

A RESOLUTION CONVEYING THE FOLLOWING EASEMENT:

GRANTOR:

City of Albany

PURPOSE:

A permanent public utility easement located in Lot 2,
Block 1 of Winona Park, a partition of record in Linn
County, Oregon

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council does hereby convey this easement to
US WEST COMMUNICATIONS for the sum of \$ 1,250.00

DATED THIS 23 DAY OF JULY 1997.



Mayor

ATTEST:




City Recorder

(1-96)

EASEMENT

Job 72RB456

R/W Reference 9721730R

The Undersigned Grantor(s) for and in consideration One Thousand Two Hundred Dollars

Dollars (\$1,250.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to U S WEST Communications, Inc., a Colorado Corporation, (Grantee) whose address is 8021 SW Capital Hill Rd., Portland OR 97291, its successors, assigns, lessees, licenses and agents, a perpetual easement to construct, reconstruct, operate, maintain, and remove such telecommunications facilities as Grantee may require upon, over, under and across the following described land which the Grantor owns or in which the Grantor has any interest, to wit:

A parcel of land located in Lot 2, Block 1 of WINONA PARK as platted and recorded in Linn County Oregon Plat records, and being a portion of that parcel as described on Deed Volume 454, Page 292, Linn County Oregon Deed Records, more particularly described as follows;

See easement description on Exhibit "A" and map of easement on Exhibit "B" attached hereto and made a part thereof.

The above monetary consideration includes \$250.00 for landscaping at the option of the Grantor.

situated in County of Linn, State of Oregon

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions. Grantee shall be responsible for all damage caused to Grantor arising from the Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon heirs, executors, administrators, successors and assigns of the respective parties hereto.

Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the property is located

In witness whereof the undersigned has executed this instrument this 25 day of July 1997

Witness: _____

By Francis Hunter
City of Albany

Return to Grantee at:
U S WEST Communications
Field Engineering, Rm 11
11418 NE Fourth Plain
Vancouver, WA 98662

(Individual Acknowledgment)

(Corporate Acknowledgment)

State of _____
County of _____

State of Oregon
County of Linn

On this day personally appeared before me _____

On this day personally appeared before me _____

known to me to be the individual _____ who executed the foregoing instrument and acknowledged that signed the same as _____ free and voluntary act and deed, for the uses and the purposes herein mentioned

who did say he/she is the Finance Director

Given under my hand and official seal this _____ day of _____, 19 _____

of the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and an oath stated that D. Gary Holliday was/were authorized to execute said instrument on behalf of the corporation. Given under my hand and official seal this 25 day of July, 19 97.

Notary Public in and for the State of _____ residing at _____

OFFICIAL SEAL
KIM NELSON
NOTARY PUBLIC-OREGON
COMMISSION NO 036806
MY COMMISSION EXPIRES AUG 4 1998
Notary Public in and for the State of Oregon
residing at Linn County
Kim Nelson
my commission expires Aug 4, 1998.

Accepted by V.M. Callister
Manager Right-of-Way Operations

Field Engineering, Rm.11
11418 N.E. Fourth Plain Bv.
Vancouver, WA 98662

UTILITY EASEMENT

A parcel of land located in Lot 2, Block 1 of WINONA PARK as platted and recorded in Linn County Oregon Plat records, and being a portion of that parcel as described on Deed Volume 454, Page 292, Linn County Oregon Deed Records, more particularly described as follows:

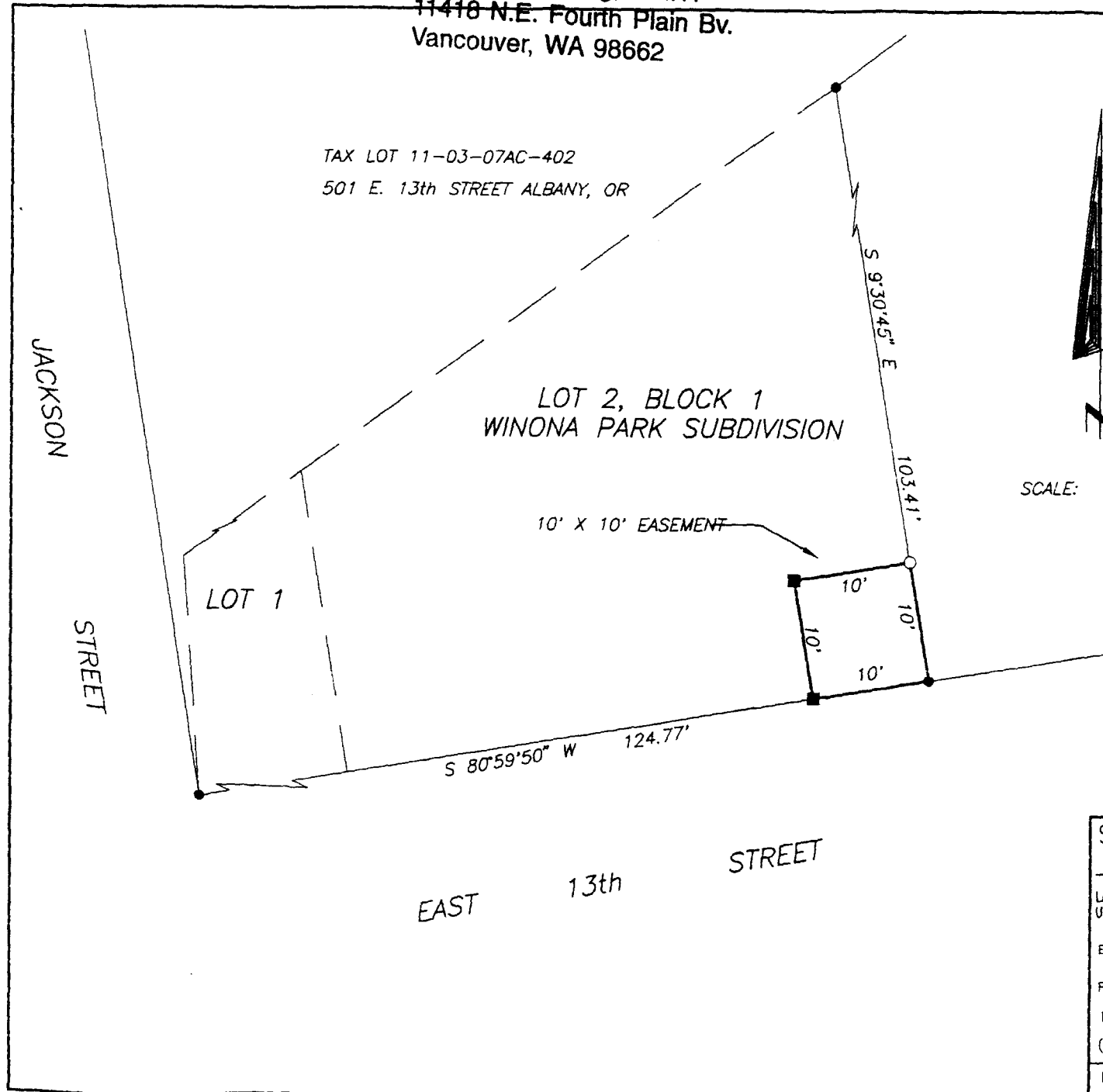
Beginning at a 1/2" iron rod marking the southeast corner of said Lot 2, Block 1 of WINONA PARK; thence South 80° 59' 50" West, along the south line of said Lot 2, 10.00 feet; thence leaving said south line North 9° 30' 45" West, parallel with the east line of said Lot 2, 10.00 feet; thence North 80° 59' 50" East parallel with the south line of said Lot 2, 10.00 feet to the east line of said Lot 2; thence South 9° 30' 45" East, along said east line, 10.00 feet to the point of beginning, all in Linn County Oregon.

97211730R
72RB456

Field Engineering, Rm.11
11418 N.E. Fourth Plain Bv.
Vancouver, WA 98662

EXHIBIT B

US WEST JOB NUMBER: 72RB456



SCALE: 1" = 10'

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MARK THE LIMITS OF AN EASEMENT GRANTED TO US WEST COMMUNICATION INC. FOR UNDERGROUND COMMUNICATION LINES AND ABOVE GROUND CABINETS.

LEGEND

- SET HUB FLUSH WITH SURFACE WITH STAKE ALONGSIDE
- SET PK NAIL IN ASPHALT
- FOUND MONUMENT OF RECORD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven E. Woods

OREGON
JULY 16, 1988
STEVEN E. WOODS
2365

EXPIRATION DATE: 6/30/98

97211730R

SKINNER & ASSOCIATES, INC. LAND SURVEYING and U.S. MINERAL SURVEYS EXPLORATION SURVEY SERVICES PATENT MINERAL SURVEYS PROPERTY SURVEYS P. O. BOX 321, 321 HOLLY ST JUNCTION CITY, OR 97448 (541)998-2453 FAX 998-1648 skinsurv@gol.com	SURVEY OF EASEMENT SURVEY		
	SURVEYED FOR U.S. WEST COMMUNICATION INC.		
	LOCATED IN NE 1/4 SEC 7, T 11 S, R 3 W, WM, LINN COUNTY, OR		
DATE: 7/11/97	DRAWN BY: PA	CHECKED BY: SEW	SHEET NO: 1 of 1

Tax Lot: 11-03-07AC-402

File: F:\7165\7165.DWG

Resolution No. 3822

Recorded Document Recorder File No. 3046