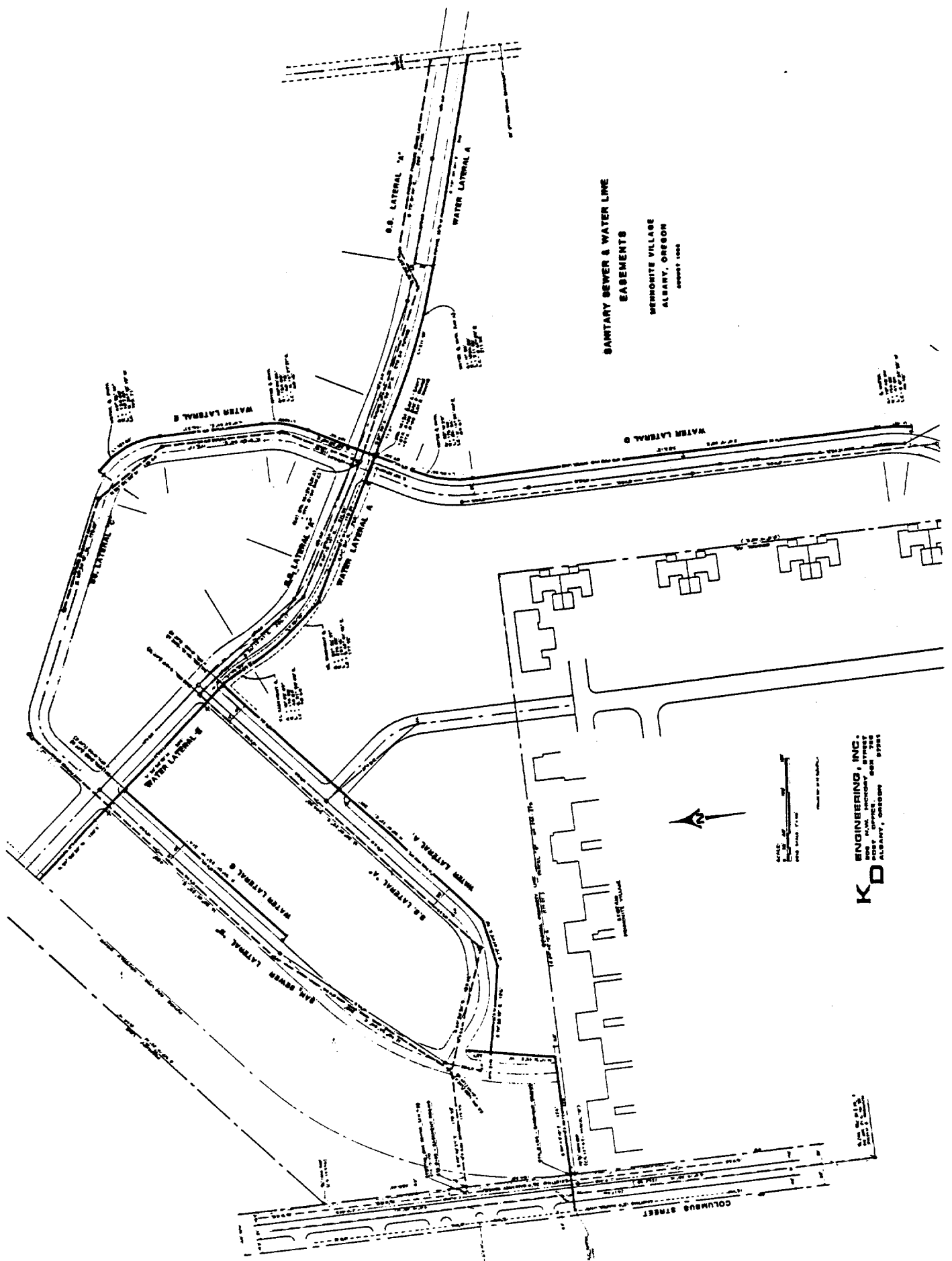
CITY OF ALBANY, OREGON

William B. Barrons
 City Manager

Karl Sibly
 Notary Public for Oregon
 My Commission Expires 3/30/91

[Signature]
 City Recorder





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SEP 29 4 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

Resolution No. 2811

Recorded Document Recorder File No. 1883