

RESOLUTION NO. 3629

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

Grantor

TIMET Castings Corporation

Purpose

Permanent public utility easement (approximately 60 feet wide) for water line.

DATED this 24th day of April 1996.



Mayor

ATTEST:



City Recorder



THIS AGREEMENT, made and entered into this 8th day of April, 1996, by and between TIMET Castings Corporation, 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 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:

- The right-of-way hereby granted consists of:
See Exhibit A and Exhibit B.
- 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.
- The easement granted is in consideration of \$1.00 and in further consideration of the public improvements to be place upon said property and the benefits grantors may obtain therefrom.
- 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.
- Upon performing any maintenance, the City shall return the site to original or better condition.
- No permanent structure shall be constructed on this easement.

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

GRANTOR:
TIMET Castings Corporation

[Signature]
Alan Muhl, CFO

CITY OF ALBANY:

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

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3629, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25 day of April, 1996.

[Signature]
City Manager

The foregoing instrument was acknowledged before me this 8th day of April, 1996 by TIMET Castings Corporation as their voluntary act and deed.

[Signature]
Christy Ann Zamudio
Notary Public of Oregon

ATTEST:
[Signature]
City Recorder

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



Feb. 18, 1997

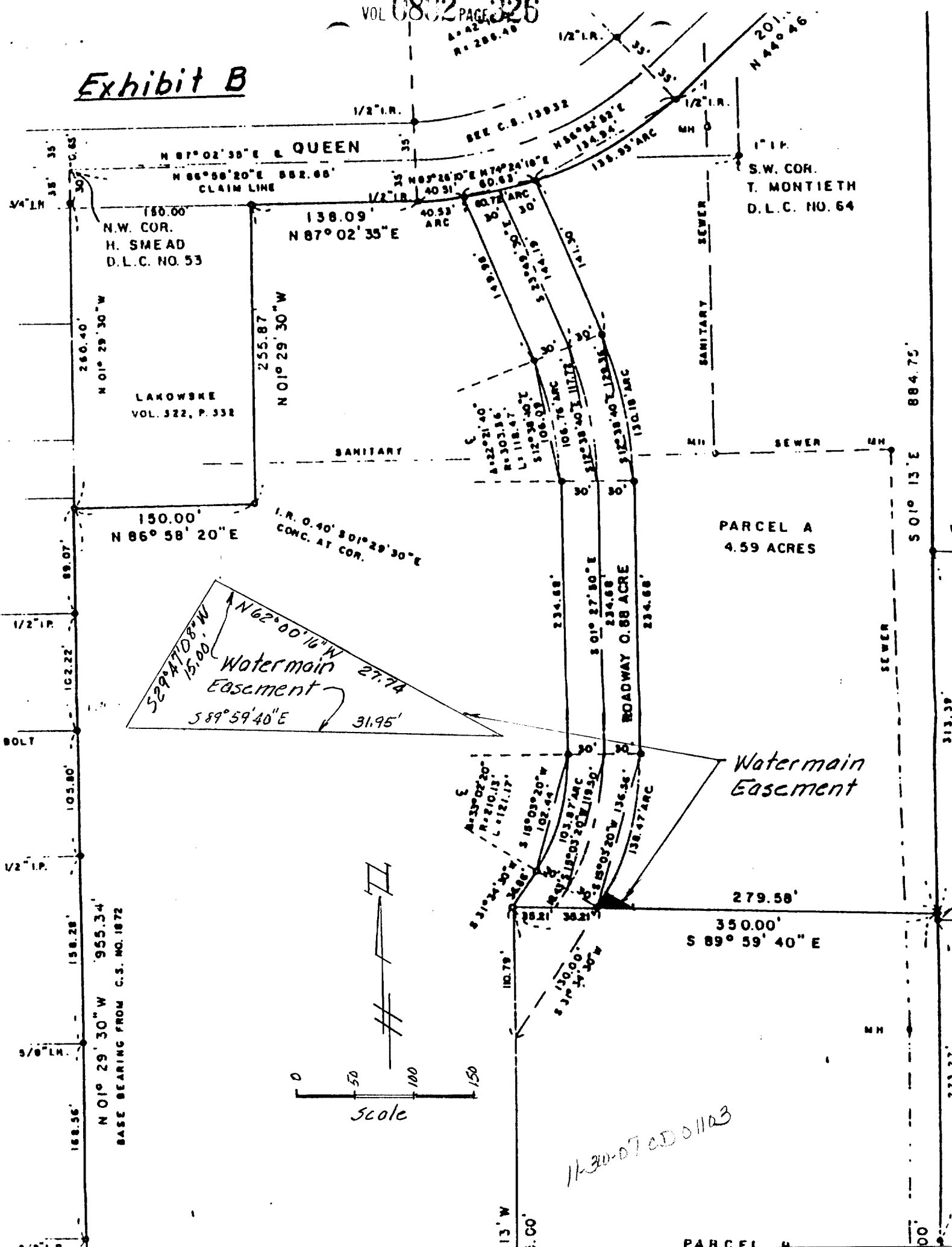
EXHIBIT A

EASEMENT FOR WATER LINE

Beginning at a point which is 34.35 feet South $01^{\circ}29'30''$ East and 288.09 feet North $87^{\circ}02'35''$ East and 40.51 feet North $83^{\circ}26'10''$ East and 60.63 feet North $74^{\circ}24'18''$ East and 141.30 feet South $23^{\circ}49'30''$ East and 129.36 feet South $12^{\circ}38'40''$ East and 234.68 feet South $01^{\circ}27'50''$ East and 136.56 feet South $15^{\circ}03'20''$ West from the Northwest corner of the Hiram N. Smead Donation Land Claim #53, in Township 11 South, Range 3 West, of the Willamette Meridian, in Linn County, Oregon; thence South $89^{\circ}59'40''$ East 31.95 feet; thence North $62^{\circ}00'16''$ West 27.74 feet; thence Southwesterly along the arc of a 240.13 foot radius non-tangent curve to the right (chord of which bears South $29^{\circ}47'08''$ West 15.00 feet) 15.00 feet to the point of beginning.

A. 421.40
R. 288.40

Exhibit B



N 87° 02' 35" E & QUEEN

N.W. COR.
H. SMEAD
D.L.C. NO. 53

LAKOWSKE
VOL. 322, P. 332

S.W. COR.
T. MONTIETH
D.L.C. NO. 64

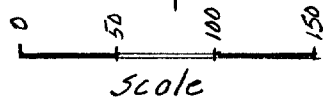
PARCEL A
4.59 ACRES

Watermain Easement

529° 47' 08" W 15.00'
N 62° 00' 16" W 27.74'
S 89° 59' 40" E 31.95'

Watermain Easement

ROADWAY 0.88 ACRE



11-30-07 cD 01103

N 01° 29' 30" W 955.34'
BASE BEARING FROM C.S. NO. 1872

PARCEL B

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 20
S 20

A
O

MF 802

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Recorded Document Recorder File No. 2750