

RESOLUTION NO. 3601

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

Grantor

Geary Street LLC

Purpose

A permanent public utility easement across that parcel of land being a portion of Lots 1 and 8, Block 1 of the Fairdale Addition and a portion of the southerly 30.00 ft. of 15th street, City of Albany, Linn County, Oregon.

DATED this 28th day of February 1996.

ATTEST:



City Recorder



Mayor

regeary2.eas

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of January 1996, by and between Geary Street LLC, 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 PARCEL OF LAND BEING A PORTION OF LOTS 1 AND 8 BLOCK 1 OF THE FAIRDALE ADDITION AND A PORTION OF THE SOUTHERLY 30.00 (NO VACATED) OF 15TH STREET LYING NORTHERLY OF AND ADJACENT TO THE NORTH LINE OF SAID LOT 8, CITY OF ALBANY, LINN COUNTY, OREGON, DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED EXHIBIT A:

BEGINNING AT THE SOUTHWEST CORNER SAID LOT 8 THENCE ALONG THE WEST LINE OF SAID BLOCK 1 AND ITS NORTHERLY EXTENSION NORTH 1° 35' 00" WEST 230.00 FEET TO THE CENTERLINE OF 15TH AVENUE (NOW VACATED); THENCE LEAVING SAID LINE ALONG SAID CENTERLINE ORTH 88° 34' 34" EAST 10.00 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 1° 35' 00" EAST 220.03 FEET; THENCE ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 10.00 FEET THROUGH A CENTRAL ANGLE OF 89° 50' 26" AN ARC LENGTH OF 15.68 FEET (CHORD BEARS SOUTH 46° 30' 13") EAST 14.12 FEET TO THE SOUTH LINE OF SAID LOT 8; THENCE ALONG SAID SOUTH LINE SOUTH 88° 34' 34" WEST 19.97 TO THE POINT OF BEGINNING.

CONTAINING 2,321 SQUARE FEET.

THE BASIS OF BEARINGS IS THE PLAT OF HERITAGE PLAZA.

- 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.

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

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:

Geary Street LLC

By: [Signature]
President

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 3601 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of February, 1996.

STATE OF OREGON)
County of ~~Linn~~ Washington
City of ~~Albany~~ Portland

The foregoing instrument was acknowledged before me this 29th day of August, 1996, by Dave Edwards, president of Geary Street LLC, an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon

My Commission Expires: 8/18/98

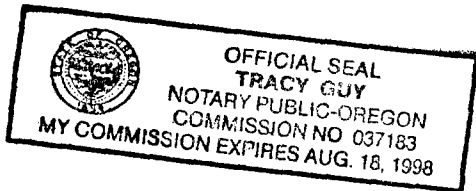
[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

geary2mb.eas

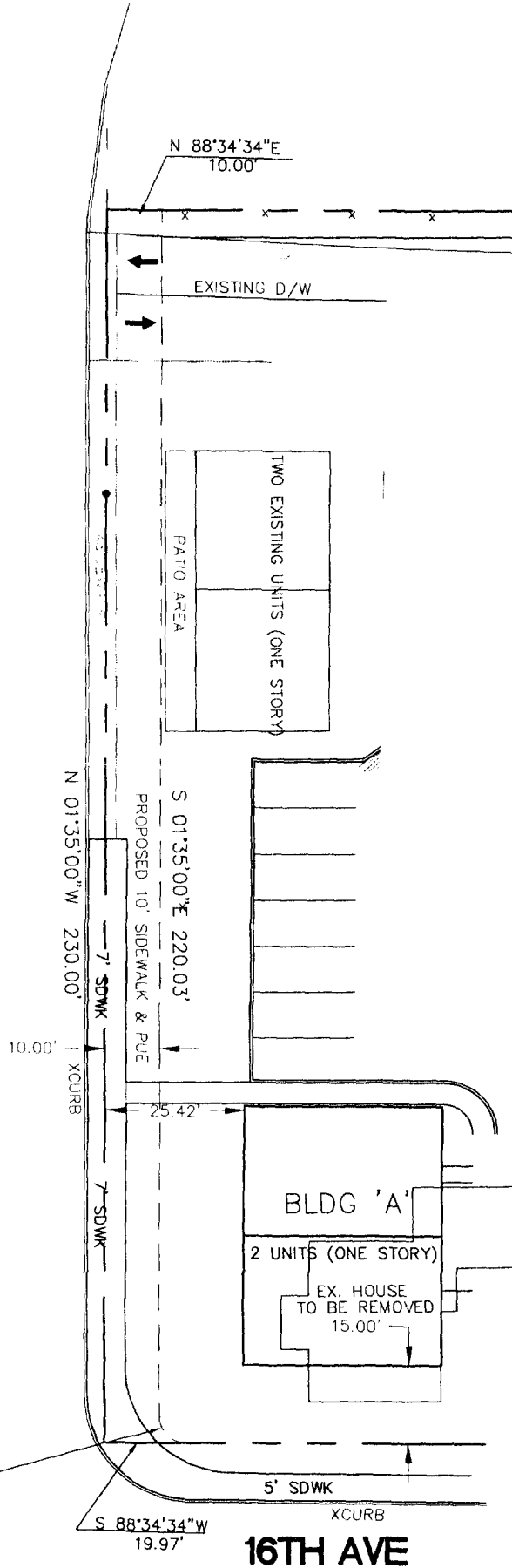
File:



GEARY STREET

11-3W-8CA
TL 400

CURVE DATA:
R=10.00'
D=89°50'26"
L=15.68'
CH=S 46°30'13"E
14.12'



25

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

MR. SR MAR 13 3 25 PM '96
CLERK
STEVE DRUCKENMILLER
Linn County Clerk

MF 792

BY [Signature] Deputy PAGE 166



ALPHA ENGINEERING INC.
PLANNING ▲ DEVELOPMENT SERVICES ▲ SURVEYING

**LEGAL DESCRIPTION: PUBLIC UTILITY EASEMENT
ALBANY APARTMENTS**

JANUARY 9, 1996

JOB NO. 213-006

A PARCEL OF LAND BEING A PORTION OF LOTS 1 AND 8 BLOCK 1 OF THE FAIRDALE ADDITION AND A PORTION OF THE SOUTHERLY 30.00 (NO VACATED) OF 15TH STREET LYING NORTHERLY OF AND ADJACENT TO THE NORTH LINE OF SAID LOT 8, CITY OF ALBANY, LINN COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER SAID LOT 8 THENCE ALONG THE WEST LINE OF SAID BLOCK 1 AND IT'S NORTHERLY EXTENSION NORTH 1° 35' 00" WEST 230.00 FEET TO THE CENTERLINE OF 15TH AVENUE (NOW VACATED); THENCE LEAVING SAID LINE ALONG SAID CENTERLINE NORTH 88° 34' 34" EAST 10.00 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 1° 35' 00" EAST 220.03 FEET; THENCE ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 10.00 FEET THROUGH A CENTRAL ANGLE OF 89° 50' 26" AN ARC LENGTH OF 15.68 FEET (CHORD BEARS SOUTH 46° 30' 13") EAST 14.12 FEET TO THE SOUTH LINE OF SAID LOT 8; THENCE ALONG SAID SOUTH LINE SOUTH 88° 34' 34" WEST 19.97 TO THE POINT OF BEGINNING.

CONTAINING 2,321 SQUARE FEET.

THE BASIS OF BEARINGS IS THE PLAT OF HERITAGE PLAZA.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael R. Gates

**OREGON
JULY 25, 1990
MICHAEL R. GATES
2449**

Resolution No. 3601

Recorded Document Recorder File No. 2724