

RESOLUTION NO. 3746

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

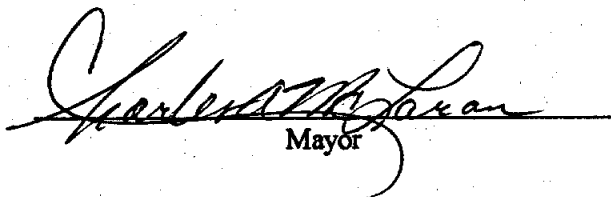
West Coast Homes

Purpose

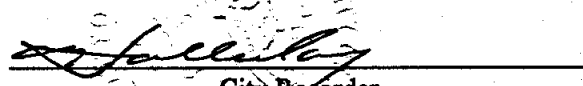
A permanent public utility easement 30.0 feet in even width to the City of Albany.

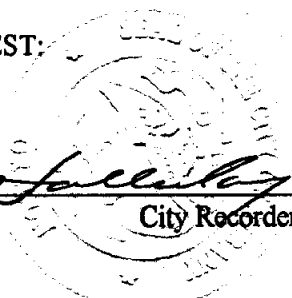
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 12TH DAY OF FEBRUARY 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



10-225191-97

Bull

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 21<sup>ST</sup> day of JAN., 1997, by and between West Coast Homes, 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 30.0 foot wide Public Utility Easement to the City of Albany described in the attached Legal Description and as shown on the attached map labeled Exhibit A:
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 - Recorder  
P.O. Box 490, Albany, OR 97321

10-225191-97

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

**GRANTOR:**

West Coast Homes  
By: Gordon E. Vogt  
Title: PARTNER  
By: Bob G. Mitchell  
Title: Partner

**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 3746 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February, 1997.

Steve Bryant  
City Manager

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

ATTEST:

The foregoing instrument was acknowledged before me this 21<sup>ST</sup> day of JAN., 1997, by GORDON E. VOGT, title PARTNER, and by BOB G. MITCHELL title PARTNER, of West Coast Homes, an Oregon corporation, on behalf of the corporation.

Janice [Signature]  
City Recorder

Susan C. Creel  
Notary Public for Oregon  
My Commission Expires: 6-21-2000

File: SI-95-16  
P:\LEGAL\EASEMENT\SKYVIEW1.SLV



# JAMES F. UDELL

ENGINEERING & SURVEYING

32388 Berlin Road

LEBANON, OREGON 97355

Phone (541) 451-5125

Fax (541) 451-1366

ENGINEER 8072

SURVEYOR 1366

## 30.0 FOOT PUBLIC UTILITY EASEMENT

A 30.0 foot wide Public Utility Easement to the City of Albany in the Northeast 1/4 of Section 36 in Township 10 South of Range 4 West in Willamette Meridian, City of Albany, Benton County, Oregon described as follows:

Beginning at a 1 inch iron pipe which bears North  $0^{\circ}13'10''$  West 936.71 feet from the West 1/4 corner of said Section 36, said iron pipe being on the West line of said Section 36; thence North  $89^{\circ}55'56''$  East 314.31 feet to the true point of beginning; thence North  $0^{\circ}18'16''$  West 85.55 feet; thence North  $77^{\circ}55'00''$  East 30.65 feet; thence South  $0^{\circ}18'16''$  East 91.93 feet; thence South  $89^{\circ}55'56''$  West 30.00 feet to the true point of beginning.

BV

1/14/97

File: WESTPOND

# EXHIBIT A

EASEMENT AND RIGHT-OF-WAY DEDICATIONS  
TO  
THE CITY OF ALBANY  
IN THE NE 1/4 SECTION 36  
TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.  
CITY OF ALBANY, BENTON COUNTY, OREGON

MAP 10-4-36  
TAX LOT 1300  
BENTON COUNTY  
DEED REFERENCE  
BOOK 113-263

FD. 1 1/4" I.P.  
PER GALLOWAY  
HARD COPY  
10-4-00016

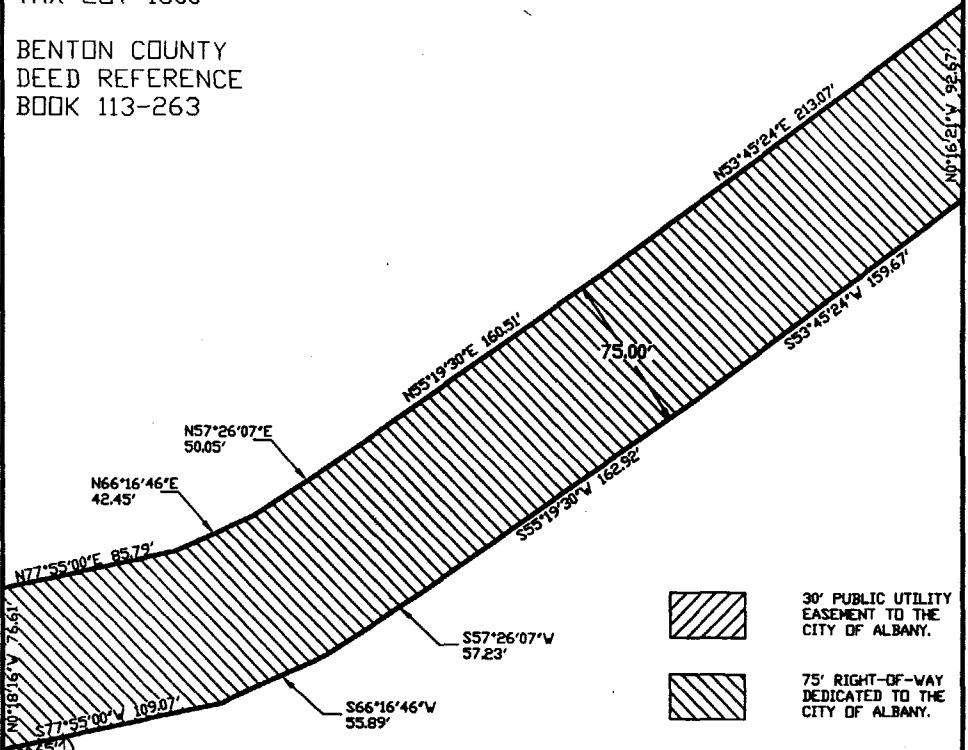
N89°42'57"W 470.29'  
(EAST 470.05' GALLOWAY H.C. 10-4-00016



FD. 1 1/4" I.P.  
PER GALLOWAY  
HARD COPY  
10-4-00016

SECTION 35 T.10S, R.4W, W.M.  
SECTION 36 T.10S, R.4W, W.M.

N0°18'16"W 433.36'  
(NORTH 433.29' GALLOWAY H.C. 10-4-00016

N0°16'21"W 433.35'  
(NORTH 433.29' GALLOWAY H.C. 10-4-00016



 30' PUBLIC UTILITY EASEMENT TO THE CITY OF ALBANY.  
 75' RIGHT-OF-WAY DEDICATED TO THE CITY OF ALBANY.

FD. 1" I.P.  
C.S. 1882

BASIS OF BEARING C.S. 3279  
S89°58'00"W 646.09'  
(S89°58'00"W 646.07' C.S. 3279

FD. 1" I.P.  
PER BENTON COUNTY  
GALLOWAY HARD COPY  
10-4-00016  
N 0°13'10" W 936.71'  
FROM THE EAST 1/4 CORNER  
OF SECTION 35 IN TOWNSHIP  
10 SOUTH, RANGE 4 WEST, W.M.

FD. 3/4" I.R.  
PER GALLOWAY  
HARD COPY  
10-4-00016

S89°42'57"E 470.05'  
(EAST 470.05' GALLOWAY H.C. 10-4-00016

FD. 5/8" I.R.  
C.S. 8818

TO CROCKER LANE

EXISTING 20' PUBLIC UTILITY EASEMENT

N89°55'56"E 314.31'  
(314.16') DEED

N89°55'56"E 406.53'

STATE OF OREGON }  
County of Benton } ss. **217049**

I hereby certify that the within instrument  
was received for record.

'97 FEB 21 AM 11 23

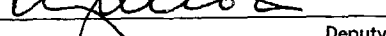
AND ASSIGNED **M N<sup>o</sup> 225191** 1997

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

NEIL B. RICHARDSON

Acting Director Of Records & Elections

By   
Deputy

30  
15 6N

Resolution No. 3746

Recorded Document Recorder File No. 2921