

RESOLUTION NO. 3108

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

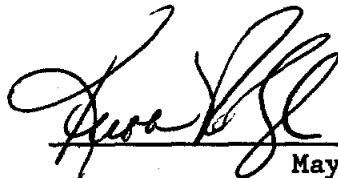
Grantor

William H MacHugh
Nancy M. MacHugh
Thomas E. Lundberg
Meredith J. Lundberg
Pacific First Bank, F.S.B.

Purpose

Three separate easement documents for SI-90-11, Bark Place Sanitary Sewer, for the creation of a 20-foot wide permanent utility easement for a sanitary sewer line which is located in tax lots 5500, 4902, 4900, 4800, 4300, 4400, 4500 and 4600 in 11S-03W-07CC, 620 Calapooia Street SW, City of Albany, Linn County, Oregon.

DATED this 6th day of November, 1991.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23 day of October, 1991, by and between William H. MacHugh and Nancy M. MacHugh, husband and wife, 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 consists of:

A 20-foot wide permanent utility easement across that property conveyed to Thomas E. Lundberg and Meredith J. Lundberg, husband and wife, in Volume MF 543, Page 617, Linn County Microfilm Deed Records, being 10-feet wide on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the northeast corner of the Isaac Hutchins Donation Land Claim Number 70 in the SW 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian; thence South 01° 30' 00" East 30.00 feet to the south right-of-way line of Queen Avenue; thence on said south right-of-way line, South 87° 15' 00" West 975.00 feet, more or less, to a 5/8-inch iron rod at the intersection of said south right-of-way line and the west right-of-way line of the Southern Pacific Railroad; thence continuing on the south right-of-way line of Queen Avenue, South 87° 15' 00" West 183.18 feet, to a PK nail at the most northerly northwest corner of that parcel of land conveyed to John Cude in Volume MF 559, Page 410, Linn County Microfilm Deed Records; thence on the westerly line of said parcel, South 08° 43' 00" East 451.84 feet; thence on the arc of a 5,796.85 foot radius curve to the right (the long chord of which bears South 11° 04' 02" West 117.63 feet) 117.63 feet to a point which bears North 87° 15' 00" East 268.93 feet from a 5/8-inch iron rod which is at the westerly northwest corner of last said parcel; thence on said line, South 87° 15' 00" West 237.05 feet, to the TRUE POINT OF BEGINNING; thence North 08° 36' 15" West 262.71 feet; thence North 56° 33' 20" East 7.65 feet to the north line of that parcel of land conveyed to William H. MacHugh and Nancy M. MacHugh, husband and wife, in Volume MF 468, Page 666, Linn County Microfilm Deed Records, and there terminating, said point being South 87° 15' 00" East 39.39 feet from the northwest corner of last said parcel.

Containing 0.121 acres of land, 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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
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.

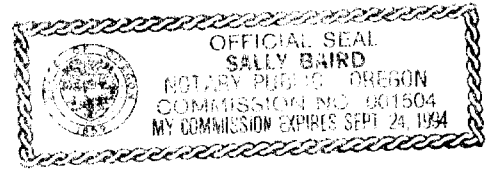
IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 23 day of Oct, 1991.

William H. MacHugh
William H. MacHugh
Nancy M. MacHugh
Nancy M. MacHugh

STATE OF Oregon)
County of Benton) ss.
City of Corvallis)

The foregoing instrument was acknowledged before me this 23 day of October, 1991, by William H. MacHugh as his voluntary act and deed.

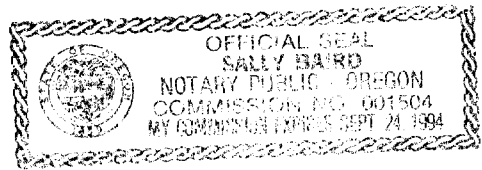
Notary Public for Oregon
Sally Baird
My Commission Expires: 9/24/91



STATE OF Oregon)
County of Benton) ss.
City of Corvallis)

The foregoing instrument was acknowledged before me this 23 day of October, 1991, by Nancy M. MacHugh as her voluntary act and deed.

Notary Public for Oregon
Sally Baird
My Commission Expires: 9/24/91



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 3108 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6th day of November, 1991.

CITY OF ALBANY, OREGON
Steve Bryant
City Manager

Deputy Morm C. [Signature]
City Recorder



Queen Avenue

S 87° 15' W
183.18'

S 87° 15' W
975.00'

Home Federal
Savings and Loan
MF 419 P. 688
11S-03W-07CC
Tax Lot 4300
Tax Lot 4400
Tax Lot 4500
Tax Lot 4600

P.O.B. is the NE
Corner of the Isaac
Hutchins DLC No. 70
T. 11 S., R. 3 W., W.M.

NW Corner of
MF 468-666 LCDR
S 87° 15' W 39.39'

N 56° 33' 20" E
7.65'

Tax Lot 4800

20-Foot wide
permanent utility
easement

451.84'

R = 5,796.85'
D = 1° 09' 46"
L = 117.63'
LC = S 11° 04' 02" W
117.63'

William H. MacHugh
Nancy M. MacHugh
MF 468 P. 666
11S-03W-07CC
Tax Lot 4900

S 87° 15' W
268.93'
237.05'

John Cude
MF 559 P. 410
11S-03W-07CC
Tax Lot 4902
True Point
of Beginning

S 08° 43' E
150.82'

S 87° 15' W
240.48'

11S-03W-07CC
Tax Lot 5500

Thomas E. Lundberg
Meredith J. Lundberg
MF 543 P. 617

S 87° 15' W
186.88'

11S-03W-07CC
Tax Lot 5500

Calapooia St. (PVT)
S 08° 43' E

Southern Pacific Railroad

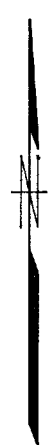


EXHIBIT A

Scale 1 = 100'

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

20-Foot Wide Public Utility
Easement from William H.
and Nancy M. MacHugh to
the City of Albany, in Sec. 7
T. 11 S., R. 3 W., W.M.

30

NOV 12 11 40 AM '91

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 581 Page: 640

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature], Deputy

City of Albany

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22 day of October, 1991, by and between Thomas E. Lundberg and Meredith J. Lundberg, husband and wife, 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 consists of:

A 20-foot wide permanent utility easement across that property conveyed to Thomas E. Lundberg and Meredith J. Lundberg, husband and wife, in Volume MF 543, Page 617, Linn County Microfilm Deed Records, being 10-feet wide on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the northeast corner of the Isaac Hutchins Donation Land Claim Number 70 in the SW 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian; thence South 01° 30' 00" East 30.00 feet to the south right-of-way line of Queen Avenue; thence on said south right-of-way line, South 87° 15' 00" West 975.00 feet, more or less, to a 5/8-inch iron rod at the intersection of said south right-of-way line and the west right-of-way line of the Southern Pacific Railroad; thence continuing on the south right-of-way line of Queen Avenue, South 87° 15' 00" West 183.18 feet, to a PK nail at the most northerly northwest corner of that parcel of land conveyed to John Cude in Volume MF 559, Page 410, Linn County Microfilm Deed Records; thence on the westerly line of said parcel, South 08° 43' 00" East 451.84 feet; thence on the arc of a 5,796.85 foot radius curve to the right (the long chord of which bears South 11° 04' 02" West 117.63 feet) 117.63 feet to a point which bears North 87° 15' 00" East 268.93 feet from a 5/8-inch iron rod which is at the westerly northwest corner of last said parcel; thence on said line, South 87° 15' 00" West 237.05 feet; thence South 08° 51' 31" East 150.82 feet to the **TRUE POINT OF BEGINNING**; thence South 08° 51' 31" East 206.65 feet and there terminating at a point which is South 57° 59' 28" East 42.83 feet from the southwest corner of that parcel of land conveyed to Thomas E. Lundberg and Meredith J. Lundberg in Volume MF 543, Page 617, Exhibit A, Adjusted Tax Lot 4900 (Parcel "A"), Linn County Microfilm Deed Records.

Containing 0.095 acres of land, 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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
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 affixed their signatures this 22 day of OCTOBER, 1991.

Thomas E. Lundberg
Thomas E. Lundberg
Meredith J. Lundberg
Meredith J. Lundberg

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

The foregoing instrument was acknowledged before me this 22 day of October, 1991, by Thomas E. Lundberg as his voluntary act and deed.

Notary Public for Oregon
Karen Marchbanks
My Commission Expires: 9-13-92

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

The foregoing instrument was acknowledged before me this 22 day of October, 1991, by Meredith J. Lundberg as her voluntary act and deed.

Notary Public for Oregon
Karen Marchbanks
My Commission Expires: 9-13-92

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 3108 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6th day of November, 1991.

CITY OF ALBANY, OREGON
Steve Bryant
City Manager

Norm C. Wittman
Deputy City Recorder

Queen Avenue

S 87° 15' W
183.18'

S 87° 15' W
975.00'

Calapooia St. (PVT)

S 08° 43' E

P.O.B. is the NE
Corner of the Isaac
Hutchins DLC No. 70
T. 11 S., R. 3 W., W.M.

Tax Lot 4800

451.84'

Tax Lot 4900

R = 5,796.85'
D = 1° 09' 46"
L = 117.63'
LC = S 11° 04' 02" W
117.63'

S 87° 15' W
268.93'
237.05'

John Cude
MF 559 P. 410
11S-03W-07CC
Tax Lot 4902

True Point
of Beginning

S 08° 43' E
150.82'

S 08° 51' 31" E
150.82'

S 87° 15' W
240.48'

20-Foot wide
permanent utility
easement

11S-03W-07CC
Tax Lot 5500

Thomas E. Lundberg
Meredith J. Lundberg
MF 543 P. 617

S 87° 15' W
186.88'

11S-03W-07CC
Tax Lot 5500

S 57° 59' 28" E
42.83'

S 08° 43' E
182.03'

S 08° 51' 31" E
206.65'

Southern Pacific Railroad

Scale 1 = 100'

EXHIBIT A

File:SI9011-1
Date: October 1991

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

20-Foot Wide Public Utility
Easement from Thomas E.
and Meredith J. Lundberg to
the City of Albany, in Sec. 7
T. 11 S., R. 3 W., W.M.

30

Nov 15 11 46 AM '91

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 581 Page: 635

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature], Deputy

City of Albany

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23rd day of October, 1991, by and between Pacific First Bank, F.S.B., , 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 consists of:

A variable width permanent utility easement across that property conveyed to Pacific First Bank, F.S.B. in Volume MF 419, Page 688, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the northeast corner of the Isaac Hutchins Donation Land Claim Number 70 in the SW 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian; thence South 01° 30' 00" East 30.00 feet to the south right-of-way line of Queen Avenue; thence on said south right-of-way line, South 87° 15' 00" West 975.00 feet, more or less, to a 5/8-inch iron rod at the intersection of said south right-of-way line and the west right-of-way line of the Southern Pacific Railroad; thence continuing on the south right-of-way line of Queen Avenue, South 87° 15' 00" West 183.18 feet, to a PK nail at the most northerly northwest corner of that parcel of land conveyed to John Cude in Volume MF 559, Page 410, Linn County Microfilm Deed Records; thence on the westerly line of said parcel, South 08° 43' 00" East 159.52 feet, to the **TRUE POINT OF BEGINNING**; thence South 56° 33' 20" West 273.73 feet to a point on the south line of said Bank parcel; thence on said south line, South 87° 15' 00" West 39.18 feet; thence North 56° 33' 20" East 217.78 feet; thence South 33° 26' 40" East 2.50 feet; thence North 56° 33' 20" East 30.00 feet; thence North 33° 26' 40" West 2.50 feet; thence North 56° 33' 20" East 68.85 feet, to a point on the east line of said Bank parcel; thence on said east line, South 08° 43' 00" East 22.02 feet, to the True Point of Beginning.

Containing 0.134 acres of land, 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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
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 Grantor had hereunto fixed his hand and seals the day and year above written.

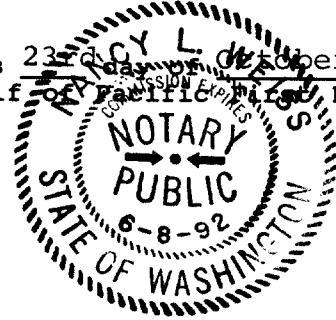
Pacific First Bank, F.S.B.

By: Ted Pikes
Ted Pikes, Assistant Vice President

STATE OF WASHINGTON
County of KING) ss.
City of SEATTLE)

The foregoing instrument was acknowledged before me this 23rd day of October, 1991, by Ted Pikes, Assistant Vice President, on behalf of Pacific First Bank, F.S.B.

Notary Public for Oregon
[Signature]
My Commission Expires: 6-8-92



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 3108 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6th day of November, 1991.

CITY OF ALBANY, OREGON
[Signature]
City Manager

[Signature]
Deputy City Recorder

John Cude
MF 559 P. 410
11S-03W-07CC
Tax Lot 4902

S 1° 30' E
30.00'

Queen Avenue

S 87° 15' W
183.18'

S 87° 15' W
975.00'

Home Federal
Savings and Loan
MF 419 P. 688
11S-03W-07CC
Tax Lot 4300
Tax Lot 4400
Tax Lot 4500
Tax Lot 4600

P.O.B. is the NE
Corner of the Isaac
Hutchins DLC No. 70
T. 11 S., R. 3 W., W.M.

20-Foot wide
permanent utility
easement

N 56° 33' 20" E 68.85'
N 33° 26' 40" W 2.50'
N 56° 33' 20" E 30.00'
S 33° 26' 40" E 2.50'
S 08° 43' E 159.52'
S 08° 43' 00" E 22.02'
N 56° 33' 20" E 217.78'
S 56° 33' 20" W 273.73'

True Point
of Beginning

Calapooia St. (PVT)

Southern Pacific Railroad

S 08° 43' 00" E

S 87° 15' W
39.18'

Tax Lot 4800
William H. MacHugh
Nancy M. MacHugh
MF 468 P. 666
11S-03W-07CC
Tax Lot 4900

Date: 10/14/1991
File: S19011-3

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

20-Foot Wide Public Utility
Easement from Pacific
First Bank, F.S.B. to
the City of Albany, in Sec. 7
T. 11 S., R. 3 W., W.M.

EXHIBIT A

Scale 1 = 60'

30

Nov 15 11 40 AM '91

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 581 Page: 630

STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]*, Deputy
City of Albany

Resolution No. 3108

Recorded Documents Recorder Files No.

MacHugh – 2127

Lundberg – 2129

Pacific First Bank – 2128