

RESOLUTION NO. 3056

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

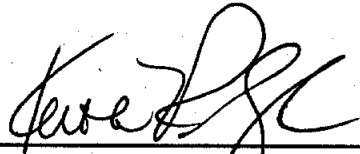
Grantor

Keller Development Corporation
Jack Keller, President
1015 Lakewood Drive
Albany, OR 97321

Purpose

A ten foot wide permanent utility easement across that property in Morningside Tracts and Southern Addition to Morningside Tracts, conveyed to Keller Development Corporation by deed recorded in Microfilm Volume 511, Page 511, Linn County Microfilm Deed Records.

DATED this 8 day of May, 1991.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19th day of April, 1991, by and between Keller Development Corporation, an 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:

A ten-foot wide permanent public utility easement across those parcels conveyed to Keller Development Corporation, an Oregon corporation, by deed recorded in Microfilm Volume 511, Page 511, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A ten-foot wide strip of land being parallel, adjacent and west and south of the following described lines: The east and north line of Tract 12, Morningside Tracts, City of Albany, Linn County, Oregon.

ALSO a ten-foot wide strip of land being parallel, adjacent and south and east of the following described lines: The north and west lines of Tract 13, Morningside Tracts, City of Albany, Linn County, Oregon.

ALSO a ten-foot wide strip of land being parallel, adjacent and south of the north line of the vacated alley between Tract 12 and Tract 13, Morningside Tracts, as described in Book 311, page 742, Linn County Deed Records, City of Albany, Linn County, Oregon.

ALSO a ten-foot wide strip of land being parallel, adjacent, and west of the following described line: The north 165 feet of Tract 11 in Southern Addition to Morningside Tracts, City of Albany, Linn County, Oregon, the south line of which being common with the south line of that parcel conveyed to Keller Development Corporation as referenced above.

ALSO a ten-foot wide strip of land being parallel, adjacent, east and north of the following described lines: Beginning at the northwest corner of Tract 12 of said Southern Addition to Morningside Tracts; thence South 1°14'00" East

along the west line of said Tract 104.91 feet to the southwest corner of said Keller Development parcel; thence along the south line of said parcel and the easterly extension thereof North 89°06'00" East 155.00 feet and there terminating.

Containing 0.248 acre, more or less.

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.

Keller Development Corporation

By: Jack Keller
President

By: Stanley Keller
Secretary

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

The foregoing instrument was acknowledged before me this 19 day of April, 1991, by Jack Keller, president, and by Stanley Keller, secretary, of Keller Development Corporation, an Oregon corporation, on behalf of the corporation.



Yvonne Kaur
Notary Public for Oregon
My Commission Expires: 3/21/94

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

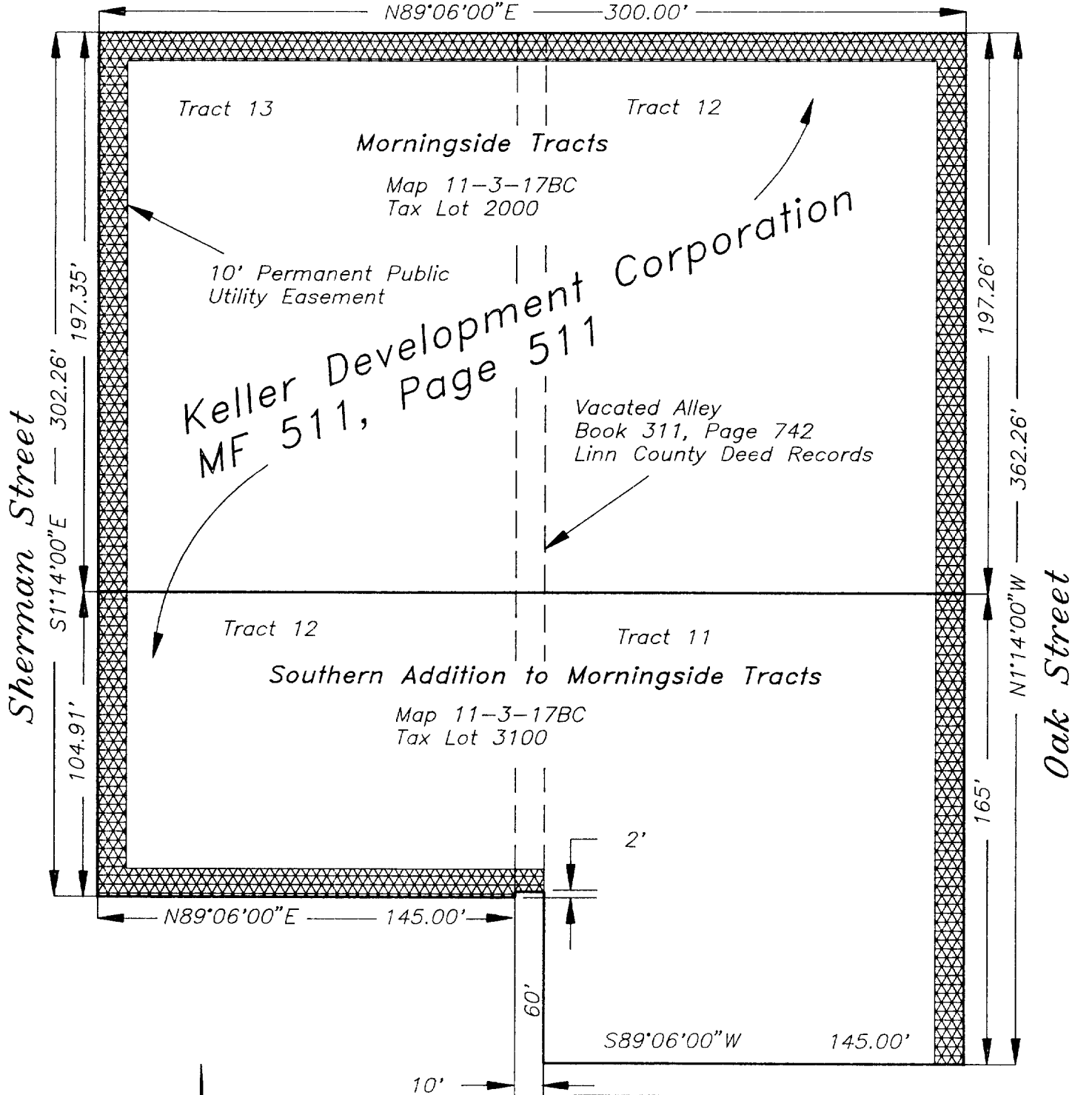
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3056 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of May, 1991.

CITY OF ALBANY, OREGON

Steve Bryant
City Manager

Yvonne Kaur
City Recorder

24th Avenue



Keller Development Corporation
 MF 511, Page 511

Morningside Tracts

*Map 11-3-17BC
 Tax Lot 2000*

*10' Permanent Public
 Utility Easement*

*Vacated Alley
 Book 311, Page 742
 Linn County Deed Records*

Southern Addition to Morningside Tracts

*Map 11-3-17BC
 Tax Lot 3100*

Scale: 1" = 50'

CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION 3/21/91

EXHIBIT A

10' Permanent Public Utility Easement
 From Keller Development Corporation
 To The City Of Albany, Oregon

30

JUN 28 9 05 AM '91

STATE OF OREGON
County of Linn

STEVE DRUCKENMILLER
Linn County Clerk

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

By Norm, Deputy
City of Albany

Volume: MF 567 Page: 314

ATT: NORM

Resolution No. 3056

Recorded Document Recorder File No. 2064