

RESOLUTION NO. 4371

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

City of Albany

Purpose

A permanent 7-foot wide public utility easement more particularly described in the attached "EXHIBIT A," shown in the attached "EXHIBIT B," and located in the attached Vicinity Map.

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

DATED THIS 6TH DAY OF DECEMBER 2000.



Mayor

ATTEST:



City Recorder

TAXES: EXEMPT

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27 day of November 2000, by and between City of Albany, herein called Grantor, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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 7.0 foot wide permanent public utility easement in the NE $\frac{1}{4}$ of Section 8 in Township 11 South of Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, as described in attached EXHIBIT A and shown on attached 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 \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom.
4. The Grantor does 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 by Grantor on this easement.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 6 day of December 2000.

GRANTOR:

CITY OF ALBANY

By: Ken Thompson
City Recorder

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

The foregoing instrument was acknowledged before me this 27 day of November 2000, by Ken Thompson, City Recorder of the City of Albany, an Oregon Municipality, on behalf of municipality.

Margaret Langwell
Notary Public for the State of Oregon
My Commission Expires: September 2, 2004



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 4371 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6 day of December 2000.

Steve Bryant
City Manager

ATTEST:

Margaret Langwell
City Clerk

EXHIBIT A

Description of a 7.0 foot wide permanent public utility easement in the NE ¼ of Section 8 in Township 11 South of Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, as shown on the attached map labeled Exhibit B:

Beginning at a point which bears North 1°11'06" West 117.53 feet, North 70°32'31" West 64.40', and North 1°09'22" West 79.75 feet from the Southwest corner of Lot 5 in Block 2 of Eastgate Subdivision; thence South 1°09'22" East 144.15 feet; thence along a 20.00 foot radius curve to the right 43.90 feet (chord bears South 61°43'26" West 35.60 feet); thence along a 272.00 foot radius curve to the right 138.98 feet (chord bears North 40°45'29" West 137.47 feet); thence along a 282.00 foot radius curve to the left 218.32 feet (chord bears North 48°17'56" West 212.91 feet); thence North 70°28'40" West 209.19 feet; thence North 1°29'50" West 7.50 feet; thence South 70°28'40" East 211.88 feet; thence along a 289.00 foot radius curve to the right 223.74 feet (chord bears South 48°17'56" East 218.20 feet); thence along a 265.00 foot radius curve to the left 135.40 feet (chord bears South 40°45'29" East 133.94 feet); thence along a 13.00 foot radius curve to the left 28.53 feet (chord bears North 61°43'26" East 23.14 feet); thence North 1°09'22" West 146.79 feet; thence South 70°32'16" East 7.48 feet to the point of beginning.

Lehigh/Riderwood Connector
Public Utility Easement Dedication
By City of Albany

Vicinity Map



LOCATION OF 7-FOOT WIDE
PUBLIC UTILITY EASEMENT
DEDICATION

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

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By , Deputy

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