

RESOLUTION NO. 2672

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following:

Grantor

Southwest Forest Industries

Purpose

Permanent easement 15 feet wide for a waterline easement described as 15 feet of even width south of and adjacent to, the centerline of a vacated portion of 26th St. between Block 1 and Block 10 in the vacated South Albany Addition to the City of Albany, Linn County, Oregon.

Dated this 11th day of March, 1987.



Mayor

ATTEST:




City Recorder

EASEMENT FOR A WATERLINE

THIS AGREEMENT, made and entered into this 6 day of February, 1987, by and between **Southwest Forest Industries**, 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 water lines for the purpose of conveying water 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 waterline and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said waterline.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consist of:

A 15-foot wide waterline easement more particularly described as follows and as shown on the attached drawing (C.S. 13994) labeled "Exhibit A":

Beginning at a 1/2-inch iron rod, said rod being at the intersection of the West right-of-way line of Walnut Street and the Centerline of a vacated section of 26th Street in the Northeast quarter of Section 13, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence South 88° 52' 15" West, 118.00 feet to a 1/2-inch iron rod; thence South 0° 48' East, 15.00 feet; thence North 88° 52' 15" East, 118.00 feet; thence North 0° 48' West, 15.00 feet to the point of beginning.

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 maintenance and repair purposes.
3. The true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
 - a. the sum of One dollar (\$1.00) for the permanent easement.
4. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be paid to the Grantors within a period of thirty (30) days from the date of this instrument.
5. 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.

- 6. Upon performing any maintenance, the City shall return the site to original or better condition.
- 7. In the event that it is necessary to remove any trees during the construction of said waterline, those trees removed shall be replanted in their approximate original location.
- 8. 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 below written.

SOLUTION BY NOTARY PUBLIC

Jerry L. Bramwell
VICE PRESIDENT

STATE OF OREGON)
 County of Jackson) ss.
 City of Medford)

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

The foregoing instrument was acknowledged before me this 6 day of February, 1987, by Jerry L. Bramwell, Vice-President and General Manager, Pacific Northwest Division, of Southwest Forest Industries, a Nevada corporation, on behalf of the corporation.

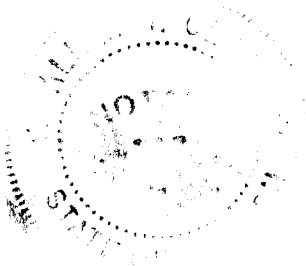
I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2672 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 16th day of March, 1987.

CITY OF ALBANY, OREGON

William B. Barrons
City Manager

Allan T. Olson
Notary Public for Oregon
My Commission Expires: 7-13-89

as fullen
City Recorder



SWF PLYWOOD COMPANY

NE 1/4 SECTION 13, T. 11 S., R. 4 W., W.M.
Albany, Linn County, Oregon

Scale: 1" = 60'

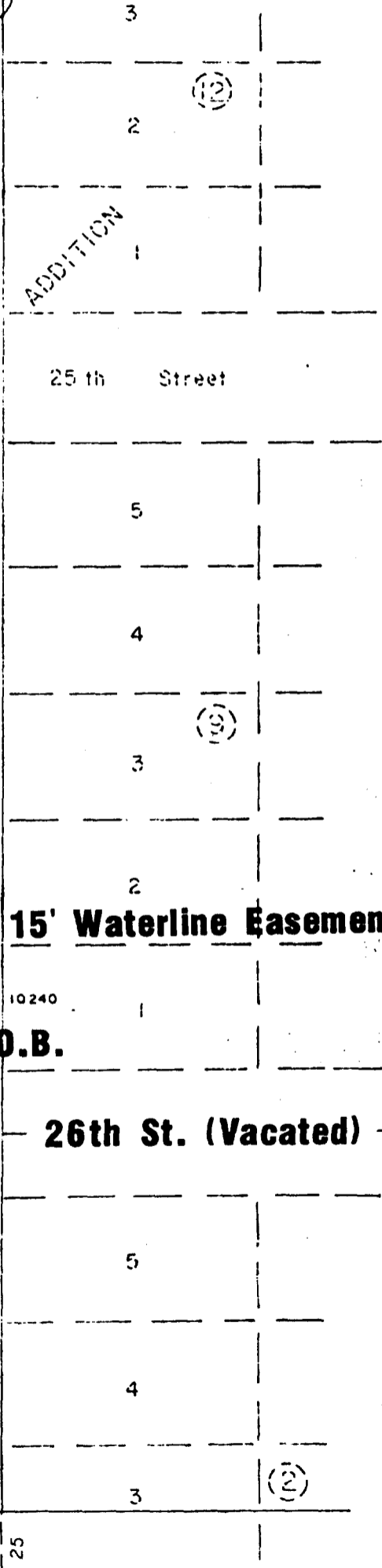
November 18, 1974



Based on CS 8943
and CS 10240

PACIFIC BOULEVARD

WALNUT STREET
VACATED ALBANY
SOUTH



15' Waterline Easement

P.O.B.

26th St. (Vacated)

Robert G. Schmitt

Printed & filed 12-3-74

0.15494
13AA

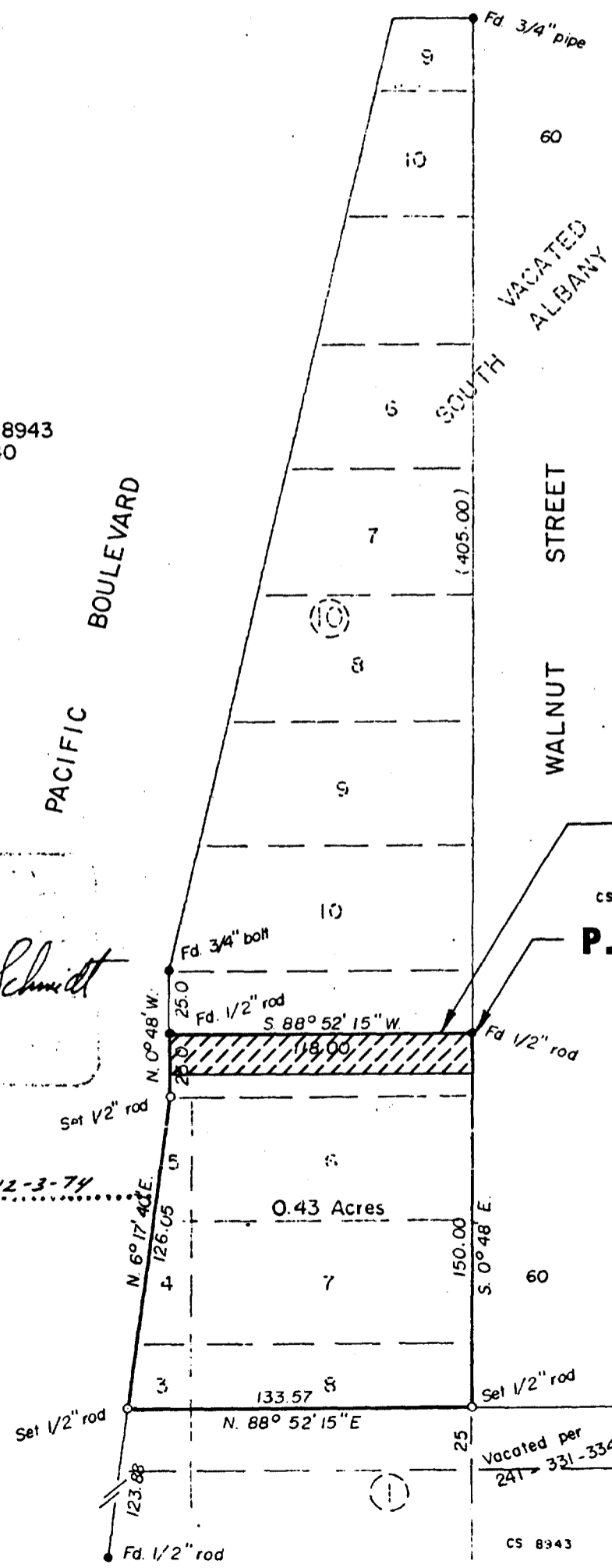


EXHIBIT 'A'

CS 8943

ENTERED APR 06 1987

STATE OF OREGON
County of Linn

I hereby certify that the attached was
received and duly recorded by me in
Linn County records:

Volume: MF 438 Page: 788

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER
Linn County Clerk

By *By*, Deputy

*City of Albany
Box 490
Albany 97321*

Resolution No. 2672

Recorded Document Recorder File No. 1875