

RESOLUTION NO. 3654

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

Grantor

Herrold & Jensen Implement Company and Schoen Motors, Inc. Agt.

Purpose

A 15.0-foot-wide public utility easement for right-of-way purposes as conveyed in Linn County Deed Records, Volume 480, Page 967c.

DATED THIS 12TH DAY OF JUNE 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

WYD  
MAY

THIS AGREEMENT, made and entered into this 17<sup>TH</sup> day of ~~April~~ 1996, by and between Herrold & Jensen Implement Company, and Schoen Motors, Inc. Agt., 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, undergrowth, 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 utility easement over that property conveyed to Herrold & Jensen Implement Company in Volume 161, Page 80, and Schoen Motors, Inc. Agt., in Volume 480, Page 967c, Linn County Deed records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 15-foot wide strip of land over said described property, said strip being parallel, adjacent, and north of the southern boundary, said strip lying between the east right-of-way line of Umatilla Street and the west right-of-way line of Elm Street within Block 1, Houck's addition to Albany, Oregon in Section 13, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 0.19 acres, more or less.

11.410 13

- 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 \$5,000 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.

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



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

GRANTOR:

Herrold & Jensen Implement Co

By: [Signature]  
H.G. Olsen, President

Schoen Motors, Inc.

By: [Signature]  
Larry E. Schoen, President

By: [Signature]  
Willard Davis, Secretary

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 3654 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of June, 1996.

[Signature]  
City Manager

ATTEST:

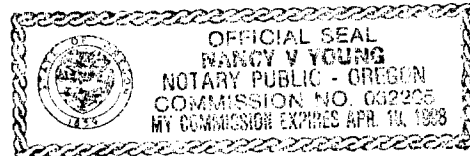
[Signature]  
City Recorder

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

The foregoing instrument was acknowledged before me this 17th day of May, 1996, by H.G. Olsen, President, of Herrold & Jensen Co., an Oregon corporation, on behalf of the corporation.

[Signature]  
Notary Public for Oregon

My Commission Expires: 4-18-98

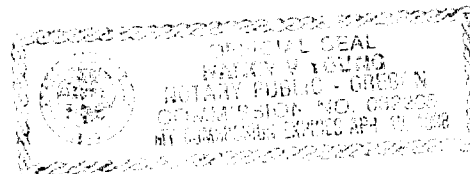


STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 17th day of May, 1996, by Larry E. Schoen, president, and by Willard Davis, secretary, of Schoen Motors, Inc., an Oregon corporation, on behalf of the corporation.

[Signature]  
Notary Public for Oregon

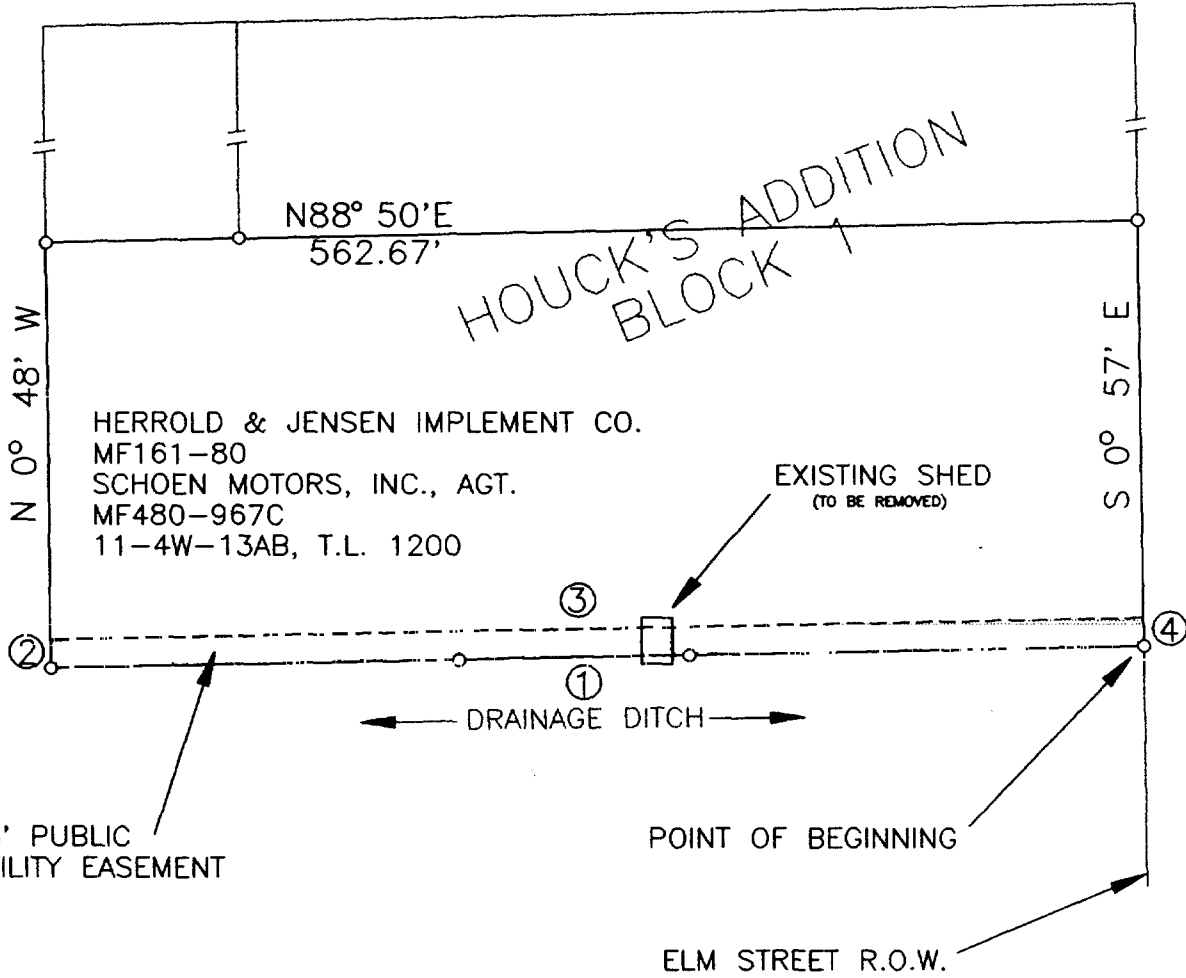
My Commission Expires: 4-18-98



24TH AVENUE

UMATILLA STREET

ELM STREET



15' PUBLIC UTILITY EASEMENT

POINT OF BEGINNING

ELM STREET R.O.W.



STATE OF OREGON  
County of Linn

M  
R 13  
S 10  
A  
O

25  
JUN 24 3 51 PM '96

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

STEVE DRUCKENMILLER  
Linn County Clerk

MF 810

By RV, Deputy PAGE 756

SCALE: 1" = 100'  
BASIS OF BEARINGS = C.S. 6341

- ① S 88° 50' W, 563.28
- ② N 48' W, 15.00'
- ③ N 88° 50' E, 563.24'
- ④ S 57' E, 15.00'

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

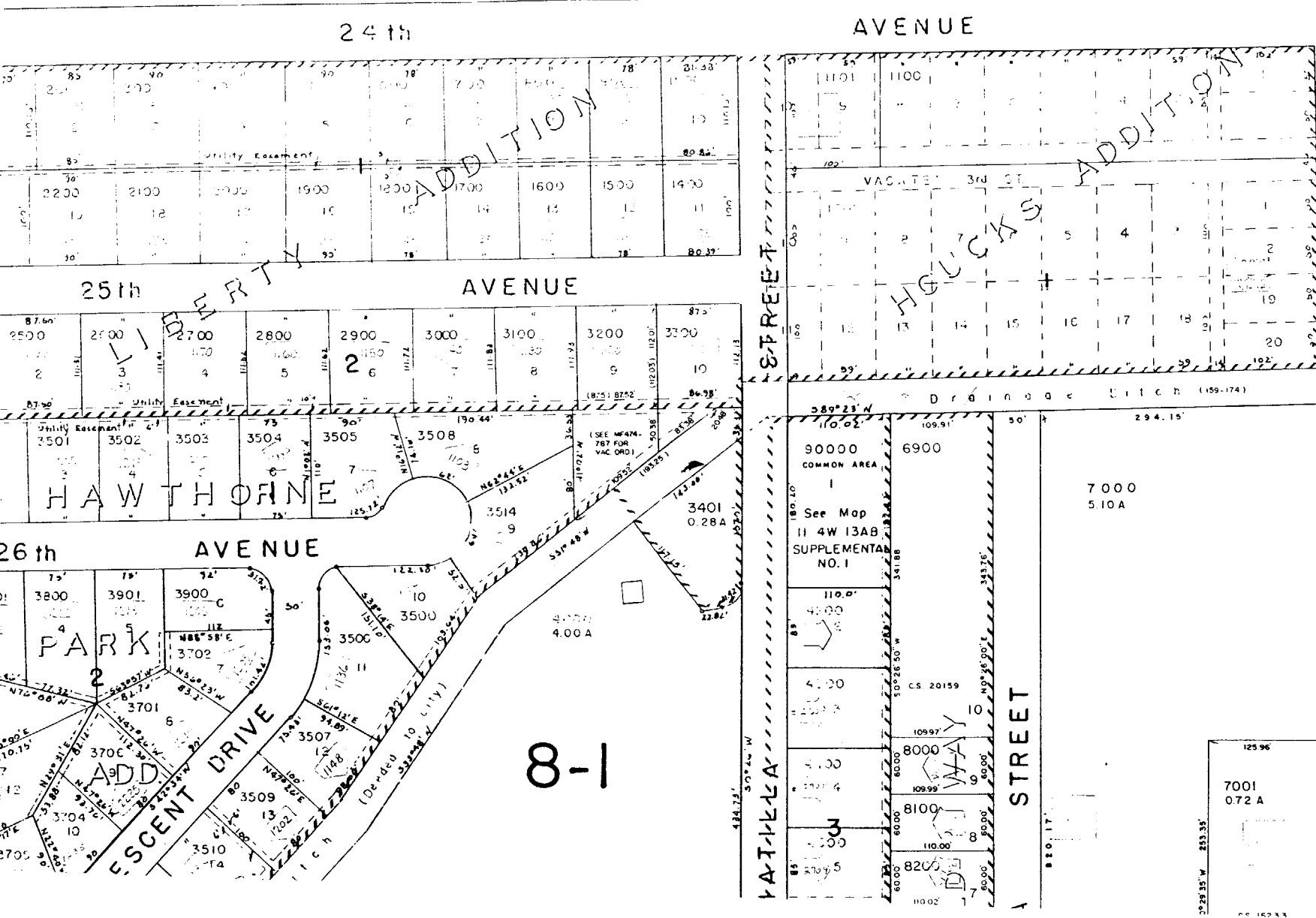
EXHIBIT A:

15' PUBLIC UTILITY EASEMENT  
FROM SCHOEN MOTORS, INC.  
TO THE CITY OF ALBANY, OREGON

1" = 100'

DEC 14 1995

See Map 11 4W 13AB



Resolution No. 3654

Recorded Document Recorder File No. 2784