

RESOLUTION NO. 3748

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

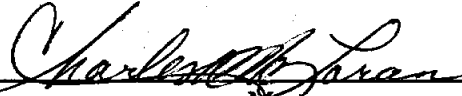
Angela Spalt

Purpose

A permanent public utility easement to the City of Albany for the purpose of installing and maintaining a storm drain line, a domestic waterline, and a sanitary sewer line.

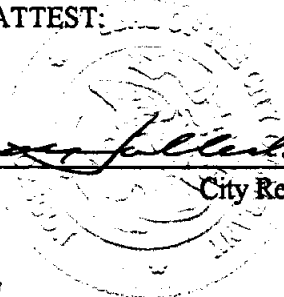
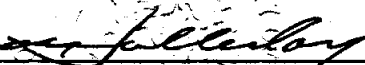
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 12TH DAY OF FEBRUARY 1997.



Mayor

ATTEST:

City Recorder

PERMANENT PUBLIC UTILITY EASEMENT

The undersigned, **Angela Spalt**, Grantor do hereby grant to City Albany, Linn County, Oregon, a municipal corporation, referred to herein as City, a permanent right-of-way and exclusive easement to construct, reconstruct, operate and maintain City utilities, including water, sanitary sewer, storm sewer and all necessary related facilities under and along the following described premises:

See "Exhibit A", incorporated herein for legal description.

See "Exhibit B", incorporated herein for exhibit map.

TO HAVE AND TO HOLD said easement and right-of-way unto said City, its successors and assigns.

The permanent right-of-way or easement shall include the right, privilege, and authority of City to excavate for, and to construct, install, lay, operate, maintain and remove underground pipelines with all appurtenances incident thereto or necessary thereafter, for the purpose of supplying public utility service under and across the said premises, together with the right of City to place, install, maintain, inspect, add to the number of and relocate pipelines and/or cables and necessary appurtenances and make excavations therefore from time to time, in, under and through the above described premises within said right-of-way, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipelines or repairing, renewing or adding to the number of pipelines and appurtenances and for doing anything necessary, useful or convenient for the enjoyment of the easement hereby granted. Upon the final acceptance of the installed system by the City, the City shall be responsible for all further restorations of the premises if at any time the City causes the utilities to be repaired or maintained. No trees, permanent structures or improvements, including parallel fences, other than those already in existence or allowed herein, shall be placed or constructed on the easement by the Grantor or the Grantor's heirs, assigns or successors in interest. Notwithstanding anything to the contrary herein, Grantor shall have the right to improve the area described in Exhibit A and B by paving said area with asphalt or similar material. The City, upon each and every occasion that the same be repaired, maintained or removed shall restore the premise of the Grantor, by removing all debris and leaving the ground surface

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P.O. Box 490, Albany, OR 97321

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in a neat and presentable condition. Grass, topsoil and asphalt shall be restored as near as possible to as good a condition as the same were prior to any repair or maintenance by the City.

[Signature]
(Grantor)

(Grantor)

DATED this 24 day of January, 1997.

STATE OF OREGON)
) ss.
County of Multnomah)

January 24, 1997

Personally appeared the above named Angela Spatt
and acknowledged the foregoing instrument to be a voluntary act and deed.

Before me:

[Signature]
NOTARY PUBLIC FOR OREGON

My Commission Expires: 7/24/99



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 3748, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February, 1997.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

MOORE SURVEYING

Verle C. Moore
Professional Land Surveyor

December 6, 1996

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Section 8, T.11 S., R.3 W. W.B. & M.
Description for Westech Engineering

Spalt to the City of Albany for Water, Storm, and Sanitary
Easement.

an easement for the purpose of installing and maintaining a domestic water line, sanitary sewer line, and storm drain line, being 35 feet in width, the east line of which is described as follows: Beginning at a point on the east line of that parcel conveyed to A. Spalt, by deed recorded in MF Volume 773, Page 701, Linn County Microfilm Records, which point is 530.64 feet South 89°46' East, 128.7 feet South 1°10' East, 273.59 feet North 72°41'17" East, and 93.44 feet North 1°01'20" West of the northwest corner of the south half of the Leander C. Burkhardt Donation Land Claim Number 50, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 1°01'20" West along the east line of said Spalt parcel 304.11 feet to the south line of that parcel conveyed to the State of Oregon, by and through its Department of Transportation, by deed recorded in MF Volume 804, Page 281, said microfilm Records and there terminating.

ALSO an easement for the purpose of installing and maintaining a domestic water line being 15 feet in width, the center line of which is described as follows: Beginning at a point which is 530.64 feet South 89°46' East, 128.7 feet South 1°10' East, 273.59 feet North 72°41'17" East, 109.94 feet North 1°01'20" West, and 35 feet South 88°58'40" West of the northwest corner of the south half of said Burkhardt claim; thence South 88°58'40" West 15 feet, and there terminating.

ALSO an easement for the purpose of installing and maintaining a domestic water line being 15 feet in width, the center line of which is described as follows: Beginning at a point which is 530.64 feet South 89°46' East, 128.7 feet South 1°10' East, 273.59 feet North 72°41'17" East, 321.89 feet North 1°01'20" West, and 35 feet South 88°58'40" West of the northwest corner of the south half of said Burkhardt claim; thence South 88°58'40" West 87.5 feet, and there terminating.

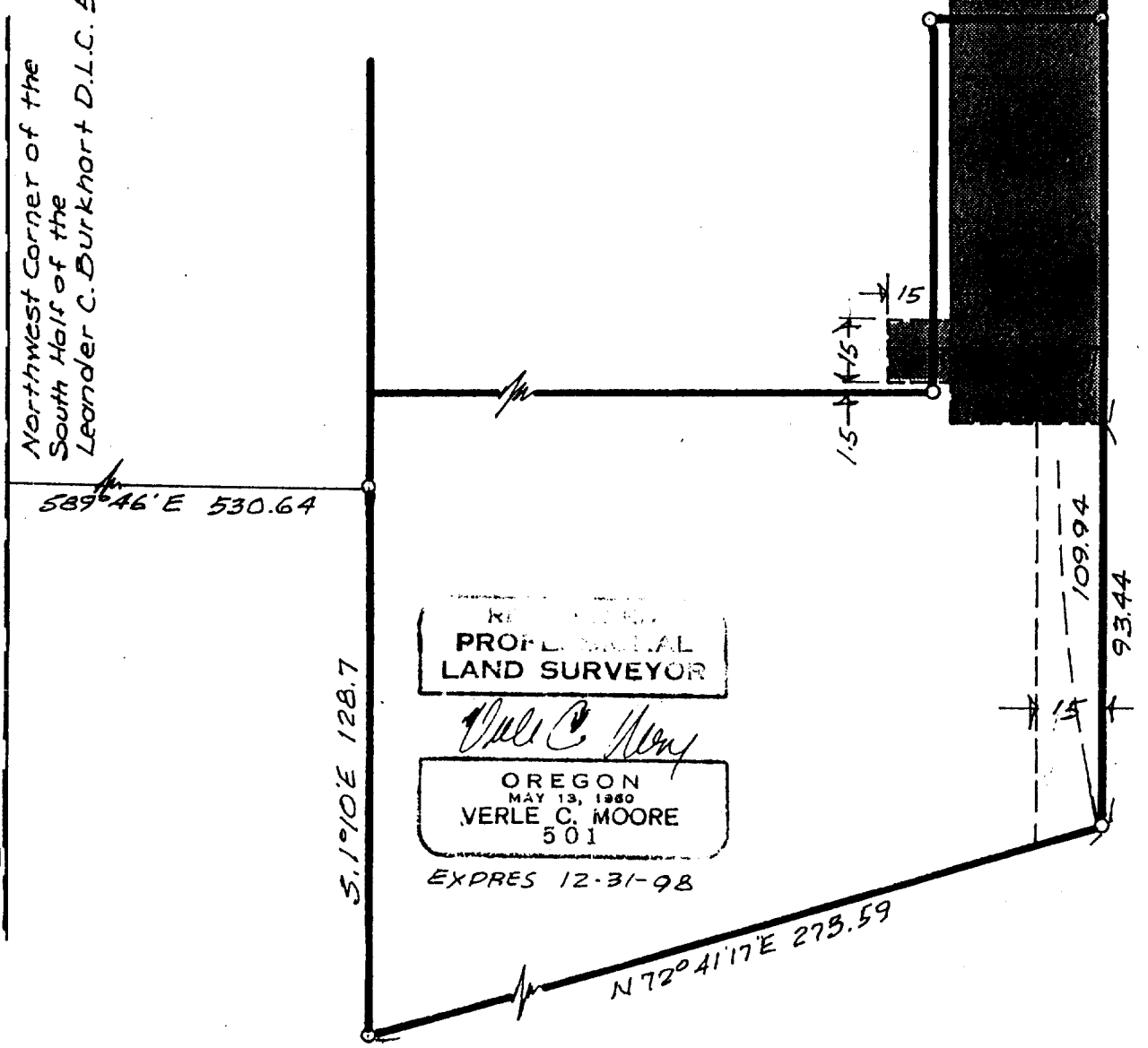
EXHIBIT B
Scale: 1"=40'



15

A. Spalt
MF Volume 773, Page 701

Northwest Corner of the
South Half of the
Leander C. Burkhardt D.L.C. 50



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Verle C. Moore

OREGON
MAY 13, 1980
VERLE C. MOORE
501

EXPRES 12-31-98

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 PA, Deputy PAGE 928

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FEB 18 2 34 PM '97

Resolution No. 3748

Recorded Document Recorder File No. 2914