

RESOLUTION NO. 3167

A RESOLUTION TO GRANT A UTILITY EASEMENT AT HENDERSON PARK TO U.S. WEST COMMUNICATIONS.

WHEREAS, U.S. West Communications has requested a 5' by 10' utility easement to be located in the southwest corner of Henderson Park; and

WHEREAS, the utility easement will allow U.S. West Communications to install a concrete pad and a metal cabinet to house telephone communication equipment; and

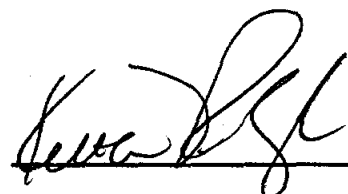
WHEREAS, there are no acceptable alternative locations for the utility box in the neighborhood area in question; and

WHEREAS, U.S. West Communications is willing to pay the City of Albany the sum of \$500 for the easement;

NOW, THEREFORE, BE IT RESOLVED that the City Council grants a 5' by 10' utility easement to U.S. West Communications provided that the following conditions are adhered to:


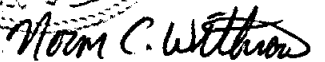
1. The concrete base for the utility cabinet be no larger than 4' square.
2. The dimensions of the cabinet be no larger than 5' high, 3' wide, and 18" deep.
3. Shrubbery be planted by U.S. West Communications around the cabinet to screen it from public view as approved by the Parks and Recreation Director.
4. U.S. West Communications shall pay to the City of Albany the sum of \$500 for the purchase of the utility easement.

DATED this 13th day of May, 1992.



Mayor

ATTEST:

Deputy City Recorder

EASEMENT

R/W. Reference 9213902\$

The Undersigned Grantor(s) for and in consideration of Five Hundred
----- Dollars (\$500.00) and other good and valuable consideration, the

receipt whereof is hereby acknowledged, do hereby grant and convey to U S WEST Communications, Inc., a Colorado Corporation, (Grantee) whose address is 1600 7th Ave., Seattle, Washington 98191 its successors, assigns, lessees, licensees and agents a perpetual easement to construct, reconstruct, operate, maintain and remove such telecommunications facilities as Grantee may require upon, over, under and across the following described land which the Grantor owns or in which the Grantor has any interest, to wit:

The North 143 feet of the West half of Block 66 in the City of Albany, as the same appears upon the recorded map and plat now on file and of record in the office of the Recorder of Conveyances in and for Linn County, Oregon, lying and being in Linn County, Oregon.

Said easement being the South five (5) feet of the West ten (10) feet of the above described property lying East of Calapooia Street right of way to be used for the installation of underground communication facilities, conduit and above ground cabinet.

Grantee will place shrubs on North and West side of cabinet. Shrubs will be the same type and size of existing larger shrubs located to the East of cabinet site.

Accepted by A.L. Day
Manager Right-Of-Way Operations

Sec 12. T 115. R 4 W

situated in County of Linn, State of Oregon

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 14th day of May, 19 92.

CITY OF ALBANY

Witness: _____

By: Steve Bryant
City Manager

RETURN TO GRANTEE AT:
US WEST COMMUNICATIONS, INC.
RIGHT-OF-WAY DEPT.
1600 7TH AVENUE, ROOM 1703
SEATTLE, WA 98191

FORM APPROVED
Date: 7/10/92
By: M
Legal Department
U S West Communications

STATE OF OREGON
County of Linn
I hereby certify that the attached was received and duly recorded by me in Linn County records.
STEVE DRUCKENMILLER
Linn County Clerk
By [Signature], Deputy
PAGE 245

M 15
R 3
S 10
A
O
617
MF
8:30 O'clock a.m.
OCT 22 1992

(Corporate Acknowledgement)

State of Oregon
County of Linn

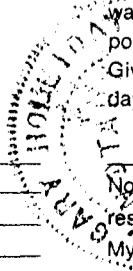
On this day personally appeared before me Steve Bryant
who did say he/she is the City Manager

of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that Steve Bryant was/were authorized to execute said instrument on behalf of the corporation.

Given under my hand and official seal this 15th day of May, 19 92.

[Signature]
Notary Public in and for the State of Oregon
residing at 450 Broadallin Albany OR
My Commission expires: 4/12/94

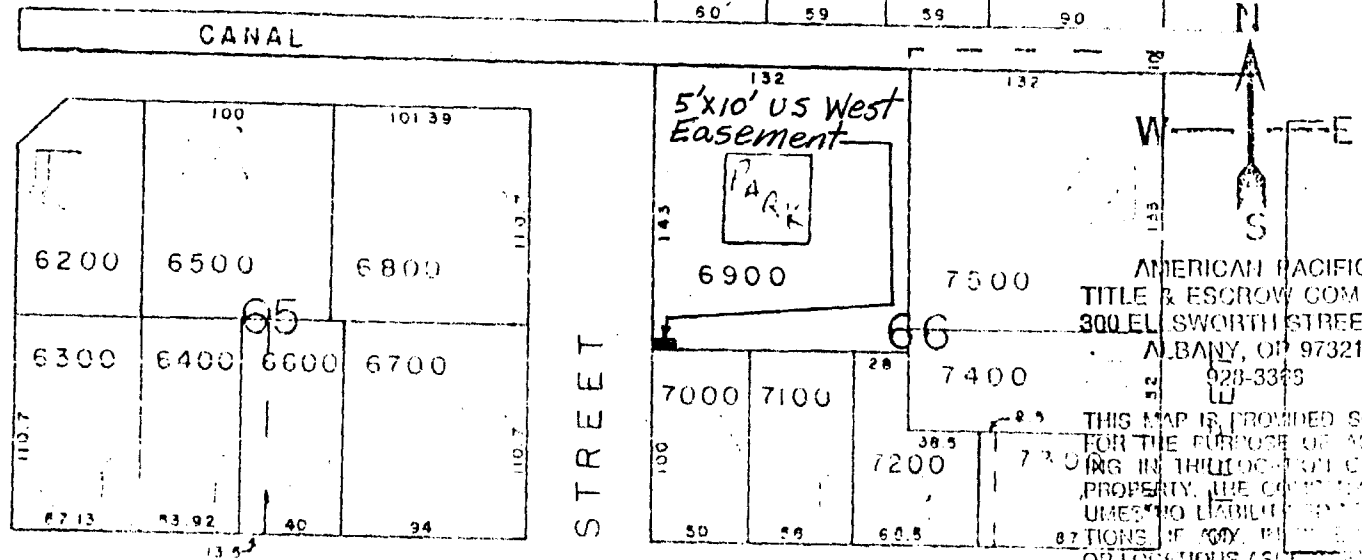
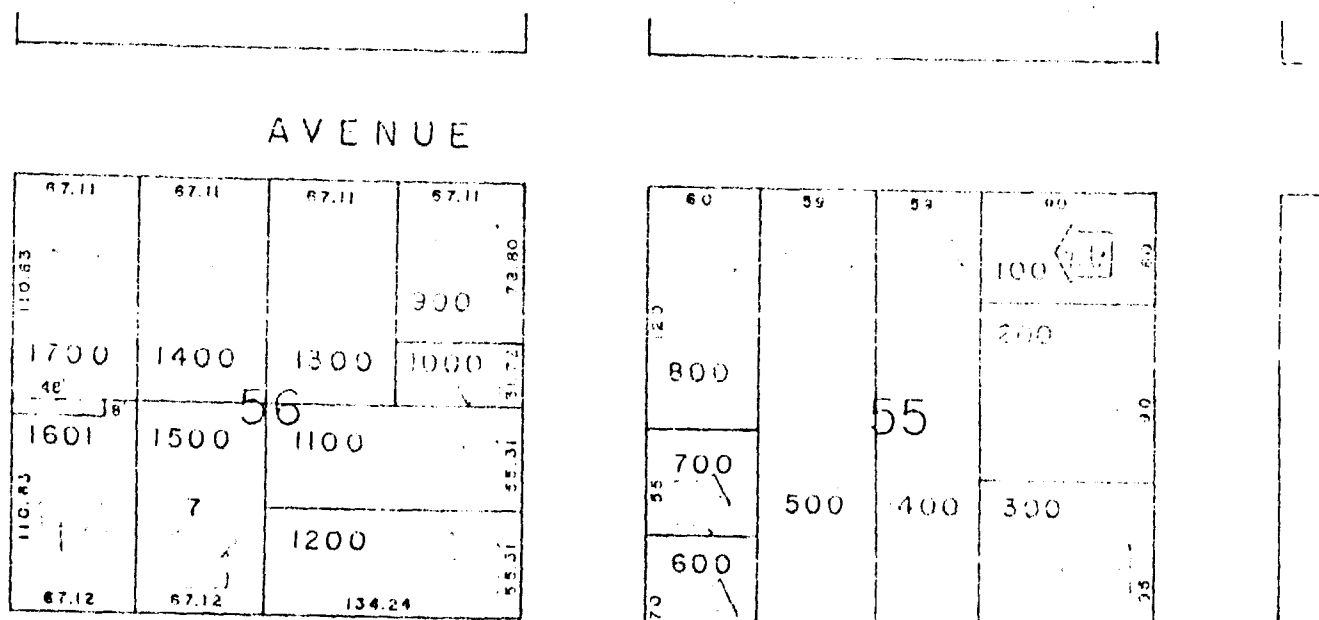
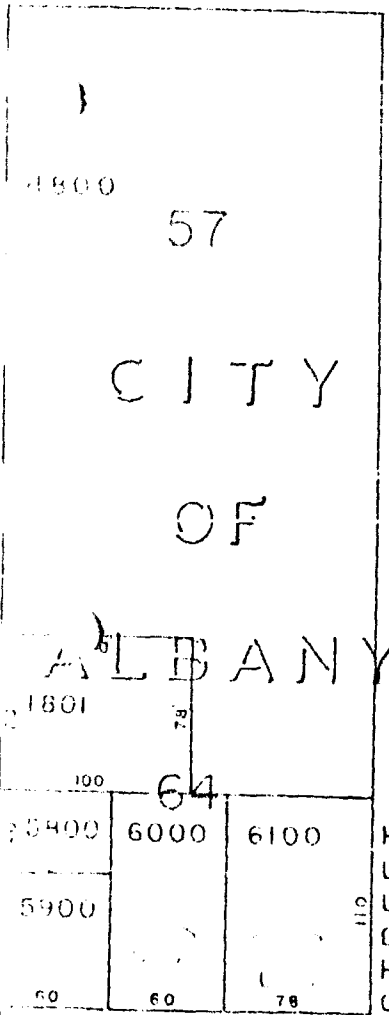
U S West Communications
Right-Of-Way Department
1600 Seventh Avenue, Room 1703
Seattle, Washington 98191
known to me to be the individual _____ who executed the foregoing instrument, and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes herein mentioned.
Given under my hand and official seal this _____ day of _____, 19____.



11 4W 12AD
ALBANY

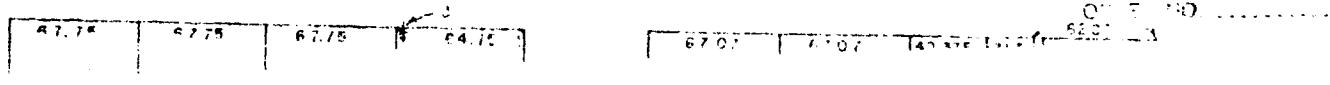
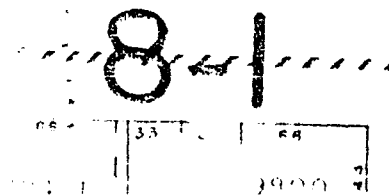
1" = 100'

Map 11 4W 12AA



AMERICAN PACIFIC
TITLE & ESCROW COMPANY
300 E. SWORTH STREET SW
ALBANY, OR 97321
928-3383

THIS MAP IS PROVIDED SOLELY
FOR THE PURPOSE OF ASSIST-
ING IN THE LOCATION OF THE
PROPERTY. THE COMPANY ASS-
UMES NO LIABILITY FOR THE
CORRECTNESS OF ANY INFORMATION
OR LOCATIONS AS SHOWN BY
AN ACTUAL SURVEY.



Resolution No. 3167

Recorded Document Recorder File No. 2237