

RESOLUTION NO. 3554

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

Grantor

S One Family Trust

Purpose

Permanent public utility easements for sanitary sewer, water, and bus shelter improvements on the property shown on Linn County Assessor's map as parcel 11S 3W 25AA Tax Lot 904, located on the west side of Pacific Boulevard, between Alandale Avenue and Morse Avenue.

DATED this 27th day of September 1995.

Wayne M. Lusk
Council President

ATTEST:

Nam C. Withers
Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11th day of July, 1995, by and between S One Family Trust, 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:

Permanent public utility easements across that property conveyed to Grantors by deed recorded in Volume 631, Page 147, Linn County Microfilm Deed Records, said easements being more particularly described as follows and as shown on the attached map labeled Exhibit A:

TRACT I: Beginning at a point, said point being on the northern right-of-way of Morse Avenue, said point also bearing South 89° 55' East 127.00 feet along said right-of-way from the southwest corner of Lot 3, Block 2 of Alandale Subdivision, City of Albany, Linn County, Oregon; and running thence North 29° 48' 55" West 343.92 feet to a point on the southern right-of-way of Alandale Avenue; thence North 71° 17' East along said southern right-of-way 20.38 feet to a point; thence South 29° 48' 55" East 351.49 feet to a point on the northern right-of-way of Morse Avenue; thence North 89° 55' West along said northern right-of-way 23.07 feet to the point of beginning.

TOGETHER WITH the southerly 5.00 feet of even width of Lot 3, Block 2, Alandale Subdivision, City of Albany, Linn County, Oregon.

Containing 0.189 acre of land, more or less.

TRACT II: An easement (for the construction and maintenance of a bus shelter) 5.0 feet in even width located in the northeast portion of Lot 1, Block 2, Alandale Subdivision, City of Albany, Linn County, Oregon, the east line of said 5.0 foot wide easement being more particularly described as:

Beginning at a point on the westerly right-of-way line of Pacific Boulevard, said point being 30 feet, more or less, southerly along the said westerly right-of-way from the intersection of the said westerly right-of-way and the southern right-of-way of Alandale Avenue; thence continuing southerly along said westerly right-of-way 20.0 feet to the point of terminus.

Containing 100 square feet 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


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P.O. Box 490, Albany, OR 97321

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:



 Scott David Lepman, Trustee

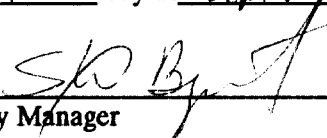
CITY OF ALBANY:

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

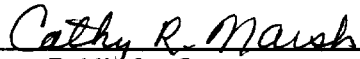
STATE OF OREGON)
 County of Linn) ss.
 City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3554, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of September, 1995.

The foregoing instrument was acknowledged before me this 11 day of July, 1995, by Scott David Lepman, trustee under the S One Family Trust, as his voluntary act and deed.



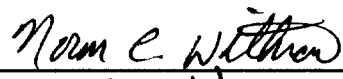
 City Manager



 Notary Public for Oregon

ATTEST:

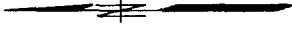
My Commission Expires: Feb 23, 1996



 City Recorder (Deputy)

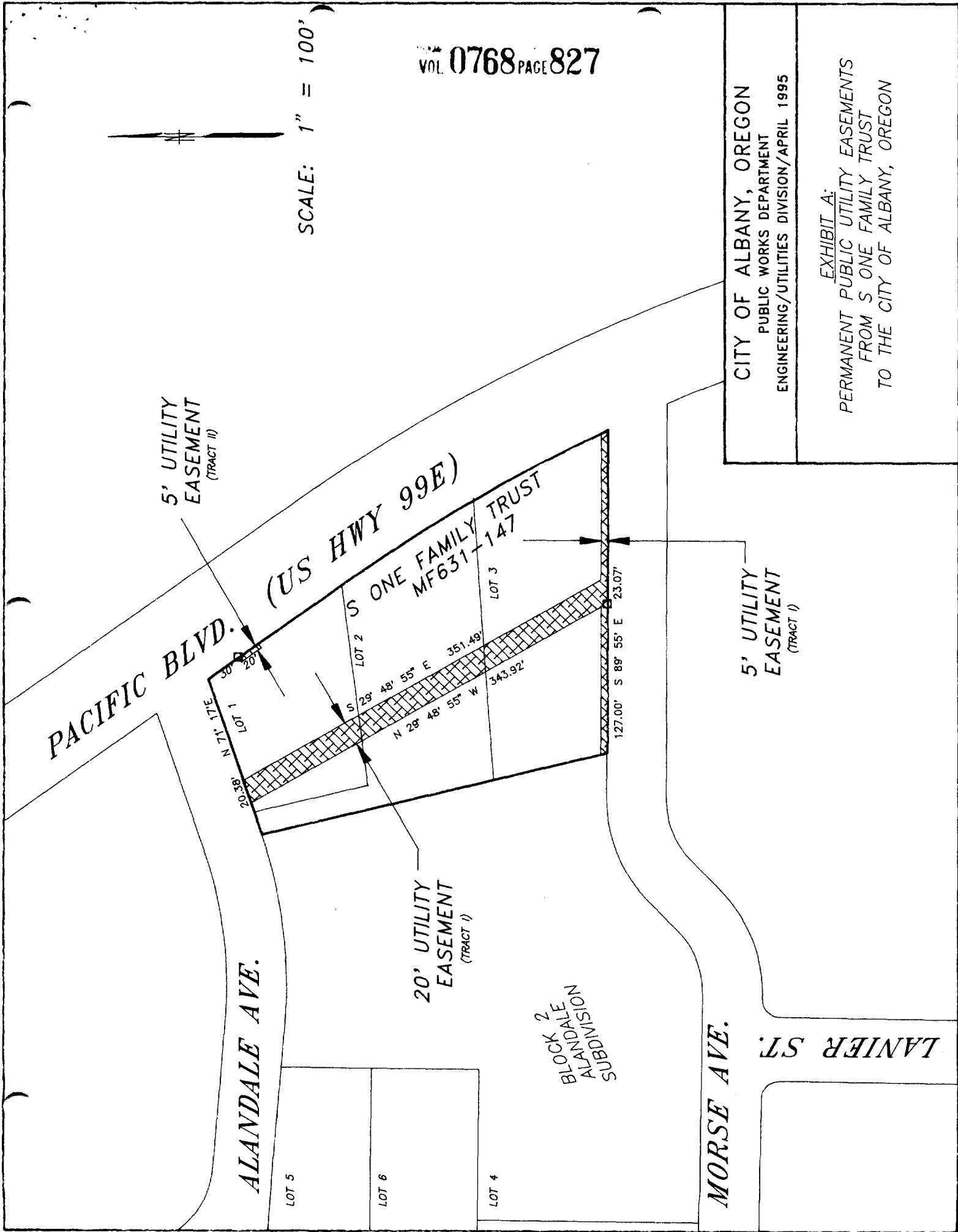


SCALE: 1" = 100'



CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/APRIL 1995

EXHIBIT A:
PERMANENT PUBLIC UTILITY EASEMENTS
FROM S ONE FAMILY TRUST
TO THE CITY OF ALBANY, OREGON



5' UTILITY EASEMENT (TRACT II)
PACIFIC BLVD. (US HWY 99E)

ALANDALE AVE.

20' UTILITY EASEMENT (TRACT I)

BLOCK 2
ALANDALE
SUBDIVISION

MORSE AVE.

5' UTILITY EASEMENT (TRACT I)

LANIER ST.

LOT 5

LOT 6

LOT 4

LOT 2

LOT 3

LOT 1

S ONE FAMILY TRUST
MF631-147

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 15
S 70
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MF 768

PAGE 825

8:30 O'clock a.m.

OCT 09 1995

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Recorded Document Recorder File No. 2634