

RESOLUTION NO. 3833

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Monty Spencer

Purpose


A permanent public utility easement located in the NE¼ 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 21<sup>st</sup> day of July, 1997, by and between Monty Spencer herein called Grantor, 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 grantor has 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 NORTHEAST CORNER OF BLOCK 60; THENCE SOUTH 81°45'00" WEST 379.41 FEET; THENCE SOUTH 8°24'27" EAST 111.47 FEET; THENCE SOUTH 81°45'00" WEST 56.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 81°45'00" WEST 35.00 FEET; THENCE SOUTH 8°15'00" EAST 10.00 FEET; THENCE NORTH 81°45'00" EAST 35.00 FEET; THENCE NORTH 8°15'00" WEST 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 350 SQUARE FEET MORE OR LESS. (BASIS OF BEARINGS AND DISTANCES C.S. 17910).

- 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.

City of Albany - Recorder  
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:

Monty Spencer

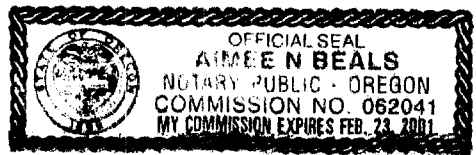
By: *Monty Spencer*

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

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of July, 1997, by Monty Spencer as his voluntary act and deed.

*Aimee N Beals*  
Notary Public for Oregon

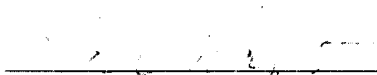
My Commission Expires: Feb. 23, 2001



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 3833 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



Seventh Avenue

N. 81° 46' 34" E. 547.36

S. 81° 46' 34" W. 375.86

301.36

(264)-"D"

Fd 1/2" I. Rod 1.11

Fd 5/8" I. Rod 1.06

Set 3/8" Iron Rod

29

56-"D"

46-"D"

66-"D"

3.50

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

(66)-"J"  
301.36

(198)-"J"  
132.61

60

78-"L"

Fd 3/4" Pipe 0.07 S.  
and 5.55' Wly of  
Corner.

222.55

S. 81° 19' 08" E. 111.24

PARCEL "C"  
29528  
52. FT.

PARCEL I  
MF 381/461

PARCEL II  
20205 91

Parcel "C"  
11992 sq ft

Set 5/8" I. Rod

MF 64/51

Set 5/8" I. Rod

Fd 1/2" Pipe

Set 5/8"

N. 81° 46' 34"

1/8

N. 8° 19' 08" W.

35'

NEW  
10'  
P.U.E.

Fd 1/2" I. Rod 1.05

N. 81° 45' 47" E

231.46

S. 81° 46' 34" W. 16.0  
Fd 5/8" I. Rod 0.12 S.  
Wly 66)-"K"  
Fd 1/2" I. Pipe 0.17  
S. 35° W.

(519) 110)-"K" 152/105

S. 81° 46' 34" W. 60.0

60.0

N. 81° 45' 12.00"

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28.31

56-"D"-"E"

(56)-"D"-"E"

(56)-"D"-"E"

(56)-"D"-"E"

(56)-"D"-"E"

(56)-"D"-"E"

(3.50)-"D"

(66)-"F"-"J"

(66)-"F"-"K"

(264)-"D"-"H"

Fd 1/2" rod 0.70 Sly.

(To Block corner 491.5) - "C"

S. 81° 45' W. - Basis of Bearings - Plan of Albany 547.57

Eighth Avenue

TAX LOT 2400

(Sly parallel with the west boundary line of Block 110) - "N"

888 PAC

27

**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 Landscape, Inc. at their discretion.

The existing fencing and such additional matching fencing as required shall be temporarily located to the new easement line to provide complete yard closure from the sanitary sewer work. Upon completion of the sanitary sewer work the fencing shall be permanently installed in its original location to a condition which is equal to or better than existing. Said determination being made by Tom Lundberg, Shadetree Landscape, Inc.

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 [Signature], Deputy

M  
R 35  
S 70  
A  
O

AUG 19

3 13 PM '97

MF 888

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Recorded Document Recorder File No. 3011