

RESOLUTION NO. 3468

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

Grantor

James Kenneth Hayes and Betty Wilsey Weber

Purpose

a permanent public utility easement across that property located at 2140 Broadway Street SW (for Site Improvement Project No. SI-94-28)

DATED this 8th day of February, 1995.



ATTEST:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12 day of Jan, 199~~4~~<sup>5</sup>, by and between James Kenneth Hayes and Betty Wilsey Weber, 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 variable-with permanent public utility easement across that parcel conveyed to James Kenneth Hayes and Betty Wilsey Weber by deed recorded in Volume 643, Page 40, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a 5/8-inch iron rod, said rod being the Northwest corner of the Isaac Hutchins Donation Land Claim No. 85 in the Northwest quarter of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon; thence North 89° 02' 58" West, along the North line of the Jarvis Briggs Donation Land Claim No. 83, said Section, Township, and Range, 25.24 feet to a 5/8-inch iron rod; thence North 10° 48' East 936.02 feet to a point; thence North 41° 17' 58" West 383.04 feet to the TRUE POINT OF BEGINNING on the North line of Parcel 1 of Partition Plat No. 1993-01, Linn County, Oregon; thence North 88° 55' 03" East 32.74 feet to a point; thence North 41° 17' 58" West 92.54 feet to a point; thence South 10° 54' 00" West 63.28 feet to a point; thence South 41° 17' 58" East 11.48 feet to a point; thence North 88° 55' 03" East 32.74 feet to the True Point of Beginning. (Based on C.S. 20551)

Containing 0.060 acre of land, 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:

James Kenneth Hayes  
James Kenneth Hayes  
Betty Wilsey Weber  
Betty Wilsey Weber

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 3468, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of February, 19 95.

Steve Bryant  
City Manager

ATTEST:

Morm C. Withrow  
City Recorder (Deputy)

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

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of January 19 95, by James Kenneth Hayes and Betty Wilsey Weber as his/her/their voluntary act and deed.

Lori B Weedmark  
Notary Public for Oregon

My Commission Expires: 2/21/98



CENTERLINE 50' BPA EASEMENT

WILLIAMSON  
MF290-878

BROADWAY  
TO QUEEN AVE

TRUE POINT OF  
BEGINNING

HAYES AND WEBER  
MF643-40  
(11-4W-13BA, #5300)

PARCEL 1, PARTITION  
PLAT No. 1993-01  
(LINN Co.)

STAUFFER  
MF148-240

PARCEL 2, PARTITION  
PLAT No. 1993-01  
(LINN Co.)

383.04' N 41° 17' 58" W

936.02' N 10° 48' E

25.24' N 88° 02' 58" W

- ① N 88° 55' 03" E, 32.74'
- ② N 41° 17' 58" W, 92.54'
- ③ S 10° 54' 00" W, 63.28'
- ④ S 41° 17' 58" E, 11.48'
- ⑤ N 88° 55' 03" E, 32.74'

NW CORNER  
ISAAC HUTCHINS  
DLC No 85

NORTH LINE BRIGGS DLC No. 83



SCALE: 1" = 100'  
BASIS OF BEARINGS: C.S. 20551

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

EXHIBIT A: PERMANENT  
PUBLIC UTILITY EASEMENT  
FROM JAMES KENNETH HAYES  
AND BETTY WILSEY WEBER  
TO THE CITY OF ALBANY

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 [Signature], Deputy

M  
R 15  
S 10  
A  
O

MF 735  
PAGE 907

8:30 O'clock a.m.

FEB 14 1995

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Resolution No. 3468

Recorded Document Recorder File No. 2574