

RESOLUTION NO. 3831

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

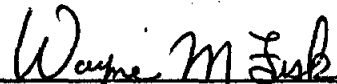
R. Verne Casey

Purpose

A permanent public utility easement located in the NE $\frac{1}{4}$ of section 12, T11S, R4W, WB & M, Block 60, City of Albany, Linn County, Oregon.

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

DATED THIS 13TH DAY OF AUGUST 1997.

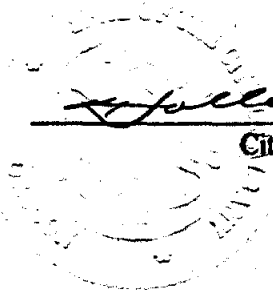


Council President

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18th day of July, 1997, by and between R. Verne Casey 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 STRIP OF LAND FOR UTILITY PURPOSES LOCATED IN THE NE ¼ OF S12, T11S, R 4 W, WB & M, BLOCK 60, CITY OF ALBANY, LINN COUNTY, OREGON.

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 60; THENCE SOUTH 81° 45' WEST 132.00 FEET; THENCE NORTH 8°22'22" WEST 111.19 FEET; THENCE SOUTH 81°45'47" WEST 66.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 81°45'47" WEST 66.00 FEET; THENCE SOUTH 8°22'22" EAST 20.00 FEET; THENCE NORTH 81°45'47" EAST 66.00 FEET; THENCE NORTH 8°22'22" WEST 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1320 SQUARE FEET MORE OR LESS. (BASIS OF BEARINGS AND DISTANCES C.S. 19250).

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 construction, maintenance, evaluation and/or repair the City shall return the site to original or better condition.

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P.O. Box 490, Albany, OR 97321

- 6. No permanent structure shall be constructed within the limits of this easement.
- 7. With respect to any construction work performed within the limits of this easement related to the sanitary sewer line reconstruction shown on Exhibit "A", the site restoration shall be in accordance with Exhibit "B". The requirements of this paragraph become void at the time the Exhibit "A" work is accepted by the City.

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

GRANTOR:

R. Verne Casey

By: Bernard Miller
Bernard Miller, Agent

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

The foregoing instrument was acknowledged before me this 18th day of July, 1997, by R. Verne Casey as his voluntary act and deed.

Mary M Pritchard
Notary Public for Oregon

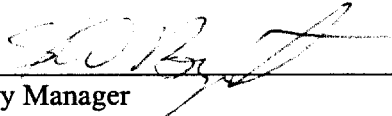
My Commission Expires: 7-5-98



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 3831 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of August, 1997.



City Manager

ATTEST:

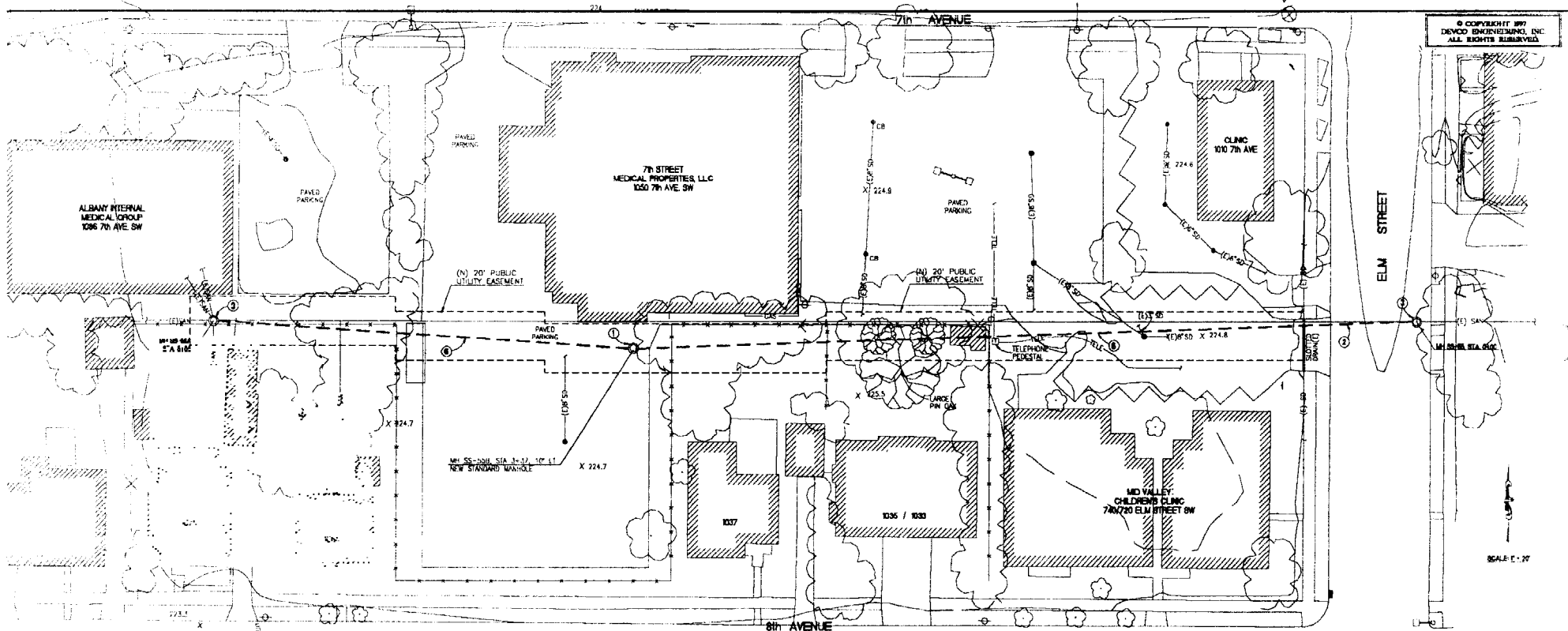


City Recorder

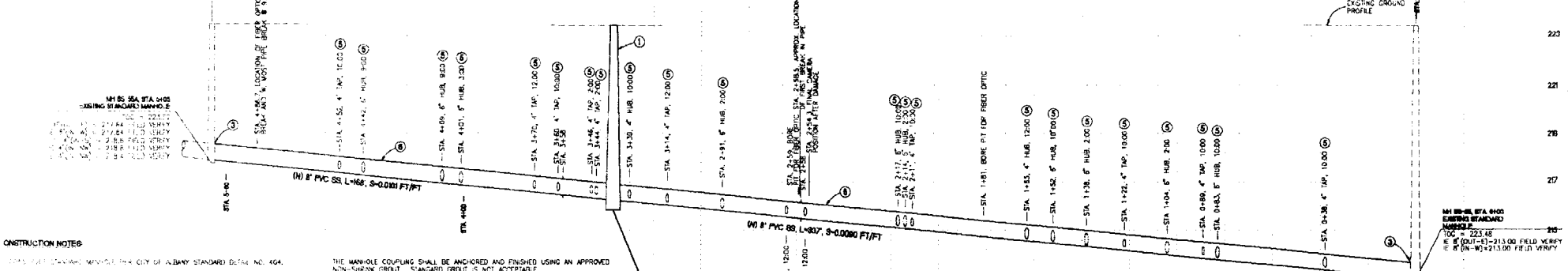
X 224.4

X 224.4

224.3 X 224.4



CLASS BY PIPE SIZE AND T-0 SELECT BACKFILL PER CITY OF ALBANY STANDARD DETAIL NO. 401 AND 402 EXCEPT THAT THE UPPER 24" OF BACKFILL IN LANDSCAPE AREAS SHALL BE IMPORTED TOPSOIL.



CONSTRUCTION NOTES

1. MANHOLE COUPLING SHALL BE ANCHORED AND FINISHED USING AN APPROVED NON-SHRINK GROUT. STANDARD GROUT IS NOT ACCEPTABLE.

2. ALL GROUT TO BE PLACED IN CONTACT WITH THE CURED CONCRETE SHALL BE PLACED WITH THE USE OF AN APPROVED COMMERCIAL CONCRETE BONDING AGENT. WATER AS A BONDING AGENT WILL NOT BE APPROVED.

3. RECONNECT EXISTING SERVICE LATERALS PER THE APPLICABLE REQUIREMENTS OF CITY OF ALBANY STANDARD SPECIFICATION SECTION 401 AND STANDARD DETAIL NO. 415 AND PROVIDE CLEAN-OUT AT EASEMENT LINE PER DETAIL 1/C3.00

4. NOT USED

5. CONSTRUCT NEW SANITARY SEWER PER THE APPLICABLE REQUIREMENTS OF CITY OF ALBANY STANDARD SPECIFICATION SECTION 401.

MANHOLE COUPLING SHALL BE ANCHORED AND FINISHED USING AN APPROVED NON-SHRINK GROUT. STANDARD GROUT IS NOT ACCEPTABLE.

ALL GROUT TO BE PLACED IN CONTACT WITH THE CURED CONCRETE SHALL BE PLACED WITH THE USE OF AN APPROVED COMMERCIAL CONCRETE BONDING AGENT. WATER AS A BONDING AGENT WILL NOT BE APPROVED.

RECONNECT EXISTING SERVICE LATERALS PER THE APPLICABLE REQUIREMENTS OF CITY OF ALBANY STANDARD SPECIFICATION SECTION 401 AND STANDARD DETAIL NO. 415 AND PROVIDE CLEAN-OUT AT EASEMENT LINE PER DETAIL 1/C3.00

NOT USED

CONSTRUCT NEW SANITARY SEWER PER THE APPLICABLE REQUIREMENTS OF CITY OF ALBANY STANDARD SPECIFICATION SECTION 401.

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EXHIBIT "A"

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DEVCO ENGINEERING, INC.

7th STREET MEDICAL PROPERTIES LLC
SANITARY SEWER REPLACEMENT
PLAN AND PROFILE

Job No. 02-021, ISSUED 5/23/01

DRAWING C2.01

Seventh Avenue

N. 81° 46' 34" E. 547.36

S. 81° 46' 34" W. 301.36
375.86

(264) - "D"

Fd 1/2" I. Rod 1.11 N1/4
Fd 5/8" I. Rod 1.06 N1/4

Set 5/8" Iron rod 0.96 N1/4 of corner
Set 5/8" I. Rod.

66 - "D" 3.50

(112.0) - "D" "G"
(237.91) - "A"

(66) - "J" 301.36

(198) - "J" 132.61

60

78 - "L"

66

S. 8° 19' 08" E. 111.24

Set 5/8" I. Rod

N. 81° 45' 47" E

220

(5.220) - "J"

PARCEL 2020501

S. 8° 22' 22" E 0.02
S. 8° 22' 22" W 111.17

Parcel "C" 11992 sq ft
Set 5/8" I. Rod

MF 64/510
Set 5/8" I. Rod

Fd 1 1/4" I. Pipe
Set 5/8" rod

93 - "L"

Set 5/8" I. Rod.

66

PARCEL "C" 29528 sq. ft.
PARCEL I MF 381/461

Fd 1/2" I. Rod 0.25 S. 2° W

(111.36) 57.0

N. 81° 46' 34" E
381/461

N. 81° 46' 34" E. 78.0 - L

Fd 3/4" Pipe 0.26 S. 55° E

Westerly parallel the South boundary Block 78.

NEW 20' P.V.E.



Fd 1/2" I. Pipe 0.17 S. 35° W.

4" W. 16.0
8" I. Rod 0.12 S. N1/4

W1/4 66) - "K"

(51110) - "K" 152/105

(N1/4 parallel with E. bdy Bk 110) - "K"

Fd 1/2" I. rod 0.09 N. 18° W
N. 81° 45' E 12.0

PARCEL A 12081 sq. ft.

MF 381/461

PARCEL Y

Fd 3/4" pipe 0.30 N. 83° E

413/537

PARCEL "B" 8000 sq. ft.

(66) - "M"

345/536

Set 5/8" rod

S. 8° 22' 22" E. 222.50

Elm Street

66

(56) - "D" - "E"

(56) "D" - "E"

(56) "D" - "E"

(3.50) - "D"

(66) - "F" - "J"

(66) - "F" - "K"

(264) - "D" - "H"

66 - "F" - "M"

66

Fd X on walk 1° Sly and 1° Ely

To Block corner 491.5) - "C"

1° 45' W. - Basis of Bearings - Plan of Albany 547.57

Eighth Avenue

TAX LOT 2000

EXHIBIT "B"
SITE RESTORATION

Landscaping shall be restored by Shadetree Landscape, Inc., as directed by Tom Lundberg, to a condition which is equal to or better than existing, recognizing that the replacement of major trees and shrubs shall be limited in size and availability to local nurseries.

Trenching near major vegetation shall be supervised by Shadetree Landscape, Inc. in order to minimize any root damage. Any required root pruning and/or repair shall be performed by Shadetree Landscaping, Inc. at their discretion.

The existing fencing shall be temporarily relocated and/or dismantled as required and replaced and/or assembled in its original location to a condition which is equal to or better than existing. Said determination being made by Bernard Miller.

If requested by the occupant of 1037 8th Avenue, SW, temporary animal control fencing shall be erected adjacent to the southerly edge of the easement. Such fencing being of a type and condition acceptable to the occupant of 1037 8th Avenue, SW.

The attached photographs document the present condition of the site within the general limits of the easement.



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 Steve Druckemiller, Deputy

M
R
S
A
O

Aug 19 3 13 PM '97

45

MF 888

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Recorded Document Recorder File No. 3009