

RESOLUTION NO. 3550

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

Grantor

Allen F. Campbell and Vernita M. Campbell
Co-Trustees of the Campbell Family Trust utd 11/3/89

Purpose

A 15 foot wide permanent utility easement across the
property in Linn County deed reference MF Volume
515, page 736.

DATED this 27th day of September 1995.



Council President

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of August 1995, by and between ALLEN F. CAMPBELL and VERNITA M. CAMPBELL, Co-trustees of the CAMPBELL FAMILY TRUST utd 11/3/89, 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 15.0 foot wide permanent utility easement across that property conveyed to Allen F. Campbell and Vernita M. Campbell, Co-trustees of the Campbell Family Trust utd 11/3/89, in Volume MF 515, Page 736, Linn County microfilm deed records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 3 OF LINN COUNTY PARTITION PLAT NO. 95-32 SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF LOONEY LANE LOCATED IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON; THENCE NORTH 02° 08' 14" EAST 15.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY; THENCE SOUTH 87° 32' 31" EAST, LEAVING SAID EASTERLY RIGHT-OF-WAY, 1294.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SUPRA DRIVE; THENCE ON THE ARC OF A 30.00 FOOT RADIUS CURVE TO THE RIGHT AND THE WESTERLY RIGHT-OF-WAY OF SAID SUPRA DRIVE (CHORD BEARS SOUTH 43° 26' 33" WEST 6.99 FEET) A DISTANCE OF 7.00 FEET; THENCE ON THE ARC OF A 45.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 41° 27' 32" WEST 13.56 FEET) A DISTANCE OF 13.61 FEET TO A POINT ON THE NORTH LINE OF PARCEL 2 OF THE AFOREMENTIONED LINN COUNTY PARTITION PLAT NO. 95-32; THENCE NORTH 87° 32' 31" WEST 1280.59 FEET ALONG THE NORTH LINE OF PARCEL 2 AND PARCEL 3 OF SAID LINN COUNTY PARTITION PLAT NO. 95-32 TO THE POINT OF BEGINNING.

CONTAINING 0.44 ACRES OF LAND, MORE OR LESS. THE BASIS OF BEARINGS OF THE ABOVE DESCRIBED PARCEL IS LINN COUNTY PARTITION PLAT NO. 95-32.

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. The Grantors and the City acknowledge that, as of the date of Grantor signature on this easement document, a structure exists on the public utilities easement described herein. The existing structure is located on the public utility easement as shown on the attached EXHIBIT A. Neither additional permanent structures nor additions to the existing structure may be constructed on the public utilities easement. If the existing structure is removed from its location shown in EXHIBIT A, no permanent structure may be reconstructed in its place.
- 7. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure shown in Exhibit A require the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

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

GRANTOR:

Campbell Family Trust UTD 11/3/89

By Allen F. Campbell
Allen F. Campbell, Trustee

By Vernita M. Campbell
Vernita M. Campbell, Trustee

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

The foregoing instrument was acknowledged before me this 9 day of August, 1995, by Allen F. Campbell and Vernita M. Campbell as their voluntary act and deed.

Cathy J. Lee
Notary Public for Oregon

My Commission Expires: 7/15/99

camp3eas.147



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 3550, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of September, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder (Deputy)



10 TO
GREEN

430.60

25.21 A.

VOL 0768 PAGE 850

1845.76'

SE Cor. DLC 77

Robert E. Harman

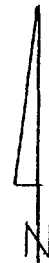
(381.74)

NE Cor. DLC 76

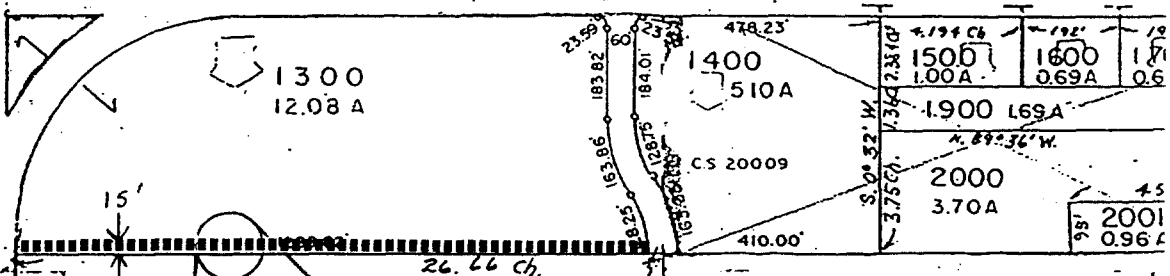
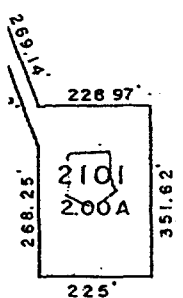
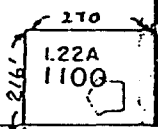
Francis Simpson

1200
73.88 A

L. B. C. C.



ALLEN 40' LN-



DEDICATION DEEDS
MF561-752 & 754

EXISTING BUILDING

LOONEY LN.

N 0° 32' 00" E
1704.23

EXHIBIT A
Sec. 25 T.11S. R.4W. W.M

1" = 400'

1/4 Cor.

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 15
R 10
S 10
A
O

MF 768
PAGE 848

8:30 O'clock a.m.

OCT 09 1995

25

Resolution No. 3550

Recorded Document Recorder File No. 2638