

RESOLUTION NO. 3529

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

Grantor

Anjum Incorporated

Purpose

Permanent public utility easement (15-feet wide) for storm drainage and sanitary sewer across the property known as Tax Lot 1105, Map No. 11-3W-08D.

DATED this 28th day of June 1995.



Mayor

ATTEST:



Deputy City Recorder



JUN 16 1995

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25th day of MAY, 1995, by and between Anjum, Inc., 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 15 foot wide permanent easement for storm drainage and sanitary sewer purposes across that property conveyed to ANJUM INC, in volume 723, page 334, Linn County microfilm deed records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A. Beginning at the northeast corner of said parcel, said corner being marked by a 5/8 in. iron rod N01°50'00"W 1.00 foot of the corner; thence S01°50'00"E 128.53 feet to a 5/8 in. iron rod; thence S01°50'00"E 161.34 feet to a 5/8 in. iron rod; thence along a 54.00 foot radius curve left (the long chord of which bears N23°42'52"W 40.25 feet) 41.24 feet; thence N01°50'00"W 252.06 feet; thence along a 197.28 foot radius curve right (the long chord of which bears N86°23'33"E 15.01 feet) 15.01 feet to the point of beginning; containing 3,961 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.

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:

Anjum, Inc.

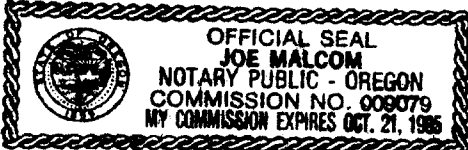
By: M. J. Al-Nazeer
President

STATE OF OREGON)
County of Benton) ss.
City of Corvallis)

The foregoing instrument was acknowledged before me this 25th day of MAY, 1995, by M. T. Al-Nazeer, president of ANJUM CORPORATION, an Oregon corporation, on behalf of the corporation.

Joe Malcom
Notary Public for Oregon

My Commission Expires: 10-21-95



anjum.doc
File: SI-95-13

CITY OF ALBANY:

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

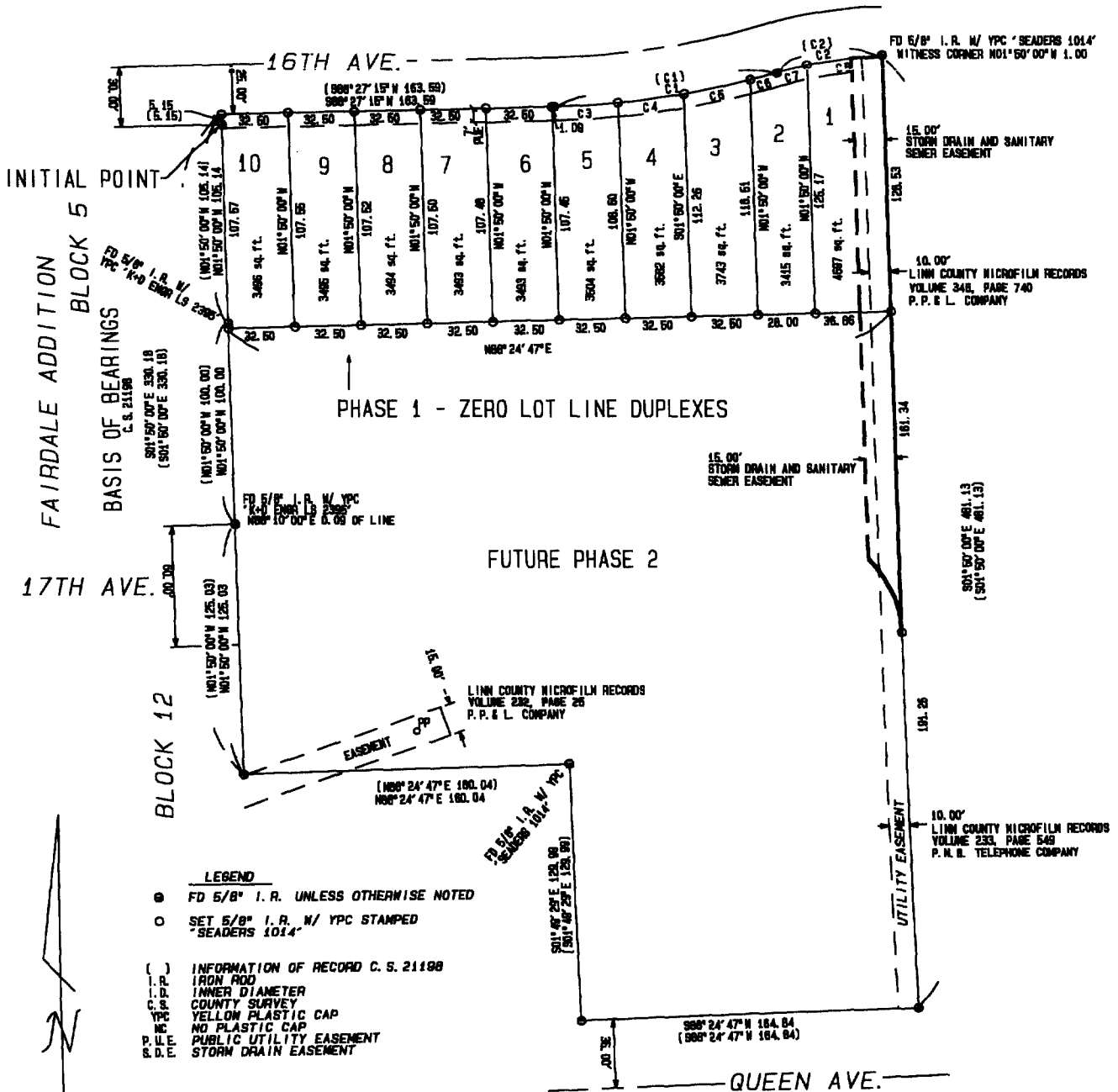
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3529, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of June, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder (Deputy)

Exhibit A



INITIAL POINT

FAIRDALE ADDITION
BLOCK 5
BASIS OF BEARINGS
C. S. 21198

17TH AVE.

BLOCK 12

- LEGEND**
- FD 5/8" I. R. UNLESS OTHERWISE NOTED
 - SET 5/8" I. R. W/ YPC STAMPED "SEADERS 1014"
 - () INFORMATION OF RECORD C. S. 21198
 - I. R. IRON ROD
 - P. D. PL. YELLOW PLASTIC CAP
 - N. P. C. NO PLASTIC CAP
 - P. U. E. PUBLIC UTILITY EASEMENT
 - S. D. E. STORM DRAIN EASEMENT

SCALE 1"=80'

PHASE 1 - ZERO LOT LINE DUPLEXES

FUTURE PHASE 2

16TH AVE.

QUEEN AVE.

FD 5/8" I. R. W/ YPC "SEADERS 1014"
WITNESS CORNER $N01^{\circ}50'00''W$ 1.00

15.00' STORM DRAIN AND SANITARY SEWER EASEMENT

10.00' LINN COUNTY MICROFILM RECORDS VOLUME 348, PAGE 740 P. P. & L. COMPANY

15.00' STORM DRAIN AND SANITARY SEWER EASEMENT

$S01^{\circ}50'00''E$ 481.13
 $(S01^{\circ}50'00''E$ 481.13)

LINN COUNTY MICROFILM RECORDS VOLUME 232, PAGE 28 P. P. & L. COMPANY

10.00' LINN COUNTY MICROFILM RECORDS VOLUME 233, PAGE 549 P. N. B. TELEPHONE COMPANY

UTILITY EASEMENT

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 Sm, Deputy

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Recorded Document Recorder File No. 2618