

RESOLUTION NO. 3255

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

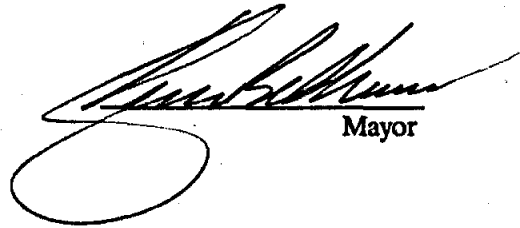
Grantor

Keller Development Company, Inc.

Purpose

A 10-foot wide permanent utility easement centered over a public waterline and a 20-foot wide permanent utility easement centered over a public sanitary sewer located within Chase Orchards Planned Community Development.

DATED this 12 day of May, 1993.


Mayor

ATTEST:


Norm C. Wilton
Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5 day of 5, 1993, by and between Keller Development Company, 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, 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 permanent public utility easement across Chase Orchards Planned Community Development - Phase Two, in the Northwest quarter of Section 13 and the Southwest quarter of Section 12 and the George Cline Donation Land Claim Number 84, in Township 11 South, Range 4 West, Willamette Base and Meridian, City of Albany, Linn County, Oregon for the purpose of installing and maintaining a public sanitary sewer line, being 20 feet wide and 10 feet on each side of the following described lines:

Beginning at a point represented by 'S' on Linn County Survey No. 19746, Chase Orchards Planned Community Development - Phase One, said point also being a point of terminus of that Easement for Public Utilities conveyed to the City of Albany by instrument recorded in MF Volume 519, Page 420, Linn County Microfilm Deed Records, which point is 66.95 feet South 86° 38' 56" West, 1154.38 feet South 51° 15' West, 123.54 feet South 38° 59' 31" East, 173.18 feet South 41° 30' 07" West, and 202.29 feet South 42° 10' 53" East of the Southwest corner of the Walter Montieth Donation Land Claim Number 55, Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence South 55° 37' 39" West 269.51 feet and there terminating.

Containing 5390 square feet, 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.

Return to: City of Albany Records
PO Box 490, Albany 97321

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

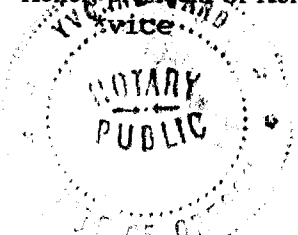
GRANTOR: Keller Development Company, Inc.

By: [Signature]
Vice President

By: [Signature]
Secretary

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

The foregoing instrument was acknowledged before me this 5th day of May, 1993, by ~~Jack~~ Rodney Keller, ~~president~~ ^{vice president} of Keller Development Company, Inc., an Oregon corporation, on behalf of the corporation.

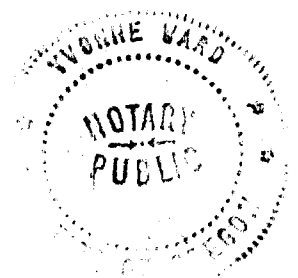


[Signature]
Notary Public for Oregon

My Commission Expires: 3/21/94

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

The foregoing instrument was acknowledged before me this 5th day of May, 1993, by Stanley Keller, secretary, of Keller Development Company, Inc., an Oregon corporation, on behalf of the corporation.



[Signature]
Notary Public for Oregon

My Commission Expires: 3/21/94

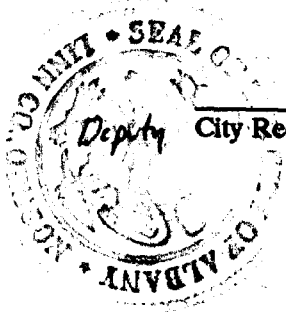
CITY OF ALBANY:

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 3255 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of May, 19 93.

Steve Bryant
City Manager

ATTEST:



Norm C. Withrow
Deputy City Recorder

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

M
R 75
S 10
A
O

MF 644

PAGE 372

8:30 O'clock a.m.

JUN 14 1993

25

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5 day of 5, 1993, by and between Keller Development Company, 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, 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 permanent public utility easement across **Chase Orchards Planned Community Development - Phase Two**, in the Northwest quarter of Section 13 and the Southwest quarter of Section 12 and the George Cline Donation Land Claim Number 84, in Township 11 South, Range 4 West, Willamette Base and Meridian, City of Albany, Linn County, Oregon for the purpose of installing and maintaining a domestic waterline, being 10 feet wide and 5 feet on each side of the following described lines:

TRACT I: Beginning at a point represented by 'K' on Linn County Survey No. 19746, Chase Orchards Planned Community Development - Phase One, said point also being a point of terminus of that Easement for Public Utilities conveyed to the City of Albany by instrument recorded in MF Volume 519, Page 417, Linn County Microfilm Deed Records, which point is 66.95 feet South 86° 38' 56" West, 897.30 feet South 51° 15' West, 35.13 feet South 38° 41' 10" East, 284.79 feet South 51° 14' 49" West, parallel with and 5' southerly of the south right-of-way line of the county road, 79.70 feet South 41° 04' 36" East, 124.30 feet South 46° 36' West, and 170.0 feet South 43° 24' East of the Southwest corner of the Walter Montieth Donation Land Claim Number 55, in Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence South 1° 36' West 98.07 feet; thence on a 460 foot radius curve right (the long chord of which bears South 51° 13' West 74.05 feet) 74.13 feet; thence South 55° 50' West 108.99 feet; thence on a 460 foot radius curve left (the long chord of which bears South 50° 03' West 92.71 feet) 92.86 feet; thence South 44° 16' West 117.41 feet to a point on the centerline of said Easement recorded in MF Volume 519, Page 417 and there terminating.

Containing 4862 square feet, more or less.

TRACT II: Beginning at a point represented by 'I' on Linn County Survey No. 19746, Chase Orchards Planned Community Development - Phase One, said point also being a point of terminus (at the south line of Chase Orchards, a Planned Community Development, Phase I) of that Easement for Public Utilities conveyed to the City of Albany by instrument recorded in MF Volume 519, Page 417, Linn County Microfilm Deed Records, which point is 66.95 feet South 86° 38' 56" West, 897.30 feet South 51° 15' West, 35.13 feet South 38° 41' 10" East, 284.79 feet South 51° 14' 49" West, parallel with and 5' southerly of the south right-of-way line of the county road, 79.70 feet South 41° 04' 36" East, 227.20 feet South 46° 36' West, 103.85 feet on the long chord of a 486 foot radius curve right South 52° 44' West, 131.28 feet South 58° 52' West, 140.90 feet South 13° 52' West, 116.90 feet on the long chord of a 460 foot radius curve left South 38° 26' East, and 76.21 feet South 45° 44' East of the Southwest corner of the Walter Montieth Donation Land Claim Number 55, in Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence

Return to: City of Albany Recorder
Po Box 490, Albany 97321

continue South 45° 44' East 90.40 feet; thence North 89° 16' East 155.82 feet and there terminating.

ALSO beginning at a point on the above described line which is 66.95 feet South 86° 38' 56" West, 897.30 feet South 51° 15' West, 35.13 feet South 38° 41' 10" East, 284.79 feet South 51° 14' 49" West, parallel with and 5' southerly of the south right-of-way line of the county road, 79.70 feet South 41° 04' 36" East, 227.20 feet South 46° 36' West, 103.85 feet on the long chord of a 486 foot radius curve right South 52° 44' West, 131.28 feet South 58° 52' West, 140.90 feet South 13° 52' West, 116.90 feet on the long chord of a 460 foot radius curve left South 38° 26' East, 166.61 feet South 45° 44' East, and 109.88 feet North 89° 16' East of the Southwest corner of the Walter Montieth Donation Land Claim Number 55, in Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence South 0° 44' East 34.25 feet and there terminating.

Containing 2755 square feet, 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.

GRANTOR: Keller Development Company, Inc.

By: Rodney Keller
Vice-President

By: Stanley J Keller
Secretary

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

The foregoing instrument was acknowledged before me this 5th day of May, 1993, by ^{Rodney}~~Stanley~~ Keller, *president of Keller Development Company, Inc., an Oregon corporation, on behalf of the corporation.

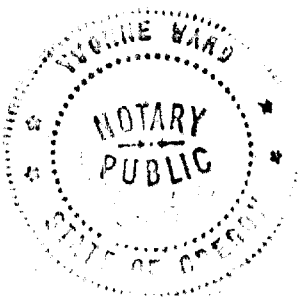


Yvonne Ward
Notary Public for Oregon

My Commission Expires: 3/21/94

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

The foregoing instrument was acknowledged before me this 5th day of May, 1993, by Stanley Keller, secretary, of Keller Development Company, Inc., an Oregon corporation, on behalf of the corporation.



Eugene Ward
Notary Public for Oregon

My Commission Expires: 3/21/94

CITY OF ALBANY:

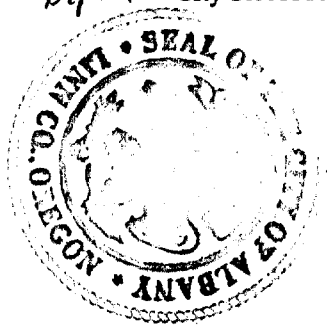
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3255 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of May, 19 93.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
Deputy City Recorder



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 MF 644
By [Signature], Deputy PAGE 375

8:30 O'clock a.m. ²⁵
JUN 14 1993

Resolution No. 3255

Recorded Document Recorder File No. 2302