

RESOLUTION NO. 4684

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Fairmont Grange

Purpose

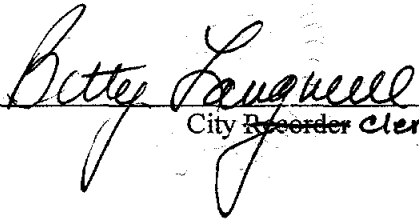
A permanent public utility easement as described in attached EXHIBIT A and as shown on attached EXHIBIT B.

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

DATED THIS 8TH DAY OF MAY 2002.

  
\_\_\_\_\_  
Mayer

ATTEST:

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

**EASEMENT FOR PUBLIC UTILITIES**

THIS AGREEMENT, made and entered into this 18th day of April, 2002, by and between **Fairmont Grange**, herein called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

**WITNESSETH:**

That the Grantor has this day granted 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 permanent public utility easement as described in attached EXHIBIT A and as 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 grantors 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 on this easement.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

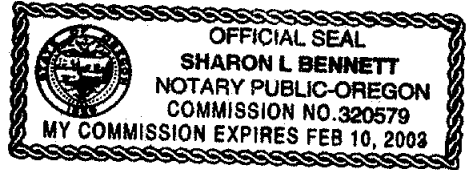
**GRANTOR:**

Cora Dickason  
Cora Dickason, Grange Master

STATE OF OREGON )  
County of Benton ) ss.  
City of Covallis )

The foregoing instrument was acknowledged before me this 18 day of April, 2002, by Cora Dickason, Grange Master, for the Fairmont Grange.

Sharon L. Bennett  
Notary Public for Oregon  
My Commission Expires: 2/10/03



**CITY OF ALBANY:**

STATE OF OREGON )  
Counties of Linn and Benton ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution No. 4684 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of May, 2002.

Steve Bryant  
City Manager

ATTEST:

Betty Langwell  
City Recorder clerk

# K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

## EXHIBIT "A"

### Public Utility Easement Over Portion of Fairmount Grange Tract

(Tax Lot 900 - Map 11-4-1AD)

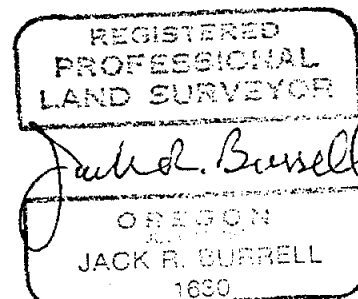
A portion of that Fairmount Grange property described in two deeds recorded in the Benton County Deed Records as follows:

- 1) Deed No. 1 is recorded as M-36082 on October 27, 1972, herein after referred to as Fairmount Tract No. 1.
- 2) Deed No. 2 is recorded as M-36083 on October 27, 1972, herein after referred to as Fairmount Tract No. 2.

The portion of said Fairmount Grange property is more particularly described as follows:

Commencing at the intersection of the south right-of-way line of the Southern Pacific Railroad (a 100.00 foot wide right-of-way) with the east right-of-way line of North Albany Road (also known as County Road No. 14400), said east right-of-way line being 30.00 feet easterly (when measured perpendicularly) from the centerline of said North Albany Road; thence South 13°04'09" East, along said east right-of-way line, 44 feet, more or less, to the northwest corner of said Fairmount Tract No. 1 and which point being the TRUE POINT OF BEGINNING of the herein described property; thence South 13°04'09" East, along said east right-of-way line, 187.88 feet, more or less, to the southwest corner of said Fairmount Tract No. 2; thence North 10°50'17" West 77.06 feet, more or less, to a point that is 33.00 feet right of North Albany Road Centerline Station 16+85; thence North 07°30'52" West 107.27 feet, more or less, to a point on the north line of said Fairmount Tract No. 1 that is South 86° East 14.00 feet from the TRUE POINT OF BEGINNING; thence North 86° West 14.00 feet to the TRUE POINT OF BEGINNING. The Basis of Bearing and the basis of street centerline stationing is C.S. 9688 as filed in the office of the Benton County Surveyor.

April 1, 2002  
EXHIBIT "A"  
PUE-FAIRMOUNT TRACT  
(01-130-A) JRB:ls  
File: nm/winword/legal/01-130a pue-fairmount

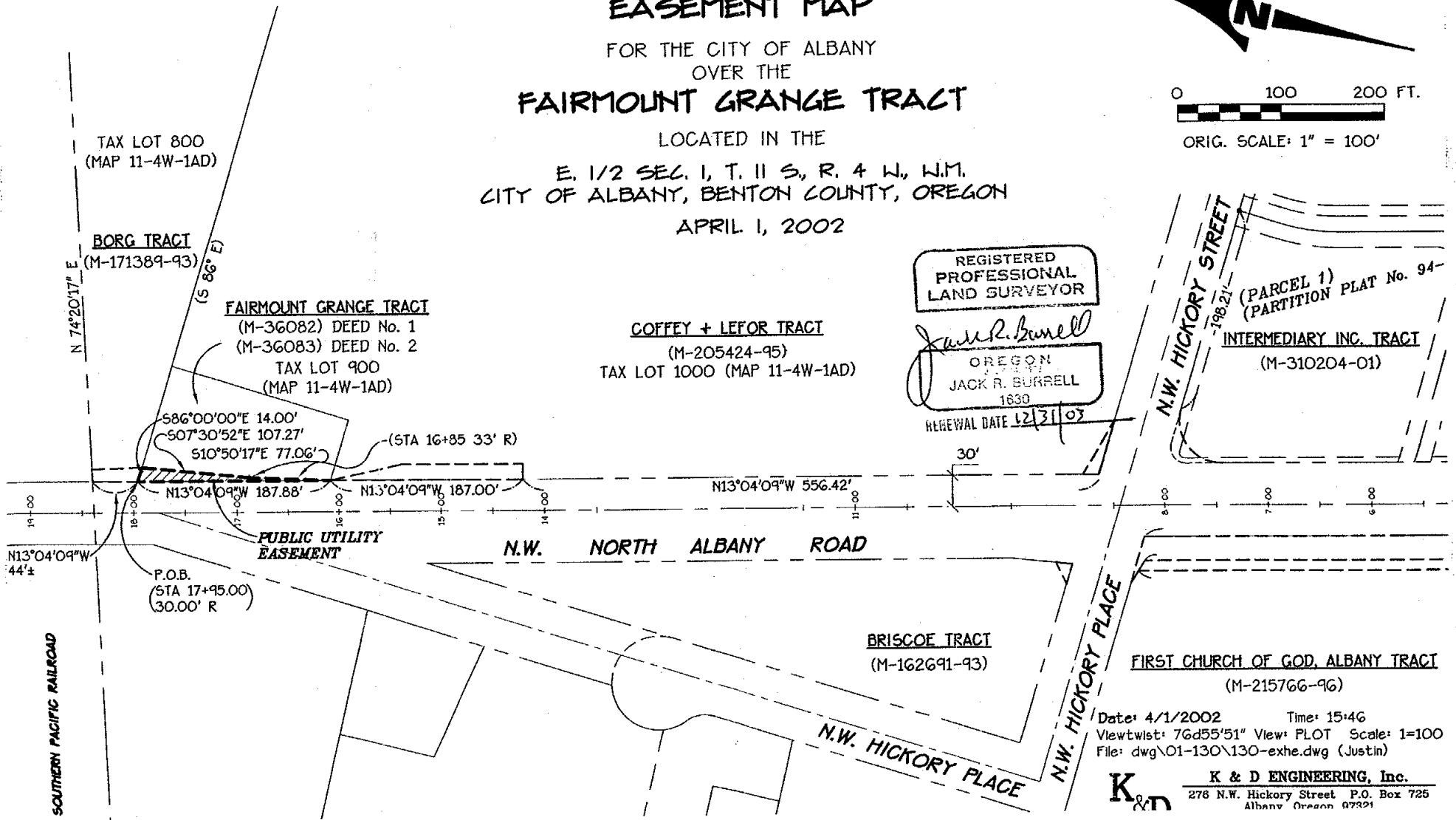
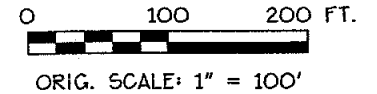


RENEWAL DATE 12/31/03

# EXHIBIT "B" EASEMENT MAP

## FOR THE CITY OF ALBANY OVER THE FAIRMOUNT GRANGE TRACT

LOCATED IN THE  
E. 1/2 SEC. 1, T. 11 S., R. 4 W., W.M.  
CITY OF ALBANY, BENTON COUNTY, OREGON  
APRIL 1, 2002



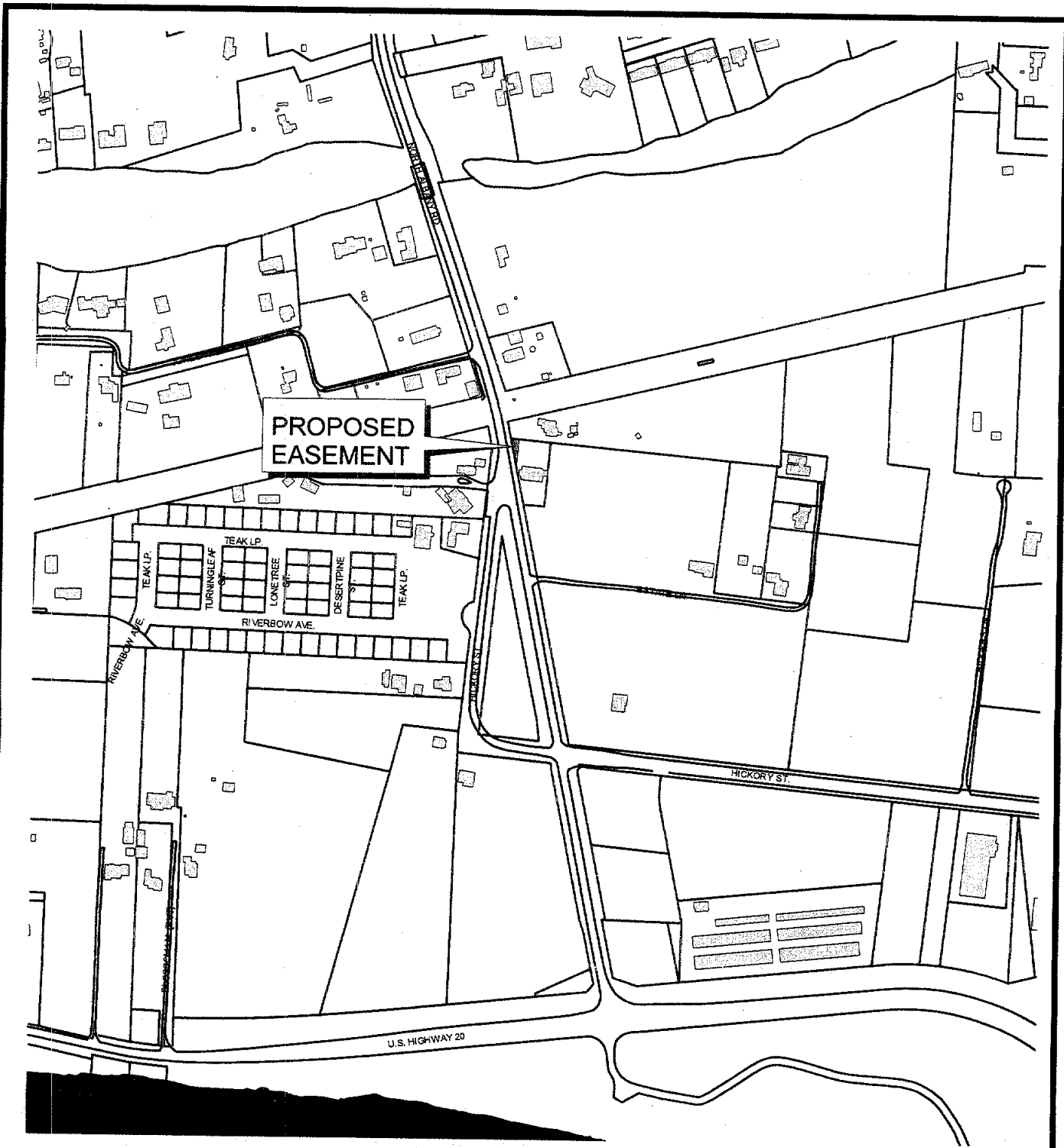
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*

OREGON  
JACK R. BURRELL  
1830  
RENEWAL DATE 12/31/03

Date: 4/1/2002 Time: 15:46  
Viewtwist: 76d55'51" View: PLOT Scale: 1=100  
File: dwg\01-130\130-exhe.dwg (Justin)

**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 725  
Albany Oregon 97321



# VICINITY MAP



North Albany Road ST-01-03

Public Utility Easement

Jeff Woodward

Engineering

angies J:\AV\_PROJ\SITE\_MAP.APR

April 26, 2002



STATE OF OREGON } SS.  
County of Benton }  
317470

PM 2:48 '02 MAY 13

I hereby certify that the within  
instrument was received for record

M318056 20 02

In the microfilm records of said county

Witness My Hand and Seal of  
James V. Morales, County Clerk

By   
Deputy  
SI 15 02 6

Resolution No. 4684

Recorded Document Recorder File No. 3959