

RESOLUTION NO. 3750

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Mountain Creek Investments, Inc.

Purpose

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


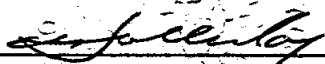
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 12TH DAY OF FEBRUARY 1997.



Mayor

ATTEST:

City Recorder

PERMANENT PUBLIC UTILITY EASEMENT

The undersigned, Mountain Creek Investments, Inc., 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 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

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

670-20

MOORE SURVEYING

Verle C. Moore
Professional Land Surveyor

November 15, 1996

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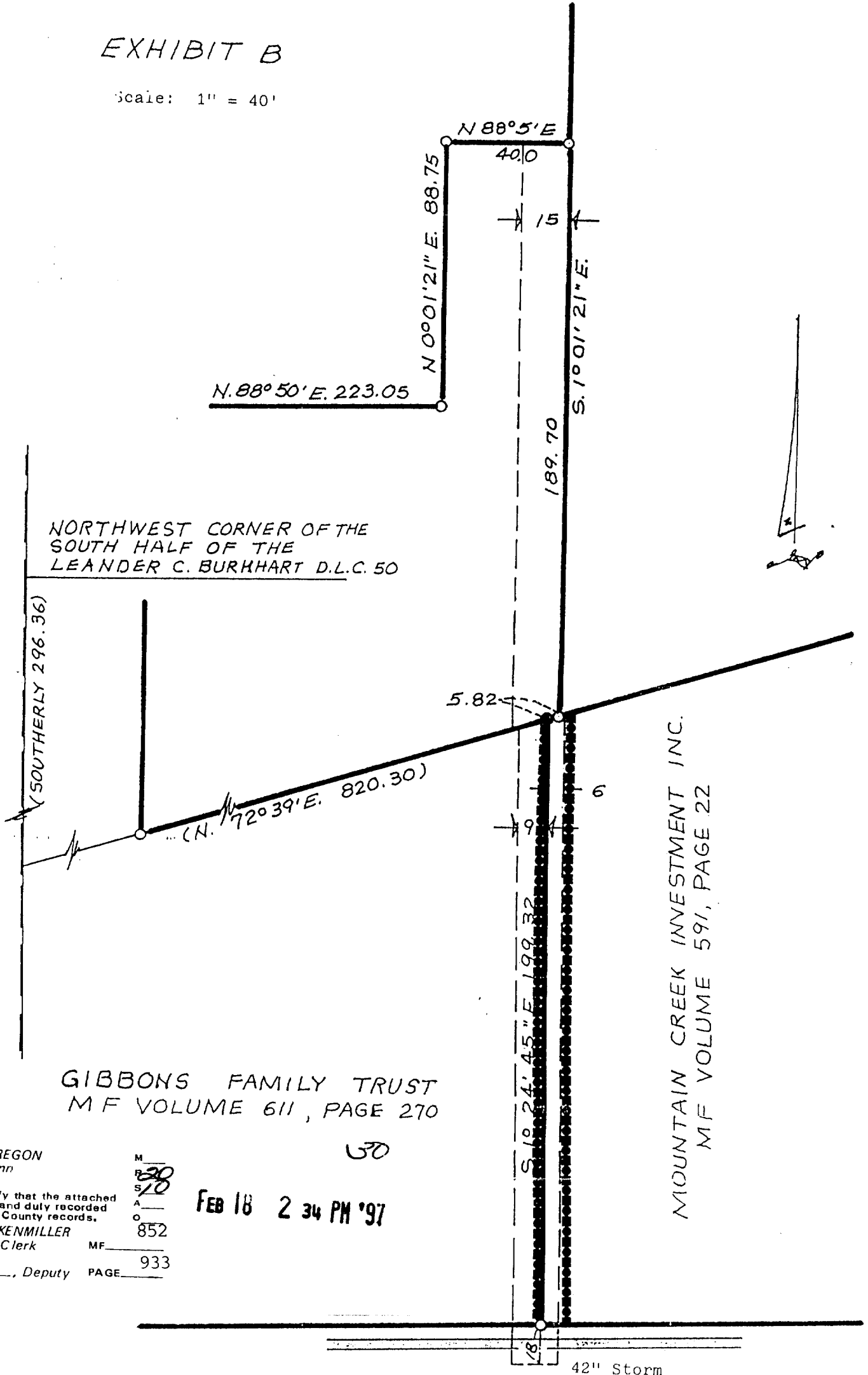
Section 8, T.11 S., R.3 W. W.B. & M.
Description for Westech Engineering

Mountain Creek Investment Inc. easement.

an easement for the purpose of installing and maintaining a storm drain line, being 6 feet in width, the west line of which is described as follows: Beginning at the westerly northwest corner of that parcel described in the second paragraph of that parcel conveyed to Mountain Creek Investment, Inc., an Oregon Corporation, by deed recorded in MF Volume 591, Page 22, Linn County Microfilm Records, which point is 296.36 feet Southerly, and 820.30 feet North 72°39" East 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 South 1°24'45" East 199.32 feet to the southwest corner of said Mountain Creek Investment, Inc. parcel, and there terminating.

EXHIBIT B

Scale: 1" = 40'



NORTHWEST CORNER OF THE SOUTH HALF OF THE LEANDER C. BURKHART D.L.C. 50

(SOUTHERLY 296.36)

(N. 72° 39' E. 820.30)

GIBBONS FAMILY TRUST MF VOLUME 611, PAGE 270

MOUNTAIN CREEK INVESTMENT INC. MF VOLUME 591, PAGE 22

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

MF 852 PAGE 933

FEB 18 2 34 PM '97

42" Storm

HERITAGE MALL ASSOCIATES MF VOLUME 447, PAGE 707

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Recorded Document Recorder File No. 2912