

RESOLUTION NO. 3231

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

Grantor

Steve Perlenfein, dba Albany Towing Services,
Inc.

Purpose

10'-wide permanent public utility easement over exist-
ing sanitary sewer located across parcel at 260 Queen
Avenue SE

DATED this 10th day of February, 1993.

ATTEST:

Marc C. Wittman
Deputy City Recorder

[Signature]
Mayor

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this ~~25th~~ day of ~~January~~, 1993, by and between Albany Towing Services, Inc., 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 utility easement across that property described in Memorandum of Contract Sale recorded May 5, 1989 in MF Volume 499, Page 507, Linn County Microfilm Deed Records, five feet on either side of the centerline of the existing east-west sanitary sewer line across said parcel, more generally described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southwest corner of the intersection of Queen Avenue and Marion Street in the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence southerly along the west right-of-way line of Marion Street 200.44 feet, more or less, to the intersection of said west right-of-way line with the east-west sanitary sewer line; thence North 89° 46' West, along the centerline of said sanitary sewer line, 317.0 feet to the intersection of said east-west sanitary sewer line and the easterly boundary of Albany Towing Services, Inc. parcel, said intersection being the TRUE POINT OF BEGINNING; thence continuing North 89° 46' West along the centerline of said east-west sanitary sewer line 188.65 feet to the west boundary of said Albany Towing Services, Inc. parcel and there terminating. The side lines of said ten-foot easement are to be extended or shortened to terminate in the east and west boundaries of said Albany Towing Services, Inc. parcel.

Containing 0.043 acres, 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.

Return to: City of Albany - Recorder
 P.O. Box 490, Albany, OR 97321
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- 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.

GRANTOR:

Albany Towing Services, Inc.

By:

Steve Perlenfein
 President and Secretary

STATE OF OREGON)

County of Linn) ss.

City of Albany)

The foregoing instrument was acknowledged before me this 25 day of January, 1993, by Steve Perlenfein, president and secretary of Albany Towing Services, Inc., an Oregon corporation, on behalf of the corporation.

Karen Marchbanks

Notary Public for Oregon

My Commission Expires: 9-28-96



CITY OF ALBANY:

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 3231 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of February, 1993.

Steve Bryant
 City Manager

ATTEST:

Norm C. Withrow
 City Recorder (Deputy)



RECORDED
 FEBRUARY 11 1993
 ALBANY, OREGON

QUEEN AVENUE

MARION STREET

SOUTH LINE of A. HACKLEMAN DLC No. 62
SW Cor. A. HACKLEMAN DLC No. 62
N88° 54' E (C.S.7435) 304.34'

S 1° 13' E 35'
S 1° 13' E 601.96'

S 88° 54' W 188.65'

ALBANY TOWING SERVICES, INC.
MF499-507

MAP 11-3W-7CD
TAX LOT 102

POINT OF BEGINNING

200.44'

TRUE POINT OF BEGINNING

10'-WIDE PERMANENT UTILITY EASEMENT

N 89° 46' W 317.0'

N 89° 46' W 347.0' (C.S.7435)

S 89° 46' E 8.08'

N 1° 13' W 342.36'
75.0'
50.0'
S 1° 13' E (C.S.7435)

MAP 11-3W-7CD
TAX LOT 105

MAP 11-3W-7CD
TAX LOT 106

S 84° 46' E 180.64'

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
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MF 632

MAR 8 1 03 PM '93

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CITY OF ALBANY, OREGON

PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JANUARY 1993

EXHIBIT A:

10'-WIDE PERMANENT PUBLIC UTILITY
EASEMENT FROM ALBANY TOWING
SERVICES, INC. TO THE CITY OF ALBANY

SCALE: 1" = 100'

Resolution No. 3231

Recorded Document Recorder File No. 2274