

RESOLUTION NO. 3067

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

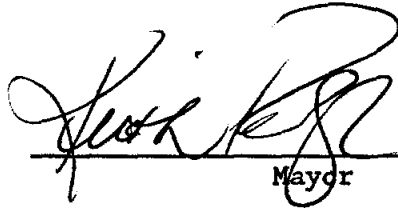
Grantor

John Cude

Purpose

20-foot wide permanent utility easement over an existing sanitary sewer line located in tax lot 5400, 11S-03W-07CC, 610 Queen Avenue SE, Albany, Linn County, Oregon.

DATED this 12th day of June, 1991.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1st day of May, 1991, by and between John Cude, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

WITNESSETH:

SP-13-91

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 20-foot wide permanent utility easement across that property conveyed to John Cude, in Volume MF 559, Page 460, Linn County Microfilm Deed Records, being 10-foot wide on either side of a centerline more particularly described as follows and as shown on that attached map labeled EXHIBIT A:

Beginning at the northeast corner of the Isaac Hutchins Donation Land Claim Number 70 in the SW 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian; thence South 01° 30' 00" East 30.00 feet to the south right-of-way line of Queen Avenue; thence on said south right-of-way line of Queen Avenue, South 87° 15' 00" West 975.00 feet, more or less, to a 5/8-inch iron rod at the intersection of said south right-of-way line and the west right-of-way line of the Southern Pacific Railroad; thence continuing on said south right-of-way line of Queen Avenue, South 87° 15' 00" West 183.18 feet, to a PK nail at the most northerly northwest corner of that said John Cude parcel of land described in Volume MF 559, Page 460, Linn County Microfilm Deed Records; thence on the westerly line of said parcel, South 08° 43' 00" East 451.84 feet; thence on the arc of a 5,796.85 foot radius curve to the right (the long chord bears South 11° 04' 02" West 117.63 feet) 117.63 feet to a point which bears North 87° 15' 00" East 268.93 feet from a 5/8-inch iron rod which is at the westerly northwest corner of said parcel; thence on said line, South 87° 15' 00" West 237.05 feet to the TRUE POINT OF BEGINNING; thence South 08° 43' 00" East 150.82 feet to the south line of said parcel and there terminating.

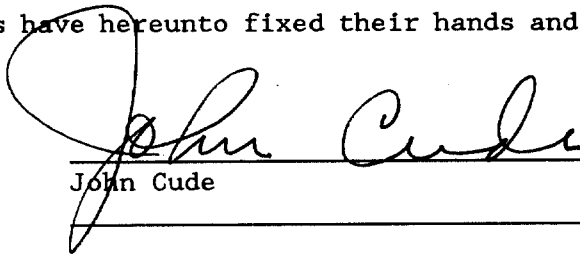
Containing 0.069 acres, more or less.

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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
- 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.



 John Cude

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

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

The foregoing instrument was acknowledged before me this 1st day of May, 1991, by grantor(s) as his/her/their voluntary act and deed.

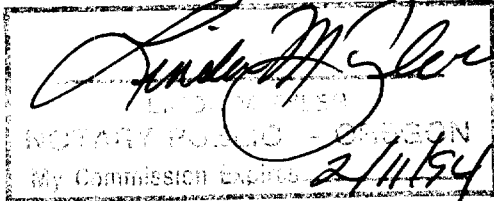
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3067, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of June, 1991.

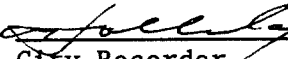
Notary Public for Oregon
My Commission Expires: _____

CITY OF ALBANY, OREGON



City Manager


 LINDA M. LEE
 NOTARY PUBLIC - OREGON
 My Commission Expires 2/11/94



City Recorder

Queen Avenue

S 87° 15' W
183.18'

S 87° 15' W
975.00'

P.O.B. is the NE
Corner of the Isaac
Hutchins DLC No. 70
T. 11 S., R. 3 W., W.M.

Calapoia St. (PVT)

S 08° 43' E

451.84'

Tax Lot 4800

R = 5,796.85'
D = 1° 09' 46"
L = 117.63'
LC = S 11° 04' 02" W
117.63'

T.P.O.B.

268.93'
237.05'

S 87° 15' W
11S-03W-07CC
Tax Lot 5400

John Cude
MF 559 P. 410
20-Foot wide
permanent utility
easement

S 08° 43' E
150.82'

S 87° 15' W

Tax Lot 4900

Southern Pacific Railroad



Scale 1 = 100'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

20-Foot Wide Public Utility
Easement from John Cude
to the City of Albany
11S-03W-07CC

25

Jul 12 1 59 PM '91

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 568 Page: 873

STEVE DRUCKENMILLER
Linn County Clerk

By My, Deputy
City of Albany

Resolution No. 3067

Recorded Document Recorder File No. 2076