

RESOLUTION NO. 2977

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

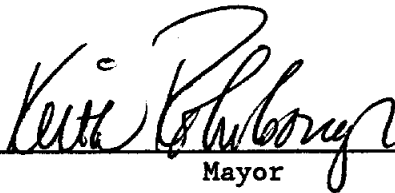
Grantor

Don Wilson Enterprises Inc.

Purpose

A 20-foot wide permanent utility easement for the purposes of constructing a waterline and sanitary sewer line located in 11S-03W-09A tax lots 1400, 1403, and 1410, in the City of Albany, Linn County, Oregon.

DATED this 8th day of August, 1990.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of June, 1990, by and between Don Wilson Enterprises Inc., 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:

A 20-foot wide permanent utility easement across that parcel of land conveyed to Don Wilson Enterprises in Volume MF 476, Page 524, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of Lot 6, Burlwood Subdivision as recorded in Plat Book 9, Page 32 Linn County Records Office; thence South 162.00 feet; thence East 18.00 feet; thence South 103.00 feet to the north right-of-way line of Santiam Highway (Hwy 20); thence along the north right of way line of said Santiam Highway (Hwy 20) North 89° 59' East 391.95 feet to the southwest corner of that parcel of land conveyed to Floyd Zumwalt and Donna L. Zumwalt, husband and wife as described in Volume MF 338, Page 663 Linn County Microfilm Deed Records, said point being on the north right-of-way line of said Santiam Highway (Hwy 20), said point also being the TRUE POINT OF BEGINNING; thence along the west line of said Zumwalt parcel and the northerly extension thereof, North 730.00 feet; thence West 20.00 feet; thence 20 feet westerly and parallel to the west line of said Zumwalt parcel, South 730.01 feet more or less to the north right-of-way line of said Santiam Highway (Hwy 20); thence along said north right-of-way line of said Santiam Highway (Hwy 20) North 89° 59' East 20.00 feet to the True Point of Beginning.

Containing approximately 0.32 acres.

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.

Don Wilson Enterprises

By: Donald H. Wilson
President

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 29 day of JUNE, 1990, by Don Wilson, president and secretary, of Don Wilson Enterprises Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2977 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of August, 1990.

NOTARY PUBLIC

Janet L. Smith
Notary Public for Oregon
My Commission Expires: 5-19-92

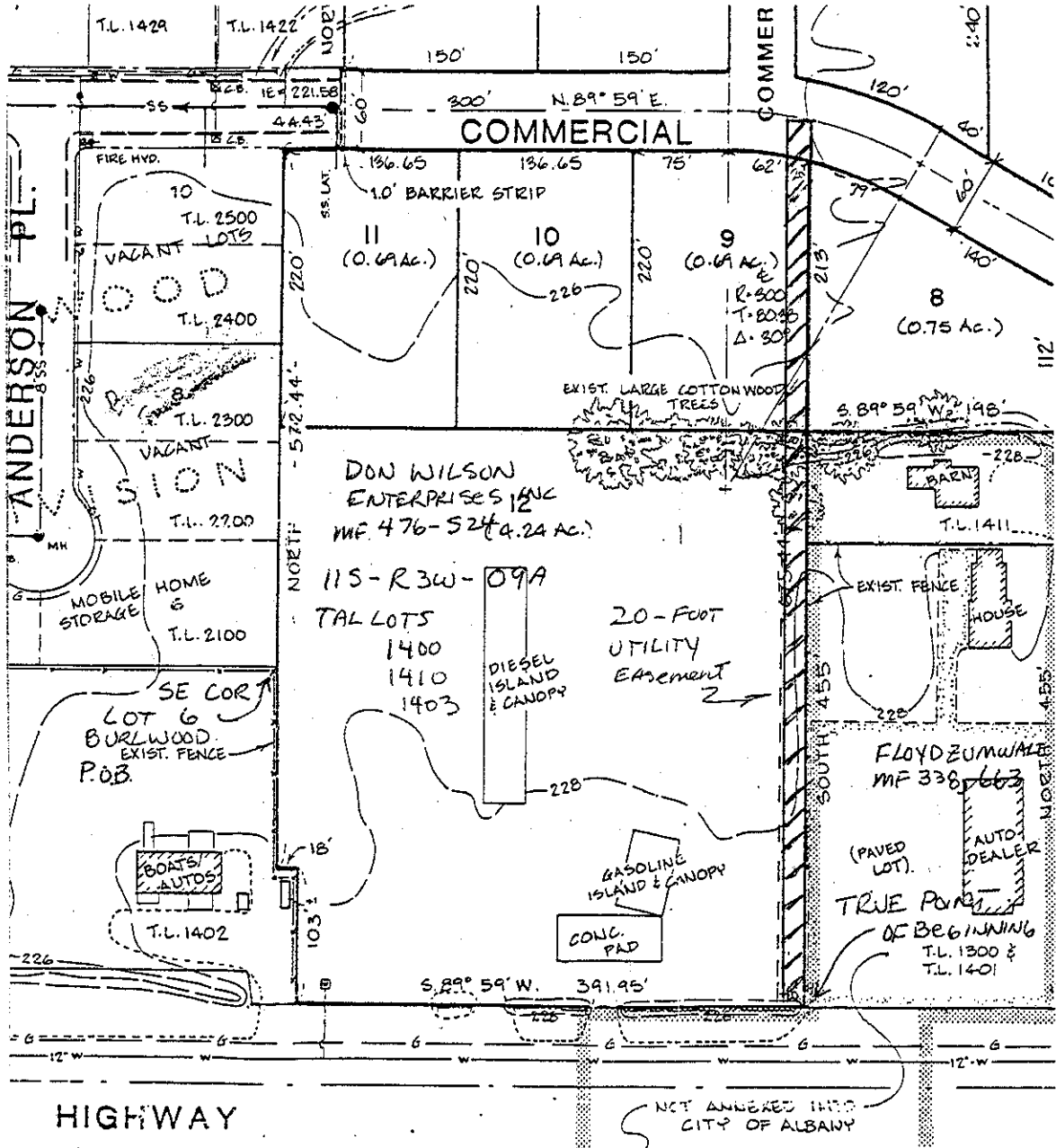
CITY OF ALBANY, OREGON

Steve Bryant
City Manager

Jeffery
City Recorder

EXHIBIT A

20-FOOT EASEMENT FROM DON WILSON ENTERPRISES TO THE CITY OF ALBANY



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AUG 22 1 37 PM '90

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 539 Page: 899

STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]*, Deputy
City of Albany
PO Box 490
Albany

Resolution No. 2977

Recorded Document Recorder File No. 0611