

RESOLUTION NO. 3458

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

Grantor

Harold P. Benson and W. L. Hornberger

Purpose

permanent public utility easements (for sanitary sewers and water lines) across property known as Oak View Manufactured Housing Park located at 777 College Park Drive SW

DATED this 11 day of January, 1995.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27 day of Dec, 1994, by and between Harold P. Benson and W. L. Hornberger, 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 twenty-foot wide permanent public utility easement (over sanitary sewer lines) across those properties described in Volume 679, Page 813 and in Volume 714, Page 412, Linn County Microfilm Deed Records, the Point of Beginning of this easement is described as follows and is shown on the attached map labeled "Exhibit A":

Beginning at a point at the northwest corner of said Volume 679, Page 813, Linn County Microfilm Deed Records, said point being 1336.10 feet North 88° 55' 00" East, 3528.10 feet South 00° 06' 00" West, and 1196.02 feet South 88° 55' 00" West from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon.

See attached map labeled "Exhibit A" for the centerline metes and bounds descriptions of the twenty-foot wide easement.

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.

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

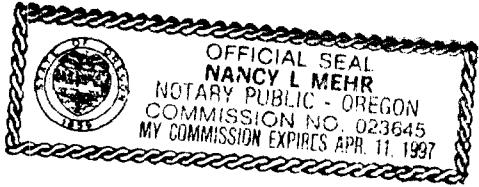
GRANTOR:

Harold P. Benson

Harold P. Benson

W. L. Hornberger

W. L. Hornberger



STATE OF OREGON)

County of Linn) ss.

City of Albany)

The foregoing instrument was acknowledged before me this 27 day of Dec 19 94 by Harold P. Benson and W. L. Hornberger as their voluntary act and deed.

Nancy L. Mehr

Notary Public for Oregon

My Commission Expires: 4-11-97 nm

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 3458, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of January, 19 95.

Steve Bryant

City Manager

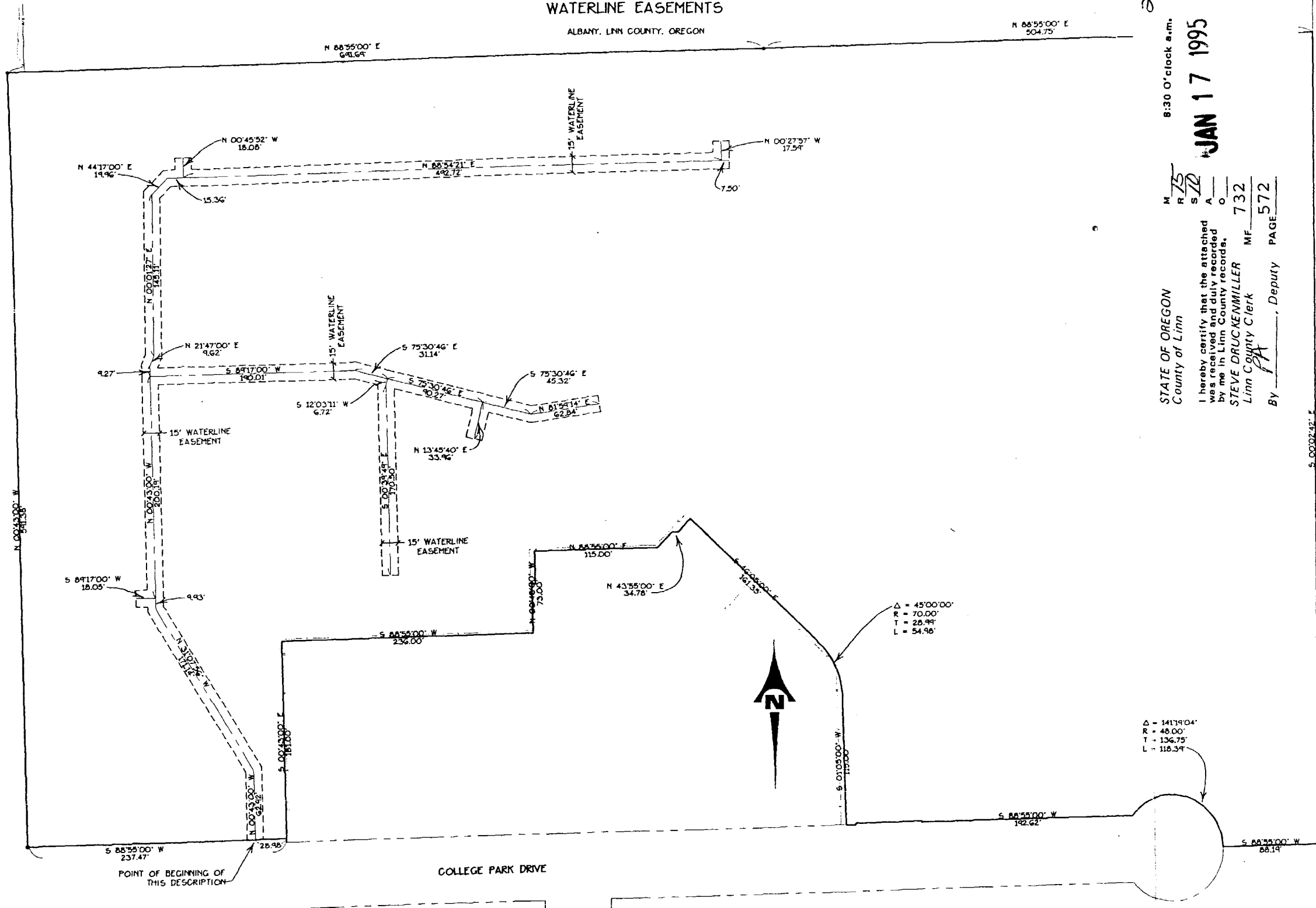
ATTEST:

Marn C. Withrow

City Recorder (Deputy)



OAK VIEW
MANUFACTURED HOUSING PARK
777 COLLEGE PARK DRIVE SW
WATERLINE EASEMENTS
ALBANY, LINN COUNTY, OREGON



25

STATE OF OREGON
County of Linn

JAN 17 1995

I hereby certify that the attached was received and duly recorded by me in Linn County records,
STEVE DRUC KENMILLER MF 732
Linn County Clerk
By FA, Deputy PAGE 572

5.00'02.42" E
751.28

S.P.R.R.

S.P.R.R.

N 88°55'00" E
504.75

N 88°55'00" E
641.64

N 44°17'00" E
14.96

N 00°45'52" W
18.08'

N 88°54'21" E
492.72

N 00°27'57" W
17.54'

N 21°47'00" E
9.62'

S 89°17'00" W
140.01'

S 75°30'46" E
31.14'

S 75°30'46" E
45.32'

S 12°03'11" W
6.72'

S 75°30'46" E
30.27'

N 81°54'14" E
62.84'

N 13°45'40" E
33.96'

N 84°55'00" E
115.00'

N 43°55'00" E
34.78'

Δ = 45.00'00"
R = 70.00'
T = 28.99'
L = 54.96'

Δ = 141.7904'
R = 48.00'
T = 136.75'
L = 118.34'

S 89°17'00" W
18.00'

POINT OF BEGINNING OF THIS DESCRIPTION

COLLEGE PARK DRIVE

S 84°55'00" W
142.62'

S 88°55'00" W
88.14'

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27 day of Dec., 1994, by and between Harold P. Benson and W. L. Hornberger, 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 public utility easement (over water lines) across those properties described in Volume 679, Page 813 and in Volume 714, Page 412, Linn County Microfilm Deed Records, the Point of Beginning of this easement is described as follows and is shown on the attached map labeled "Exhibit A":

Beginning at a point on the north right-of-way line of College Park Drive, which is 1336.10 feet North 88° 55' 00" East, 4259.38 feet South 00° 06' 00" West, 977.98 feet South 88° 55' 00" West, and 33.00 feet North 00° 43' 00" West from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, said point being at the intersection point of the north right-of-way line of College Park Drive and an 8-inch ductile iron waterline.

See attached map labeled "Exhibit A" for the centerline metes and bounds descriptions of the fifteen-foot wide easement.

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:

Harold P. Benson
Harold P. Benson

W. L. Hornberger
W. L. Hornberger

CITY OF ALBANY:

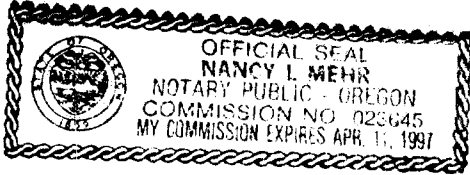
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3458, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of January, 1995.

Steve Bryant
City Manager

ATTEST:

Nolan C. Withrow
City Recorder (Deputy)



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

The foregoing instrument was acknowledged before me this 11 day of Dec, 1994, by Harold P. Benson and W. L. Hornberger as their voluntary act and deed.

Nancy L. Mehr
Notary Public for Oregon

My Commission Expires: 4-11-97

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 FX, Deputy

M
R 15
S 10
A
O
MF 732
PAGE 575

8:30 O'clock a.m.

JAN 17 1995

25

Resolution No. 3458

Recorded Document Recorder File No. 2576