

RESOLUTION NO. 3325

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

Grantor

Everett M. Garoutte

Purpose

a permanent public utility easement for a sanitary sewer (and for the future extension of that sewer) being constructed as Site Improvement Project No. SI-93-18

DATED this 26 day of January, 1994.



Mayor

ATTEST:



City Recorder

CORRECTION EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of March, 1995, by and between Everett M. Garoutte, 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 RELEASED to Everett M. Garoutte by the City of Albany consists of that certain easement granted to the City of Albany and recorded in Volume 680, Page 414, Linn County Microfilm Deed Records, to wit:

A ten-foot wide permanent public utility easement across that property conveyed to Everett M. Garoutte in Volume 592, Page 616, Linn County Microfilm Deed Records, the Easterly line of which is more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the Easterly most corner of Lot 1, Block 4, Kurre Lakeside Tracts in the City of Albany, Linn County, Oregon; and running thence North 19° 26' 00" West 455.90 feet to the Southerly right-of-way line of the Southern Pacific Company's Railroad right-of-way, said point being the terminus of this easement. The side line of said ten foot easement is to be extended or shortened to terminate in the north and in the south boundaries of said Garoutte parcel.

Containing 0.102 acres, more or less.

2. The right-of-way hereby GRANTED to the City of Albany consists of:

A variable width permanent public utility easement across that property conveyed to Everett M. Garoutte by deed recorded in Volume 592, Page 616, Linn County Microfilm Deed Records, being more particularly described as follows and as shown on the attached map labeled Exhibit B:

Beginning at the Easterly most corner of Lot 1, Block 4, Kurre Lakeside Tracts in the City of Albany, Linn County, Oregon; and running thence South 62° 52' West 17.0 feet; thence North 12° 59' 06" West 150.0 feet; thence South 19° 26' East 146.77 feet to the Point Of Beginning.

Containing 0.028 acre of land, more or less.

3. 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.
4. 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.

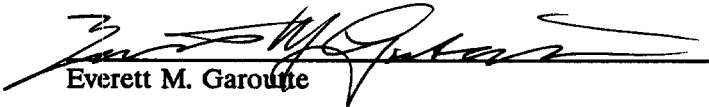
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

- 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. 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:

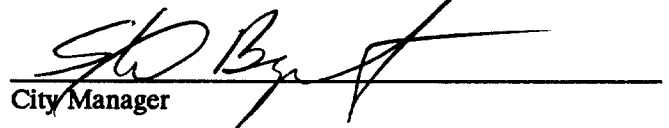
CITY OF ALBANY:



 Everett M. Garoutte

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 3325, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 7th day of March, 1995.

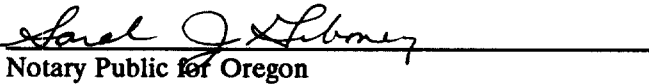


 City Manager


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

The foregoing instrument was acknowledged before me this 3rd day of March, 1995, by Everett M. Garoutte as his voluntary act and deed.

ATTEST:



 Notary Public for Oregon



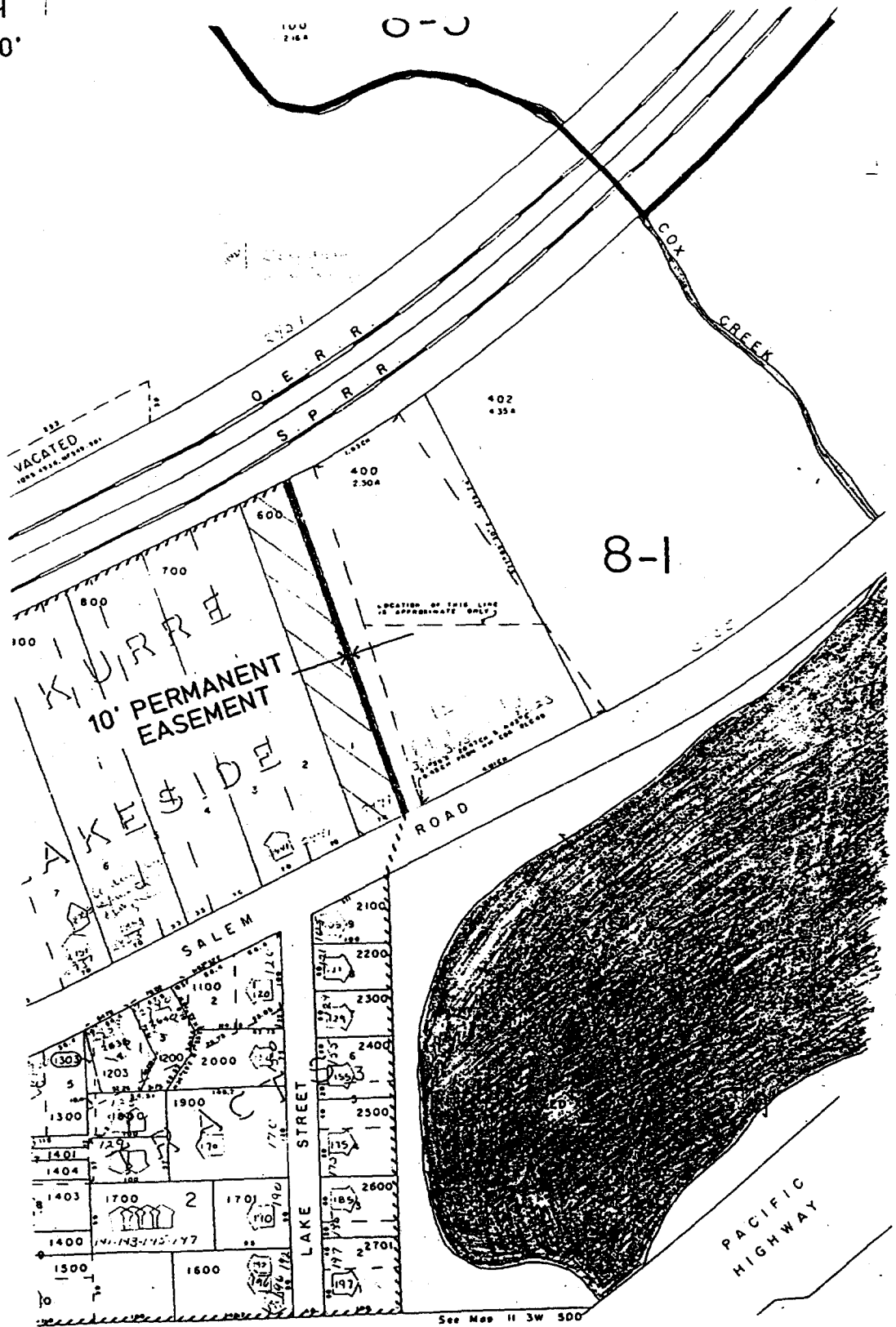
 City Recorder

My Commission Expires: 3/8/98



GAROUTTE MF592-616

NORTH
1" = 200'



SCALE: 1" = 100'

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200-1-071-10



SOUTHERN PACIFIC

LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
BLOCK 4
KURRE LAKESIDE TRACTS

GAROUTTE
MF592-616

307.05'

N 12° 59' 06" W, 150.0'
S 18° 26' E, 145.72'

S 62° 52' W, 17.0'

POINT OF BEGINNING

SALEM ROAD

BLOCK 1
KURRE LAKESIDE TRACTS

LAKE ST.

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/OCTOBER 1994

EXHIBIT B: CORRECTION EASEMENT
PERMANENT PUBLIC UTILITY EASEMENT
FROM EVERETT M. GAROUTTE
TO THE CITY OF ALBANY, OREGON

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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

By LSM, Deputy

M
R 20
S 10
A
O

MF 738
454
PAGE

30
MAR 7 10 52 AM '95

EASEMENT FOR PUBLIC UTILITIES

This easement voided per
 Cancellation Easement recorded
 in Vol 738 - 454, March 1995

THIS AGREEMENT, made and entered into this 10th day of Dec., 1993, by and between Everett M. Garoutte, 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 ten-foot wide permanent public utility easement across that property conveyed to Everett M. Garoutte in Volume 592, Page 616, Linn County Microfilm Deed Records, the Easterly line of which is more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the Easterly most corner of Lot 1, Block 4, Kurre Lakeside Tracts in the City of Albany, Linn County, Oregon; and running thence North 19° 26' 00" West 455.90 feet to the Southerly right-of-way line of the Southern Pacific Company's Railroad right-of-way, said point being the terminus of this easement. The side line of said ten foot easement is to be extended or shortened to terminate in the north and in the south boundaries of said Garoutte parcel.

Containing 0.102 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.
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:

Everett M. Garoutte

Everett M. Garoutte

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 10th day of December, 1993, by Everett M. Garoutte as his/her/their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3325, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of January, 1994.

Cheryl K Schollenberg
Notary Public for Oregon

SPB
City Manager

My Commission Expires: Feb. 2nd 1997

ATTEST:



Neem C Withrow
City Recorder (Deputy)

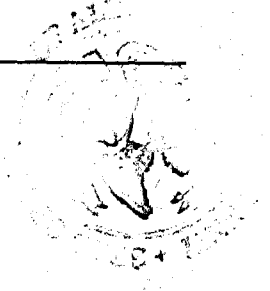
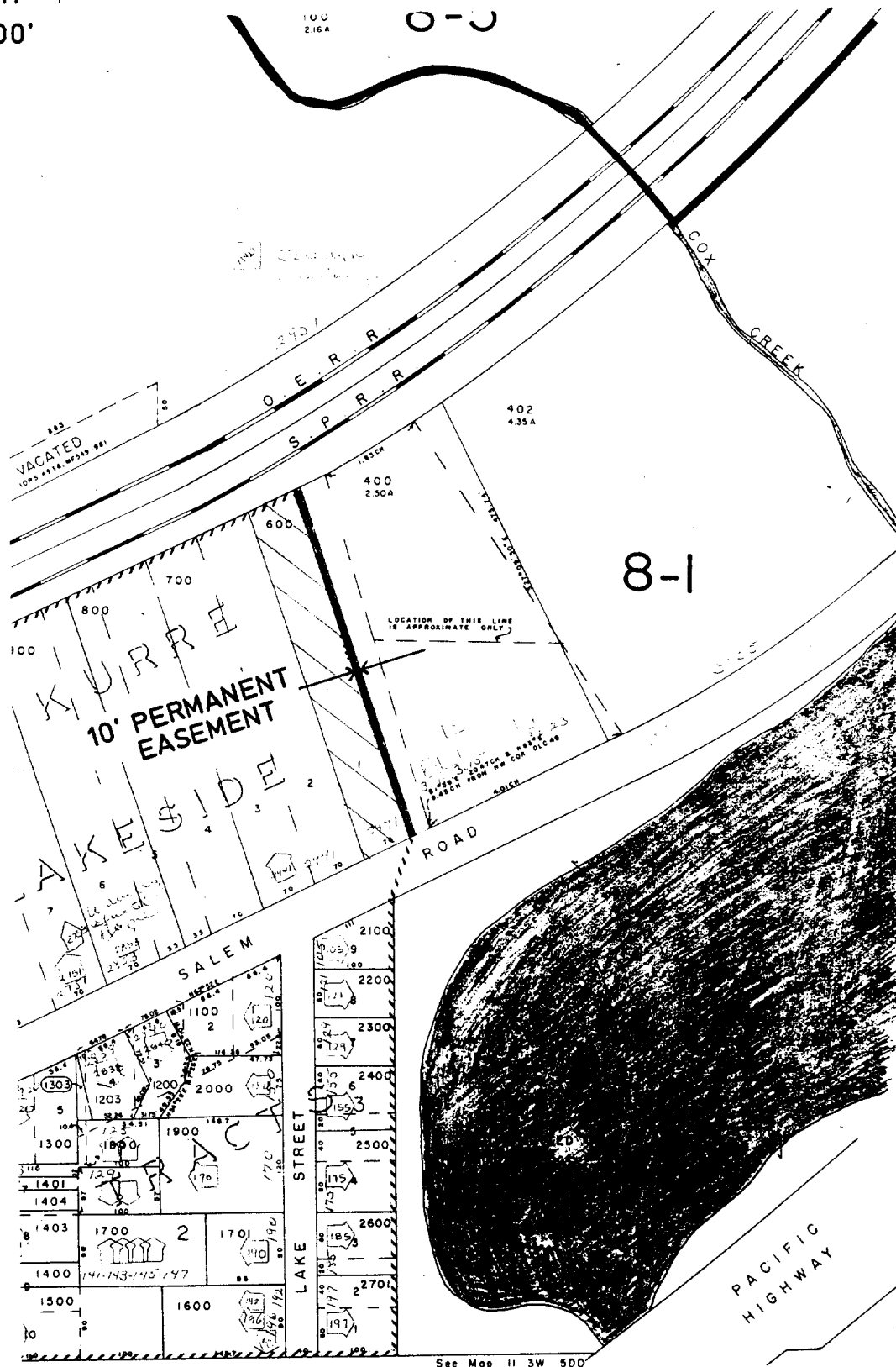


EXHIBIT A:

GAROUTTE MF592-616

NORTH
1" = 200'



8-1

10' PERMANENT EASEMENT

LAKE SIDE

SALEM

LAKE STREET

PACIFIC HIGHWAY

See Map 11 3W 500

85

FEB 1 10 41 AM '90

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 MF 680
Linn County Clerk

By PA, Deputy PAGE 414

Resolution No. 3325

Recorded Document Recorder File No. 1573