

RESOLUTION NO. 4235

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

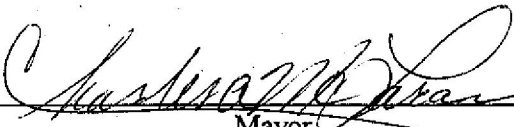
**Citizens Bank**

Purpose

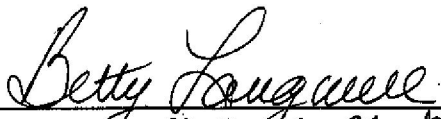
A triangular piece of land at the northeast corner of Clay Street and 14<sup>th</sup> Avenue for sidewalk and public utility easement purposes, more particularly described in attached EXHIBIT "A," shown in the attached EXHIBIT "B," and located in attached vicinity map.

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

DATED THIS 8TH DAY OF MARCH 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder *clerk*

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24th day of January, 2000, by and between **Citizens Bank**, 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:  
See attached legal description labeled EXHIBIT A and attached map labeled EXHIBIT B.
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 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

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

GRANTOR: CITIZENS BANK

CITY OF ALBANY:

By: [Signature]  
Title: SVP/CFO

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

STATE OF Oregon )  
County of Benton ) ss  
City of Corvallis )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4235, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of March, 2000.

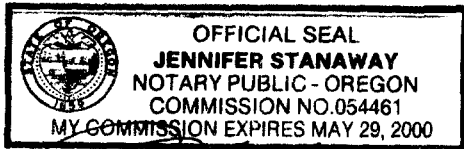
The foregoing instrument was acknowledged before me this 24 day of January, 2000, by Lark Wyszam, SVP/CFO (title), of Citizens Bank, an Oregon corporation, on behalf of the corporation.

[Signature]  
City Manager

[Signature]  
Notary Public for Oregon

My Commission Expires: May 29, 2000

ATTEST:



[Signature]  
City Recorder Clerk

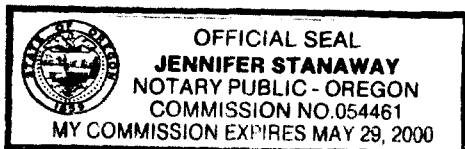
By: [Signature]  
Title: SVP/COO

STATE OF Oregon )  
County of Benton ) ss  
City of Corvallis )

The foregoing instrument was acknowledged before me this 24 day of January, 2000, by Bill Hubel, SVP/COO (title), of Citizens Bank, an Oregon corporation, on behalf of the corporation.

[Signature]  
Notary Public for Oregon

My Commission Expires: May 29, 2000



K & D ENGINEERING, Inc.

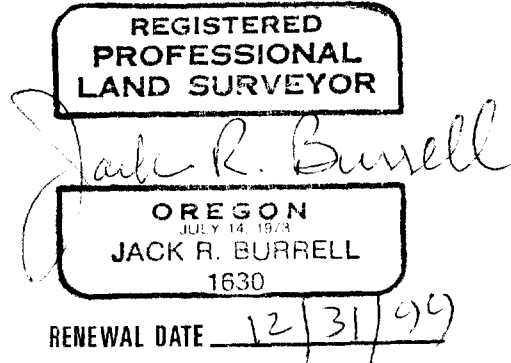
Engineers • Planners • Surveyors

EXHIBIT "A"

(Description of Public Utility and Sidewalk Easement)

An easement over a portion of that Citizens Bank Tract described by deed recorded in Microfilm Volume 480, Page 863 of the Linn County Deed Records on September 6, 1988 that is more particularly described as follows:

Beginning at the southwest corner of said Citizens Bank Tract, which point being North 01°28'15" West 3432 feet, North 89°04'54" West 1016.78 feet and North 01°33'30" West 35.03 feet from the southeast corner of the Leander Burkhart Donation Land Claim No. 50 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 01°35'12" West, along the west line of said tract, a distance of 15.00 feet; thence South 43°35'24" East 20.91 feet to a point on the south line of said tract; thence North 89°23'41" West 14.00 feet to the Point of Beginning.



November 18, 1999  
EXHIBIT "A"  
CITIZENS BANK TRACT  
(99-90-C) JRB:ls  
File: nm\legal\99-90c citizens tract

# EXHIBIT "B"

## SIDEWALK + PUBLIC UTILITY EASEMENT

FOR

## CITY OF ALBANY

LOCATED IN

SEC. 8, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

NOVEMBER 17, 1999



SCALE: 1" = 10'

(70')  
**CLAY STREET**

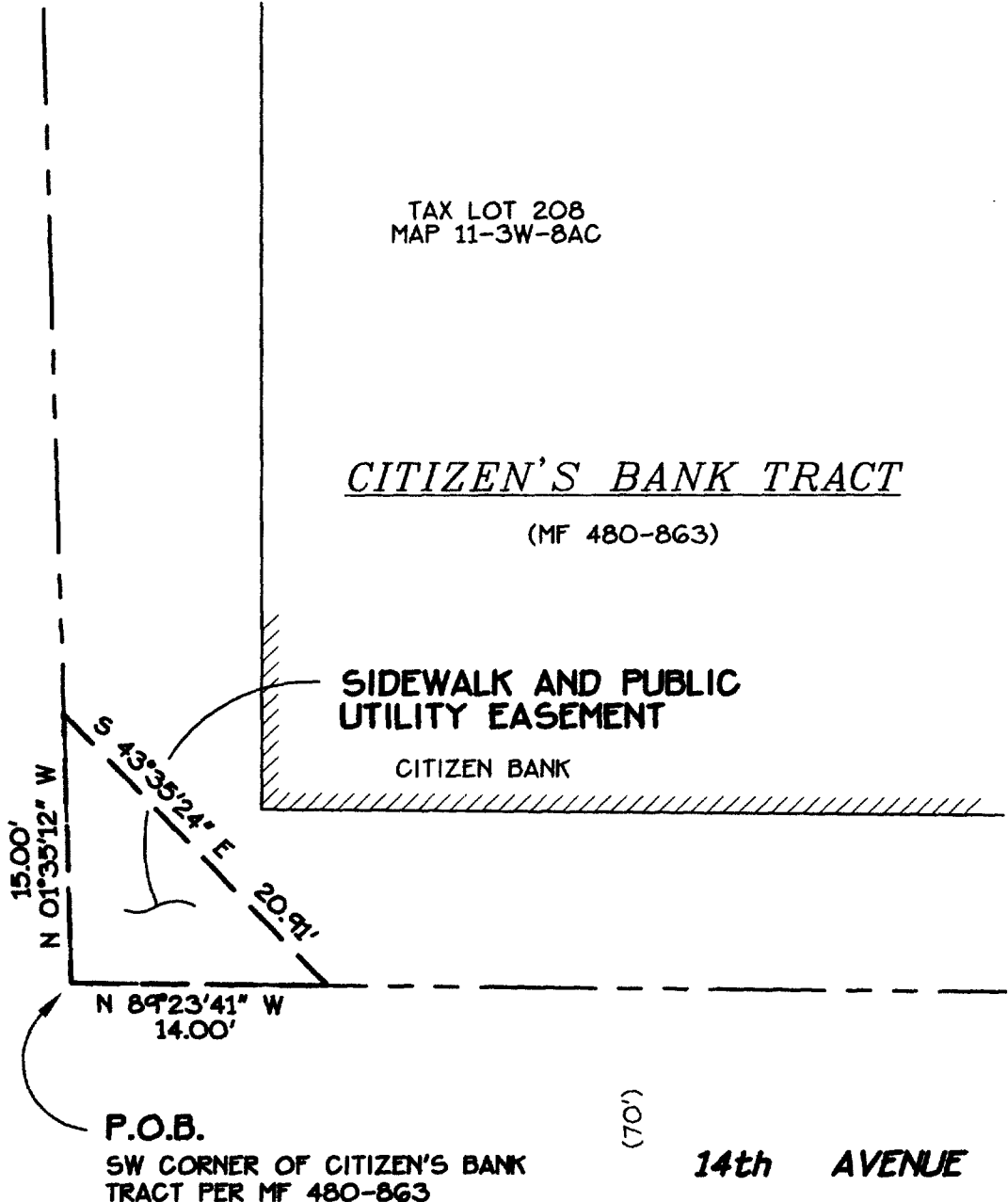
TAX LOT 208  
MAP 11-3W-8AC

CITIZEN'S BANK TRACT

(MF 480-863)

**SIDEWALK AND PUBLIC  
UTILITY EASEMENT**

CITIZEN BANK



**K & D ENGINEERING, Inc.**

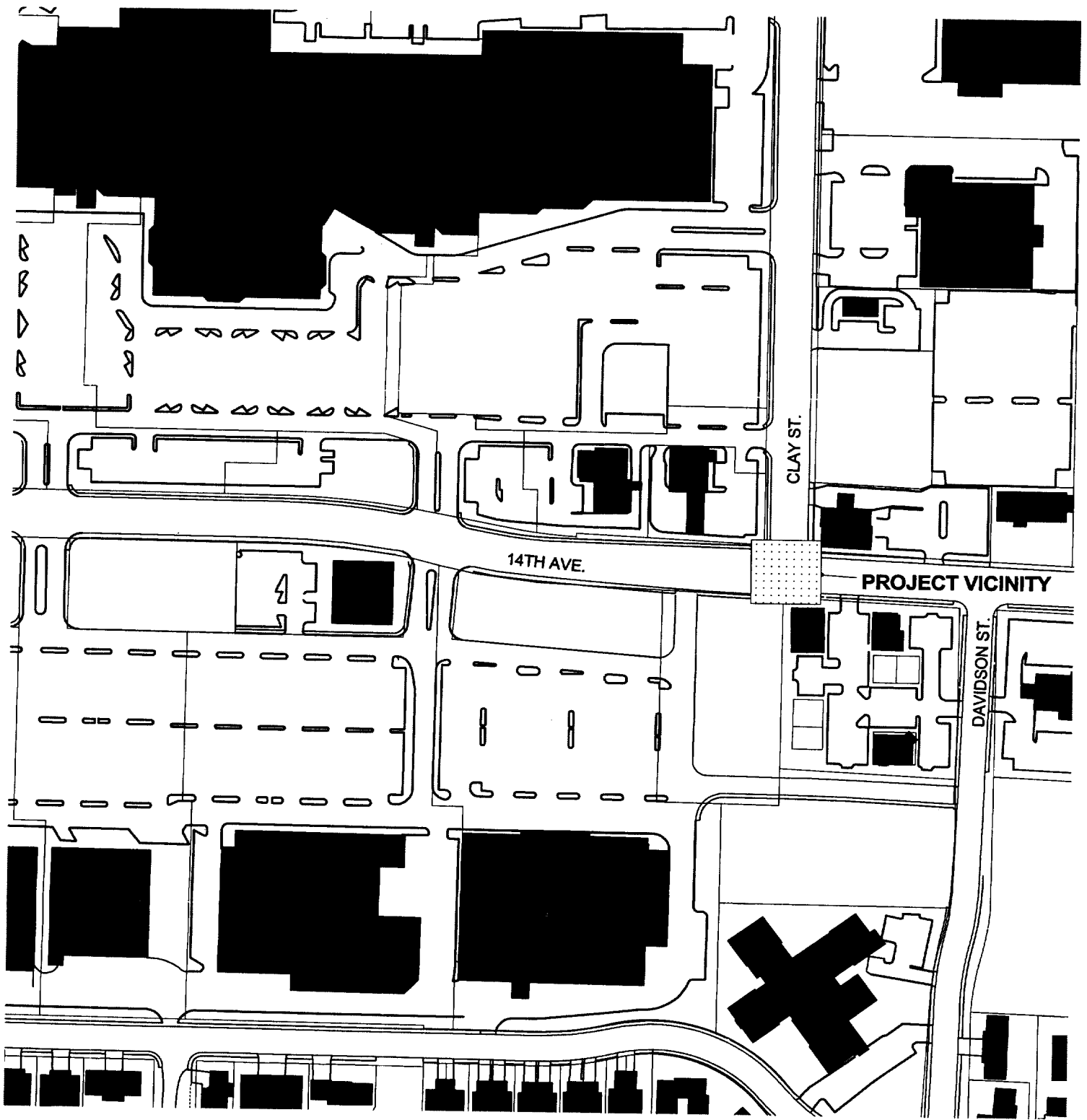
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

Date: 11/17/1999

Time: 15:37

View: PLOT Scale: 1=10

File: Dwg\99-90-C\9990-ex1.dwg (cpu#21 (meh))



### Vicinity Map



0  200 Feet

Oct 15, 1999

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchase or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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 DA, Deputy

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S  
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MAR 10 3 25 PM '00

MF 1094

PAGE 641

Resolution No. 4235

Recorded Document Recorder File No. 3566