

RESOLUTION NO. 3267

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

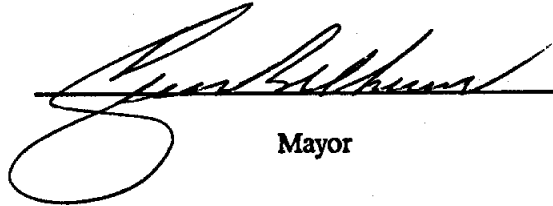
Grantor

Eagle Land Company

Purpose

A permanent public utility easement, for storm drainage improvements to be constructed in conjunction with the Waverly Drive extension project, across property located north of Oak and west of Columbus Street SE.

DATED this 23 day of June, 1993.

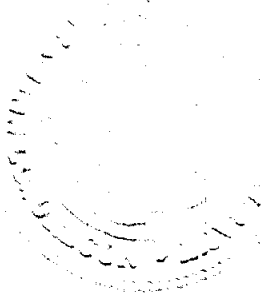


Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16th day of JUNE, 1993, by and between Eagle Land Company, a partnership, herein called Grantor, 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 is described as follows and is shown on the attached map labeled EXHIBIT A:

Commencing at the southwest corner of the Jordan S. Robinson DLC No. 55 in Section 20, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 00° 20' East 935.22 feet along the east line of the Robert Pentland DLC No. 69 in said Section 20; thence South 89° 42' West 40.00 feet to a point on the westerly right-of-way of Columbus Street and the True Point of Beginning, said point also being the southwest corner of that tract described in dedication deed to the City of Albany recorded October 21, 1992 in Volume 617, Page 66, Deed Records of Linn County, Oregon; thence continue South 89° 42' West 30.00 feet; thence North 00° 20' East 68.00 feet; thence North 16° 40' 18" East 106.64 feet to a point on the aforementioned westerly right-of-way of Columbus Street; thence South 00° 20' West 170.00 feet along said westerly right-of-way to the True Point of Beginning.

Containing 3570 square feet, 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.
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.
7. Any wetland mitigation work required as a result of storm drain construction by the City of Albany within this easement for street improvements along Columbus Street shall be the responsibility of the City of Albany.

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

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

GRANTOR:

Eagle Land Company, a Partnership, By:

Jimmie C Taylor 6/14/93
Jimmie Taylor, Partner Date

Robert S Powell 6/16/93
Robert S. Powell Family Trust, Partner Date

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

The foregoing instrument was acknowledged before me this 16th day of June, 1993, by Jimmie Taylor, as his voluntary act and deed.

Sarah J. Selmon My Commission Expires: 2-28-94
Notary Public for Oregon

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

The foregoing instrument was acknowledged before me this 16th day of June, 1993 by Robert S. Powell, Jr., on behalf of the Trust, as his voluntary act and deed.

Sarah J. Selmon My Commission Expires: 2-28-93
Notary Public for Oregon

CITY OF ALBANY:

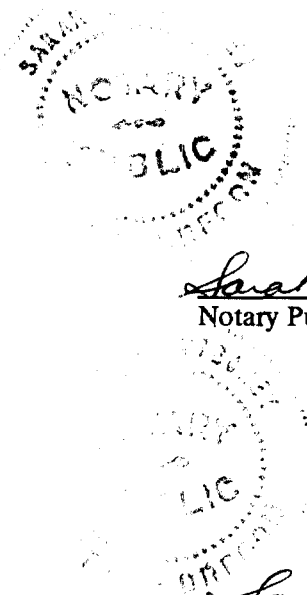
STATE OF OREGON)
County of Linn) ss.
City of Albany)

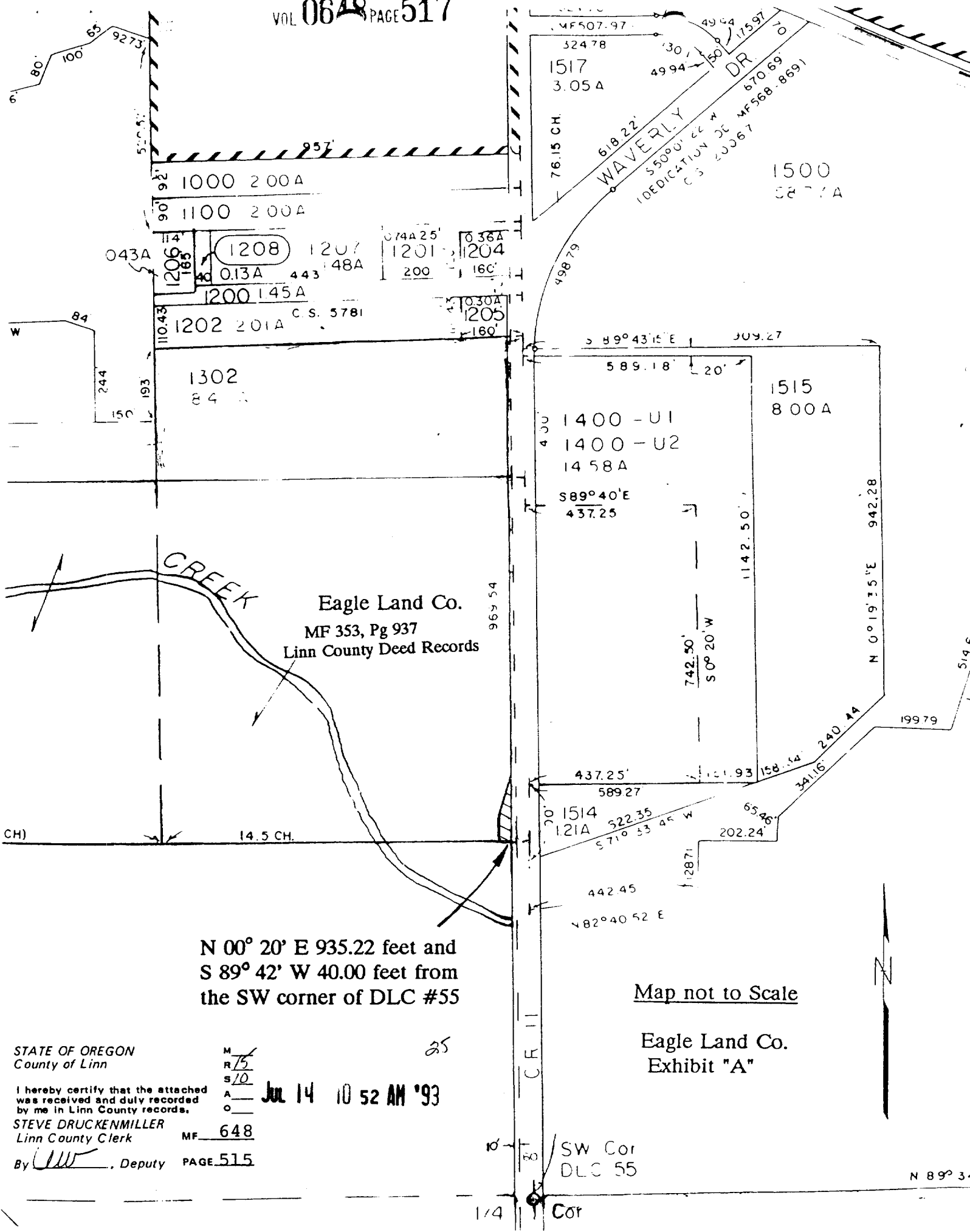
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3267, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of June, 1993.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder





N 00° 20' E 935.22 feet and
S 89° 42' W 40.00 feet from
the SW corner of DLC #55

Map not to Scale

Eagle Land Co.
Exhibit "A"

STATE OF OREGON
County of Linn

M
R
S
A
O

25
Jul 14 10 52 AM '93

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

STEVE DRUCKENMILLER
Linn County Clerk

MF 648

By *[Signature]*, Deputy

PAGE 515

SW Cor
DLC 55

N 89° 34'

1/4

Cor

Resolution No. 3267

Recorded Document Recorder File No. 2330