

RESOLUTION NO. 3719

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

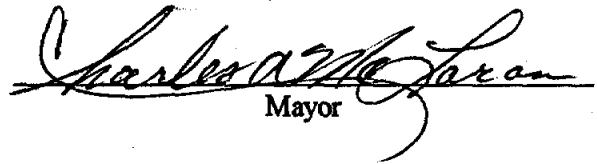
Panolam Industries, Inc.

Purpose

A permanent public utility easement located across a tract of land situated in the Southeast quarter of Section 18, Township 11 South, Range 3 West of the Willamette Meridian, in the City of Albany, County of Linn, State of Oregon.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 18TH DAY OF DECEMBER 1996.


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18th day of December, 1996, by and between Panolam Industries, Inc., 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 waterline easement located in the Southerly portion of the following described parcel:

A tract of land situated in the Southeast quarter of Section 18, Township 11 South, Range 3 West of the Willamette Meridian, in the City of Albany, County of Linn, State of Oregon, more particularly described as follows:

Beginning at a point on the West line of and North 01° 29' 30" West 512.87 feet from the Southwest corner of the Hiram N. Smead Donation Land Claim No. 53, in Section 18, Township 11 South, Range 3 West of the Willamette Meridian in Linn county, Oregon; and running thence North 01° 29' 30" West, along said West line, a distance of 139.71 feet; thence North 17° 45' 00" West 538.50 feet; thence South 88° 57' 00" West 973.29 feet, to the Easterly right of way of the Southern Pacific Railroad; thence Southeasterly along a 1879.86 foot radius curve left (the long chord of which bears South 28° 35' 25" East 738.85 feet), a distance of 743.69 feet; thence North 88° 58' 35" East 787.49 feet to the point of beginning.

Excepting therefrom, that portion lying within Calapooia Street SW.

Further excepting therefrom, Lot 1, 34th Avenue Industrial Park, in the City of Albany, County of Linn State of Oregon.

Said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the Southwest corner of the above described parcel and the Northwest corner of Lot 1, 34th Avenue Industrial Park, in the City of Albany, County of Linn, State of Oregon; Thence Northwesterly along the West line of said parcel and a 1879.86 foot radius curve to the right 441.53 feet (the long chord of which bears N 23° 31' 44" W 410.70 feet) to the intersection of said West line and the North line of said parcel; Thence N 88° 57' 00" E 13.54 feet along said North line to a point on said line; Thence Southeasterly leaving said North line along a 1866.86 radius curve to the left 392.66 feet (the long chord of which bears S 23° 23' 57" E 391.94 feet); Thence N 88° 58' 35" E 613.53 feet; Thence N 00° 10' 18" W 26.91 feet; Thence N 89°

33' 36" E 10.00 feet; Thence S 00° 10' 18" E 26.81 feet; Thence N 88° 58' 53" E 230.04 feet to a point on the West Right-of-Way line of Calapooia Street; Thence S 17° 29' 19" E 17.73 feet along said Right-of-way line to the South line of said parcel; Thence S 88° 58' 35" W 864.14 feet along said South line of the point of beginning.

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: CITY OF ALBANY:

Panolam Industries, Inc.
By: George Wesley White
Title: VICE PRESIDENT GENERAL MANAGER

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

By: _____
Title: _____

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3719 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 18th day of December, 1996.

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

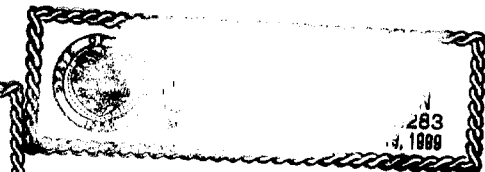
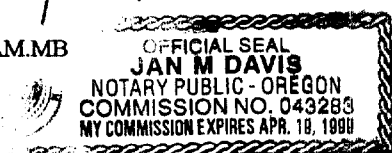
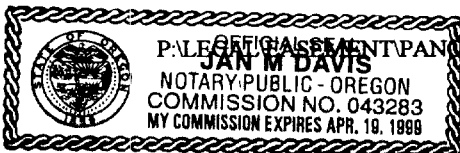
Steve Bryant
City Manager

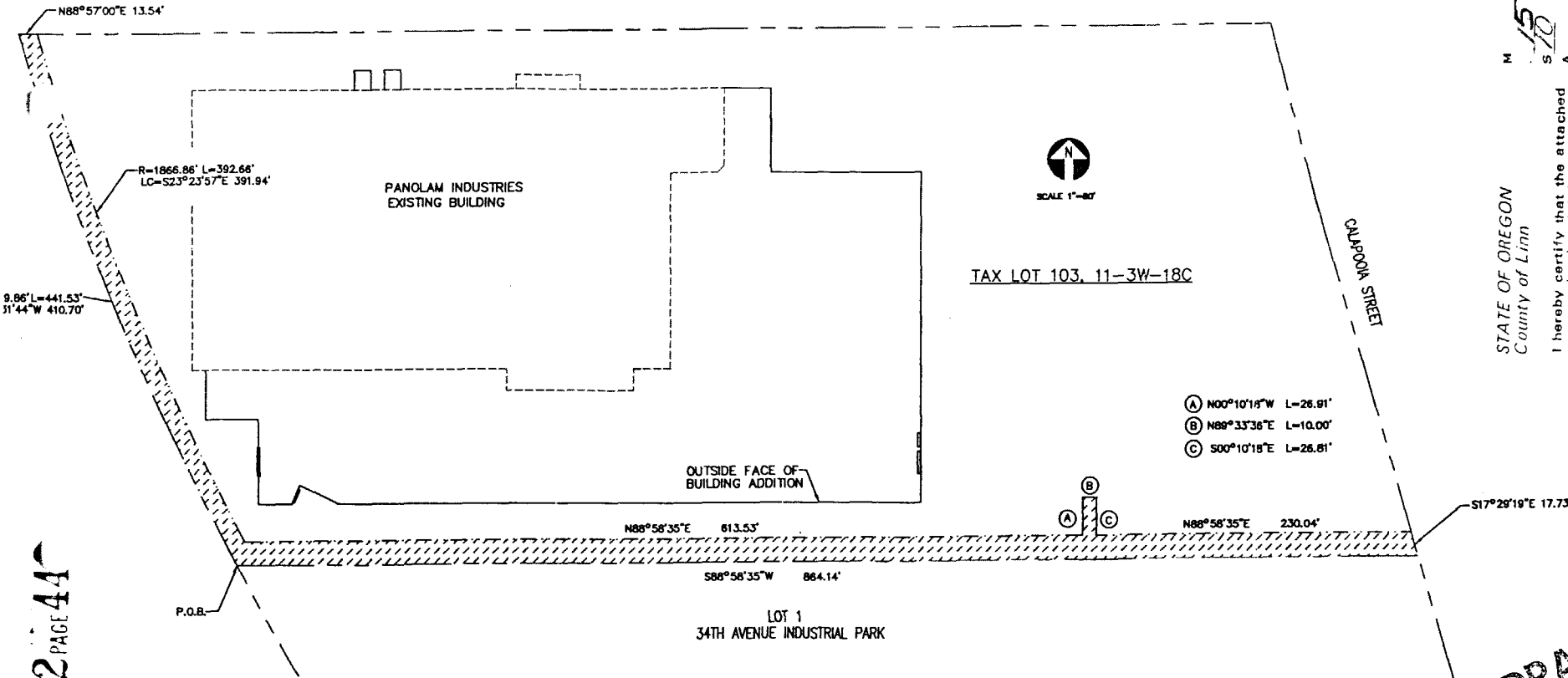
The foregoing instrument was acknowledged before me this 6 day of Dec, 1996, by _____, Title _____, and by Wes White, Title _____, of Panolam Industries, Inc., an Oregon corporation, on behalf of the corporation.

ATTEST:

Jan M Davis
City Recorder

Jan M Davis
Notary Public for Oregon
My Commission Expires: 4/99





TAX LOT 103, 11-3W-18C



- (A) N00°10'18"W L=26.81'
- (B) N88°33'36"E L=10.00'
- (C) S00°10'18"E L=26.81'

LOT 1
34TH AVENUE INDUSTRIAL PARK

EXHIBIT A

CALPOOIA STREET

25

FEB 13 2 17 PM '97

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records, by STEVE DRUCKENMILLER Linn County Clerk MF 852

BY FA, Deputy PAGE 444

DRAFT

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Recorded Document Recorder File No. 2906