

RESOLUTION NO. 3692

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

Grantor

Golden West Homes, Inc.

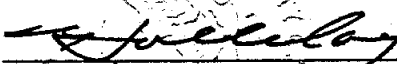
Purpose

A 15.00 foot wide strip of land for utility purposes located across that property in the Northwest 1/4 of Section 18, Township 11, South, Range 3 West, Willamette Meridian and within the City of Albany, Linn County, Oregon.

DATED THIS 11TH DAY OF SEPTEMBER 1996.

  
Mayer

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26th day of August, 1996, by and between **Golden West Homes, 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:

**REVISED TRACT B  
WATERLINE EASEMENT**

A 15.00 FOOT WIDE STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 11, SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND WITHIN THE CITY OF ALBANY, LINN COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 81° 40' 32" EAST 198.98 FEET FROM THE NORTHWEST CORNER OF BLOCK 15 OF SOUTH ALBANY ADDITION (VACATED); THENCE NORTH 12° 42' 54" EAST 214.62 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF THE ALBANY SANTIAM CANAL.

CONTAINING 0.074 ACRES (3,219 SQUARE FEET) OF LAND MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 20937 AND AS SHOWN ON THAT ATTACHED MAP LABELED EXHIBIT A.

- 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.

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:**

Golden West Homes, Inc.

By: B W Stoy  
Vice-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 3692 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of August, 1996.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

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

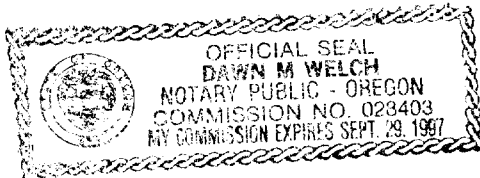
The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of August, 1996, by Bruce W. Stoyer, vice-president, of an Oregon corporation, on behalf of the corporation.

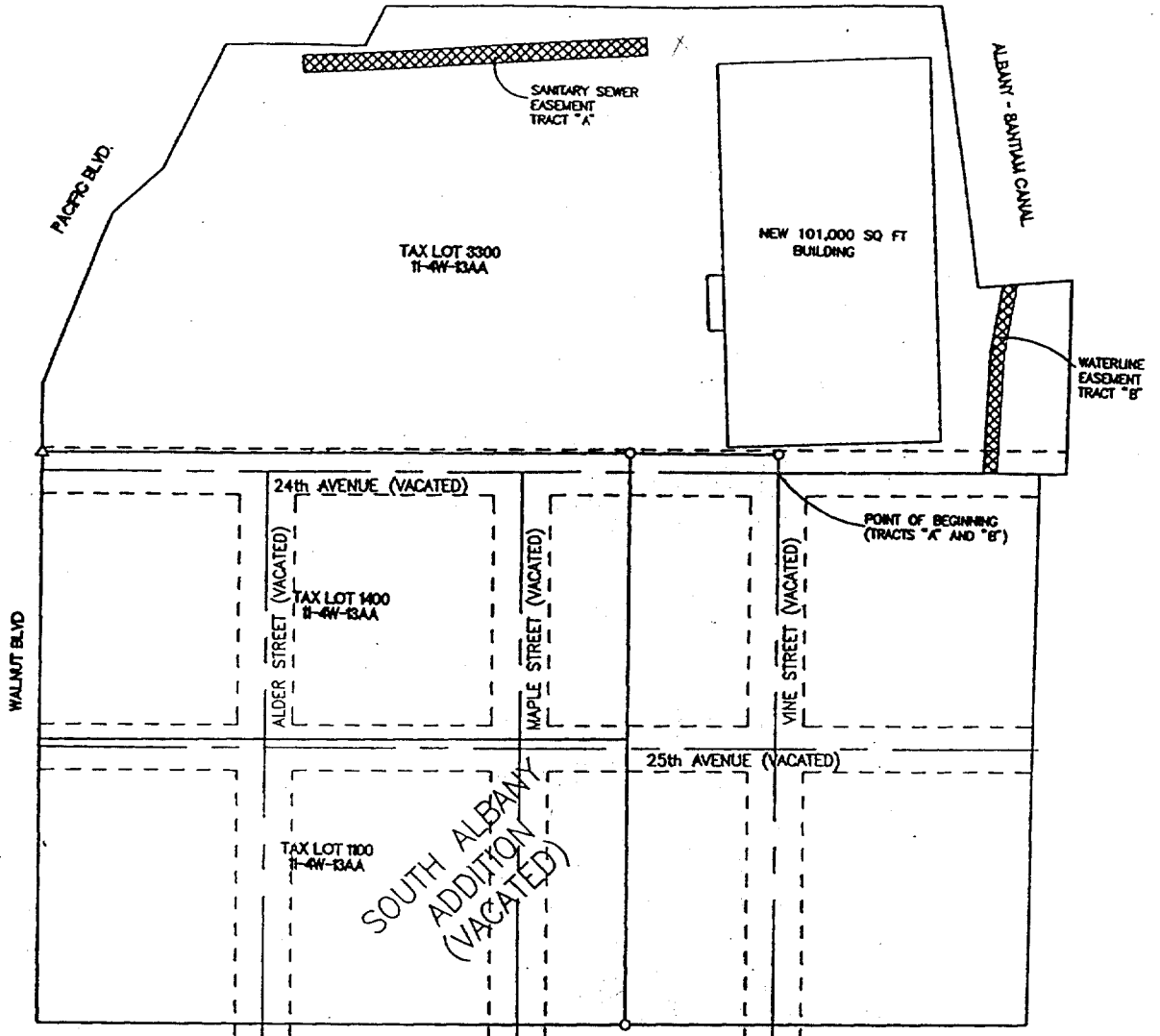
[Signature]  
Notary Public for Oregon

My Commission Expires: 9-29-97

golden.ear

File:

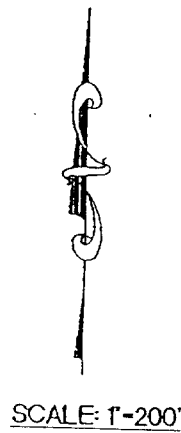




STATE OF OREGON  
County of Linn

SEP 24 2 21 PM '96

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 I hereby certify that the attached was received and duly recorded by me in Linn County records.  
 STEVE DRUCKENMILLER  
 Linn County Clerk MF    827  
 By    Deputy PAGE    599



CITY OF ALBANY, OREGON  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING/UTILITIES DIVISION/ DECEMBER 1995  
 EXHIBIT A:  
 PUBLIC UTILITY EASEMENTS  
 FROM GOLDEN WEST HOMES INC.  
 TO THE CITY OF ALBANY

Resolution No. 3692

Recorded Document Recorder File No. 2827