

RESOLUTION NO. 3075

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


Grantor

The United States of America
(Bureau of Mines)

Purpose

A fifteen foot permanent utility easement
across that property located at 1450 Queen
Avenue SW, City of Albany, Linn County,
Oregon.

DATED this 6 day of June, 1991.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5th day of JUNE, 1991, by and between The United States of America, 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 fifteen foot wide permanent utility easement across that property conveyed to The United States of America in Deed Book 161, Page 421, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A;

A fifteen foot wide strip of land, the centerline of which is described as follows: Beginning at a point on the easterly right-of-way line of Broadway Street which bears South 0°51'00" East 501.17 feet and North 89°09'00" East 30.00 feet from the southwest corner of the Walter Montieth Donation Land Claim No. 55 in section 13, Township 11 South, Range 4 West of the Willamette Meridian in the City of Albany, Linn County, Oregon; thence North 87°17'05" East 220.00 feet to the point of terminus.

ALSO a fifteen foot wide strip of land, the centerline of which is described as follows: Beginning at a point on the southerly right-of-way line of Queen Avenue which bears North 86°57'00" East 259.00 feet and South 3°03'00" East 30.00 feet from the southwest corner of the Walter Montieth Donation Land Claim No. 55 in Section 13, Township 11 South, Range 4 West of the Willamette Meridian in the City of Albany, Linn County, Oregon; thence South 3°03'00" East 10.40 feet; thence South 51°27'22" West 12.35 feet; thence South 3°03'00" East 24.50 feet to the point of terminus.

ALSO a fifteen foot wide strip of land, being parallel, adjacent and south of a line which is described as follows: Beginning at a point on the southerly right-of-way line of Queen Avenue which bears North 86°57'00" East 259.00 feet and South 3°03'00" East 30.00 feet from the southeast corner of the Walter Montieth Donation Land Claim No. 55 in Section 13, Township 11 South, Range 4 West of the Willamette Meridian in the City of Albany, Linn County, Oregon; thence North 86°57'00" East

along said southerly right-of-way line 34.00 feet to the point of terminus.

Contains 0.097 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. The city shall contact the U. S. Bureau of Mines and request locates prior to doing maintenance work on the public line; and the city shall repair or replace any items damaged during the work providing they were properly located in the field.
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. Prior to construction of any structure upon the easement, the grantor will reconstruct such portions of the existing public utilities as reasonably required by the City. The grantor shall bear the full cost of such reconstruction. The reconstructed public utilities shall be inspected and approved by the City prior to construction of any structure upon the easement.

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

The United States of America
Department of the Interior
Bureau of Mines
Darrell Christenson, Facilities Manager

By: Darrell M. Christenson
Facilities Manager

STATE OF OREGON)
County of Linn *Benton*) ss.
City of Albany)
Corvallis

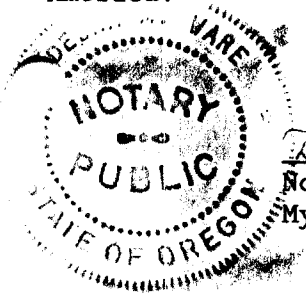
The foregoing instrument was acknowledged before me this 5th day of June, 1991, by Darrell Christenson, facilities manager of the Bureau of Mines, Department of the Interior, on behalf of the United States of America.

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 3075 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of June, 1991.

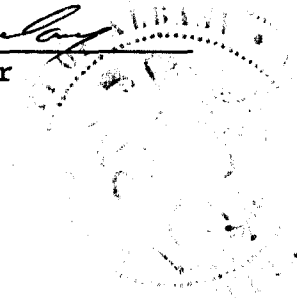
CITY OF ALBANY, OREGON

Steve Bryant
City Manager

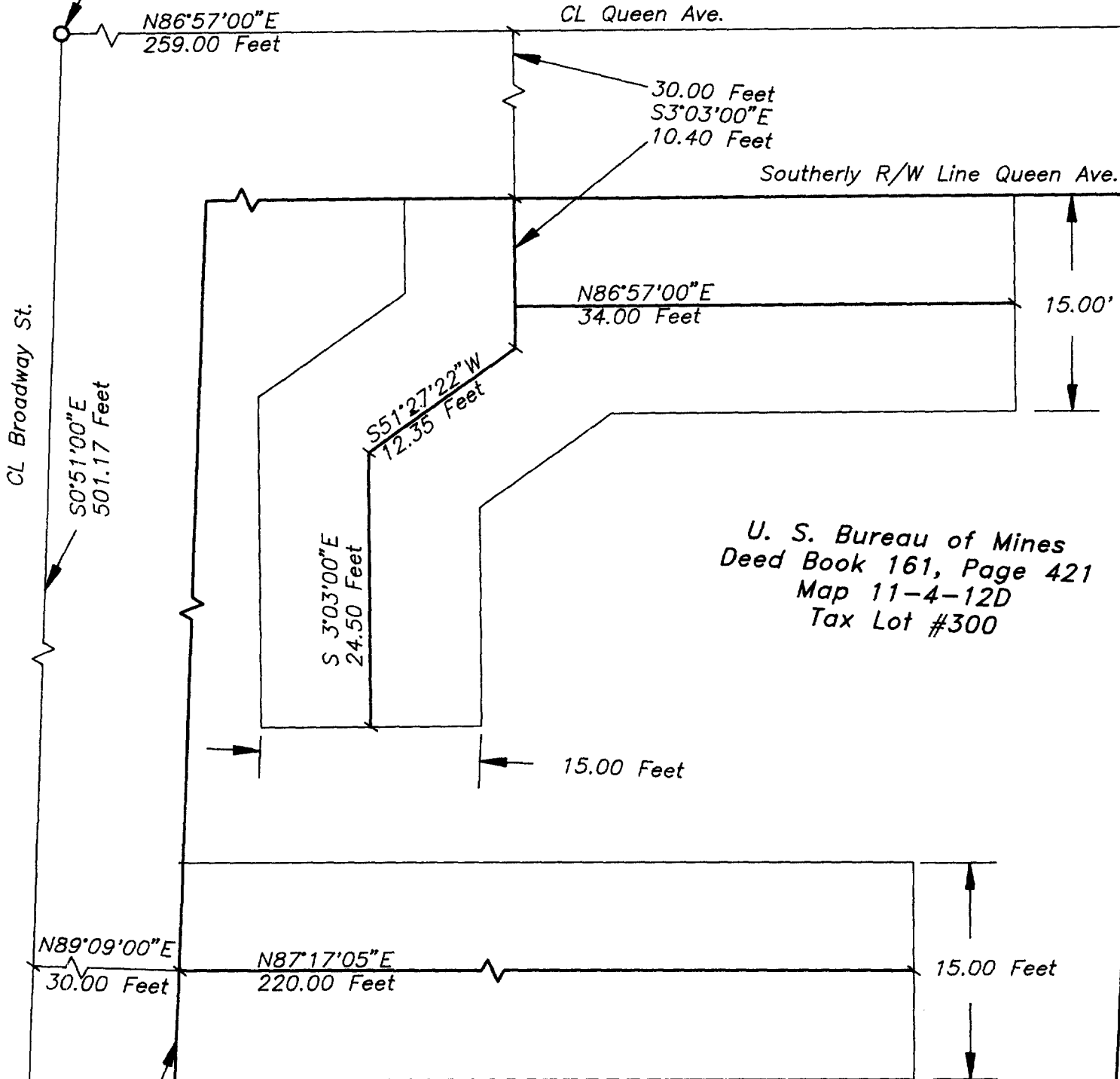


Debra M. Ware
Notary Public for Oregon
My Commission Expires: 2/30/94

Jeffrey
City Recorder



Southwest Corner of Alter Montieth
Donation Land Claim No. 55 in Section 13,
Township 11 South, Range 4 West of the
Willamette Meridian.



U. S. Bureau of Mines
Deed Book 161, Page 421
Map 11-4-12D
Tax Lot #300

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/April 12, 1991

Utility Easements
U. S. Bureau of Mines

EXHIBIT A

SCALE: 1" = 10'

30

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: 879

STEVE DRUCKENMILLER
Linn County Clerk

By My, Deputy

City of Albany

Resolution No. 3075

Recorded Document Recorder File No. 2077