

RESOLUTION NO. 4763

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Rodney G. and Gloria J. Kempf

A permanent public utility easement, 50.01-feet in even width, as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled Exhibit B.

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

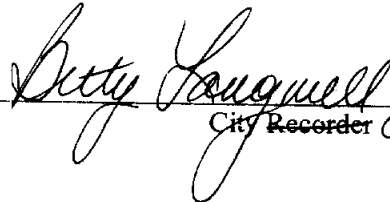
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 9TH DAY OF OCTOBER 2002.



Mayor

ATTEST:



City Recorder Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11TH day of SEPTEMBER, 2002, by and between **Rodney G. and Gloria J. Kempf**, 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 permanent public utility easement, 50.01-feet in even width, as described in the attached legal description labeled Exhibit A and as shown on the 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 \$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 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.

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

GRANTOR:

CITY OF ALBANY:

Rodney G. Kempf
Rodney G. Kempf

Gloria J. Kempf
Gloria J. Kempf

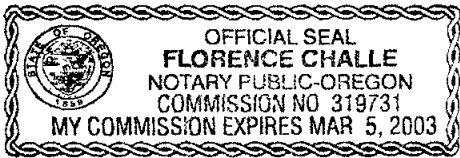
STATE OF OREGON)
County of Linn)
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4763, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of October, 2002.

STATE OF OREGON)
County of ~~Linn~~ LANE)
City of Albany)

The foregoing instrument was acknowledged before me this 11th-day of September, 2002 by their voluntary act and deed

Steve Bryant
City Manager



ATTEST:

Florence Challe
Notary Public for Oregon
My Commission Expires: 3-5-2003

Betty Lougheed
City Recorder Clk

EXHIBIT "A"

19 AUGUST 2002

DESCRIPTION OF A PUBLIC UTILITY EASEMENT OVER A PORTION OF A TRACT OF LAND DESCRIBED BY DEED IN VOLUME 328, PAGES 888-890, LINN COUNTY DEED RECORDS, LOCATED IN THE SOUTHWEST ¼ OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A 5/8 INCH IRON ROD MARKING THE NORTHEAST CORNER OF LOT 7 OF THE FARWEST INDUSTRIAL PLAT, COUNTY SURVEY 17103, THENCE SOUTH 35°03'33" WEST, 483.53 FEET TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 88°40'37" WEST, 50.01 FEET ALONG A LINE THAT IS THE EXTENSION OF THE NORTH RIGHT OF WAY LINE OF 21ST AVENUE FROM THE WEST SIDE OF INTERSTATE 5, TO A POINT ON THE EAST RIGHT OF WAY LINE OF INTERSTATE 5, THENCE SOUTH 00°24'30" EAST, 60.01 FEET ALONG THE EAST RIGHT OF WAY LINE OF INTERSTATE 5, THENCE LEAVING SAID EAST RIGHT OF WAY NORTH 88°40'37" EAST, 50.01 FEET ALONG A LINE THAT IS THE EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF 21ST AVENUE FROM THE WEST SIDE OF INTERSTATE 5, THENCE NORTH 00°24'30" WEST, 60.01 FEET ALONG A LINE THAT IS PARALLEL TO THE EAST RIGHT OF WAY LINE OF INTERSTATE 5, TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION

THE BASIS OF BEARINGS OF THIS DESCRIPTION IS AS SHOWN ON COUNTY SURVEY 21205

THIS TRACT OF LAND CONTAINS 3,001 SQUARE FEET, MORE OR LESS

EXHIBIT "B" PUBLIC UTILITY EASEMENT FOR CITY OF ALBANY

LOCATED IN
SW1/4 SECTION 9, T. 11 S., R. 3 W., W.M.,
LINN COUNTY, OREGON
19 AUGUST 2002

POINT OF BEGINNING
LOT 6
LOT 7
(N 00°03'00"E)
(136.00')

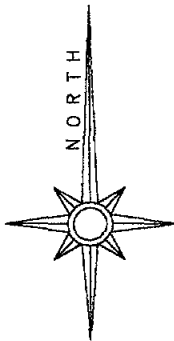
FESCUE ST. SE

(N 89°57'00"W 329.57')

TAX LOT 704
MAP 11-3W-16

DEED REFERENCE: VOLUME 328, PAGES 888-890
LINN COUNTY DEED RECORDS

11S03W16 00704



SCALE: 1"=50'

LEGEND

- 5/8" IRON ROD PER C.S. 17103
- EASEMENT LINE
- < > RECORD DATA PER C.S. 17103
- [] COMPUTED DATA

TRUE POINT OF BEGINNING

NOTE:
BASIS OF BEARINGS
FROM C.S. 21205

NORTH AND SOUTH
EASEMENT LINES ARE
EXTENSIONS OF THE
NORTH AND SOUTH
RIGHT OF WAY LINES
OF 21ST AVENUE
ON THE WEST SIDE OF
OF INTERSTATE 5

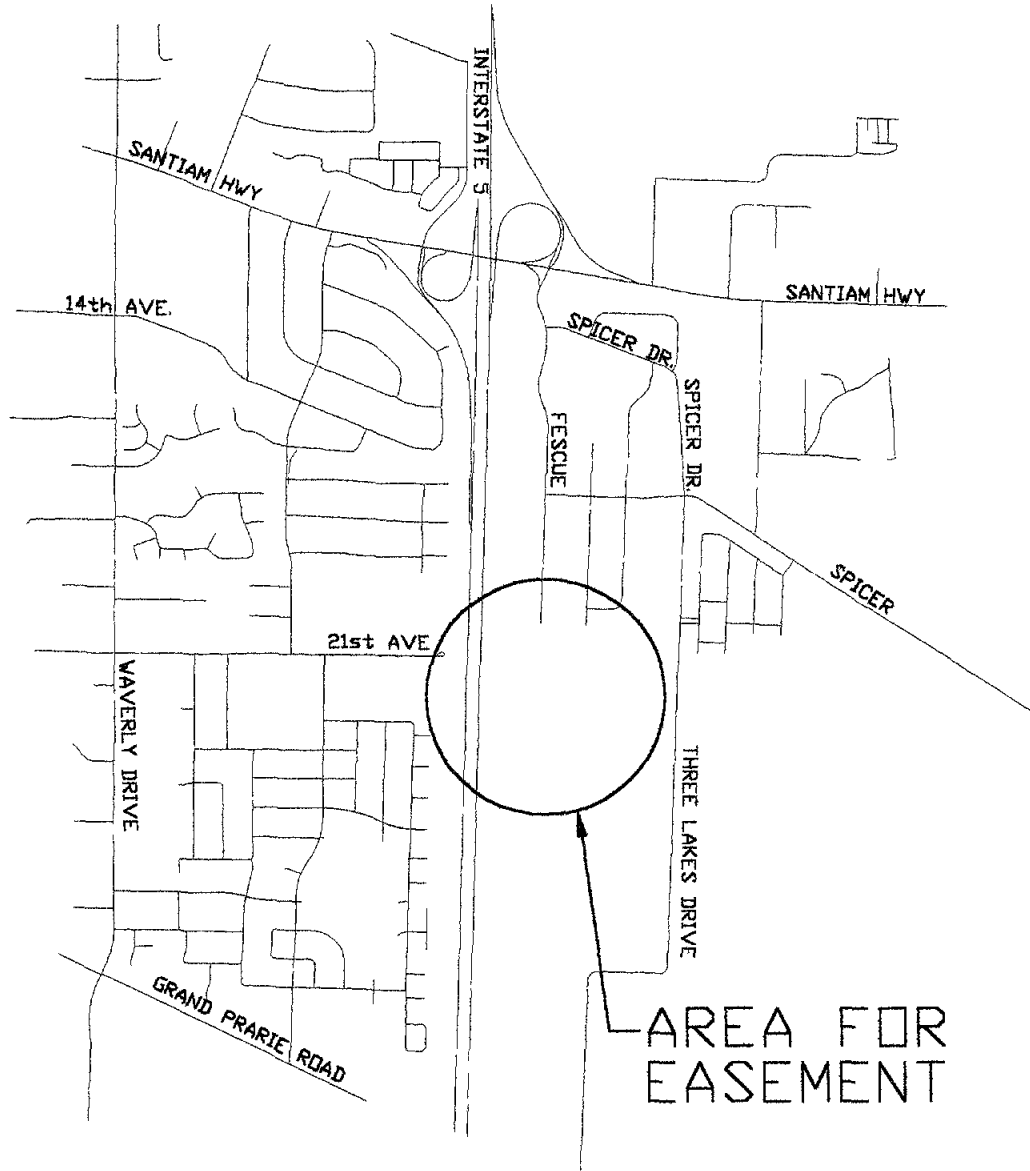
LING AND ASSOCIATES ENGINEERING
833 NW BUCHANAN AVENUE
CORVALLIS, OREGON 97330
(541) 754-7200
(541) 754-8305 FAX

INTERSTATE 5
[S 00°24'30"E 261.37']
S 00°24'30"E 60.01'

S 88°40'37"W 50.01'
N 00°24'30"W 60.01'
N 88°40'37"E 50.01'

S 35°03'33"W 483.53'

VICINITY MAP



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

MF 1340

By [Signature], Deputy PAGE 437

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Recorded Document Recorder File No. 4120