

RESOLUTION NO. 3891

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

REDFIELD INVESTMENT CO.

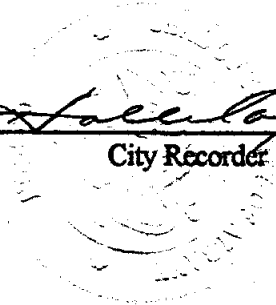
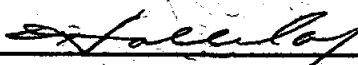
A permanent public utility easement.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 14TH DAY OF JANUARY 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3<sup>rd</sup> day of November, 1997, by and between REDFIELD INVESTMENT CO., 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:
  - A public utility easement described in the attached Exhibit A and shown on the attached maps labeled Exhibit B and Exhibit C.
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, receipt of which is acknowledged by the Grantor, 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.

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

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

GRANTOR:

REDFIELD INVESTMENT CO.

By: [Signature]  
Title:

By: Jodi W. Redfield  
Title:

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

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of November, 1997, by [Signature], Title: OWNER, and by Jodi W. Redfield, Title: OWNER, of Redfield Investment Co., an Oregon corporation, on behalf of the corporation.

Nicole M. Loney  
Notary Public for Oregon  
My Commission Expires: 10-29-00

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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 \_\_\_\_\_ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
City Manager

ATTEST:

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



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 3891 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of January, 19 98.

  
\_\_\_\_\_  
City Manager

ATTEST:

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

File: redfield.mb  
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**EXHIBIT A****THREE LAKES ESTATES  
PHASE EASEMENT DESCRIPTION**

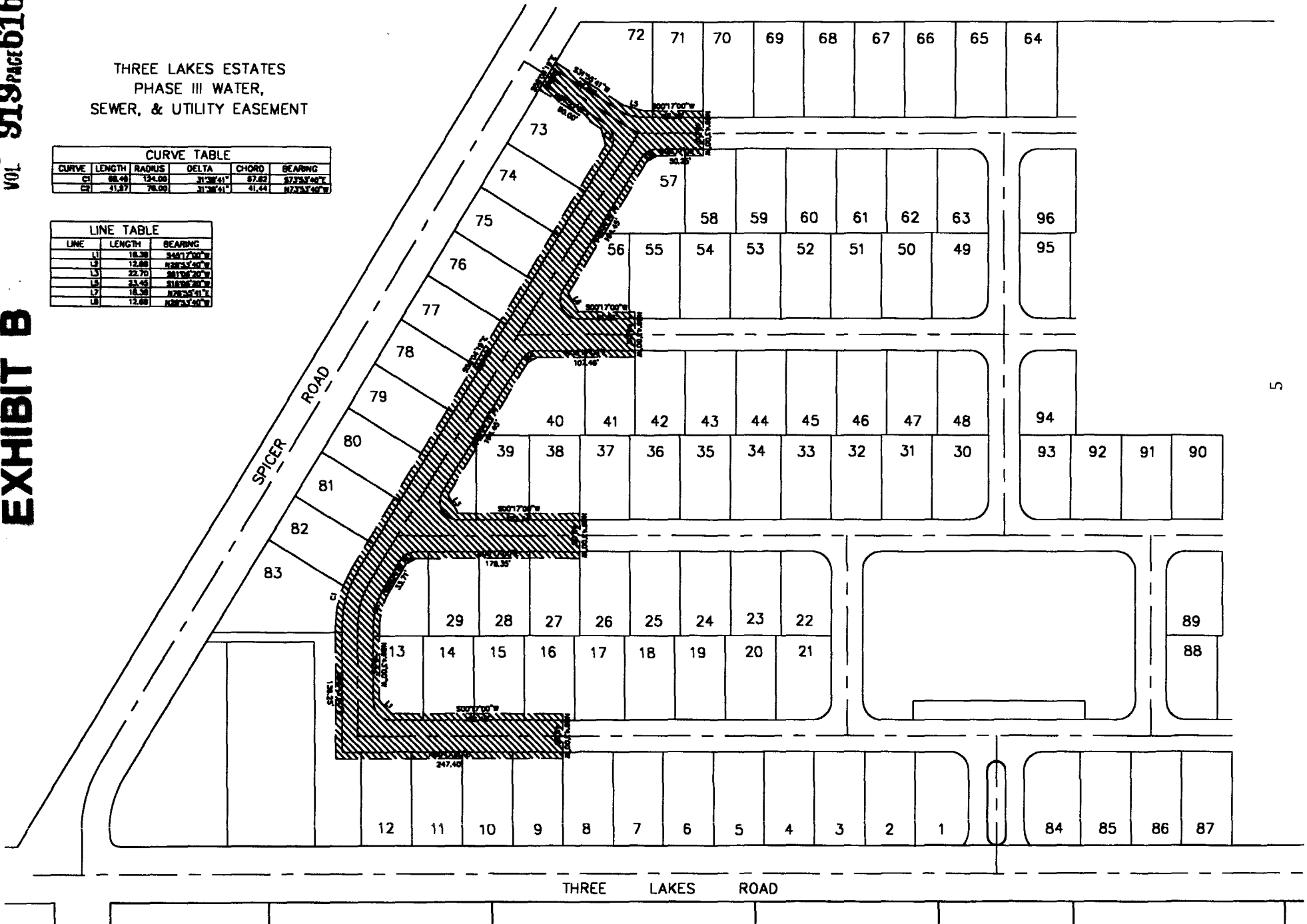
Beginning at a point being 13.75 chains West and 3274.29 feet North 00°17' East and 123.00 feet South 89°43' East from the Southeast corner of the West half of the Edward N. White Donation Land Claim No. 48 and located within the Southeast 1/4 of Section 9, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;

thence North 00°17'00" East 247.40 feet;  
 thence South 89°43'00" East 139.25 feet;  
 thence along the arc of a 124 foot radius curve to the right 68.49 feet, the chord of which bears South 73°53'40" East 67.62 feet;  
 thence South 58°04'19" East 527.12 feet;  
 thence North 76°55'41" East 18.38 feet;  
 thence North 31°55'41" East 80.00 feet to the south line of Spicer Road;  
 thence South 58°04'19" East 34.00 feet along the south line of said Spicer Road;  
 thence South 31°55'41" West 86.65 feet;  
 thence South 16°06'20" West 23.45 feet;  
 thence South 00°17'00" West 65.26 feet;  
 thence North 89°43'00" West 48.00 feet;  
 thence North 00°17'00" East 50.25 feet;  
 thence North 28°53'40" West 12.68 feet;  
 thence North 58°04'19" West 164.45 feet;  
 thence South 61°06'20" West 22.70 feet;  
 thence South 00°17'00" West 61.86 feet;  
 thence North 89°43'00" West 48.00 feet;  
 thence North 00°17'00" East 107.46 feet;  
 thence North 28°53'40" West 12.68 feet;  
 thence North 58°04'19" West 164.45 feet;  
 thence South 61°06'20" West 22.70 feet;  
 thence South 00°17'00" West 132.74 feet;  
 thence North 89°43'00" West 48.00 feet;  
 thence North 00°17'00" East 178.35 feet;  
 thence North 28°53'40" West 12.68 feet;  
 thence North 58°04'19" West 33.71 feet;  
 thence along the arc of a 76 foot radius curve to the left 41.97 feet, the chord of which bears North 73°53'40" West 41.44 feet;  
 thence North 89°43'00" West 78.25 feet;  
 thence South 45°17'00" West 18.38 feet;  
 thence South 00°17'00" West 186.40 feet;  
 thence North 89°43'00" West 48.00 feet to the place of beginning.

THREE LAKES ESTATES  
PHASE III WATER,  
SEWER, & UTILITY EASEMENT

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	88.48	134.00	31°36'41"	87.62	S77°28'41"E
C2	41.87	76.00	31°36'41"	41.44	S72°57'40"W

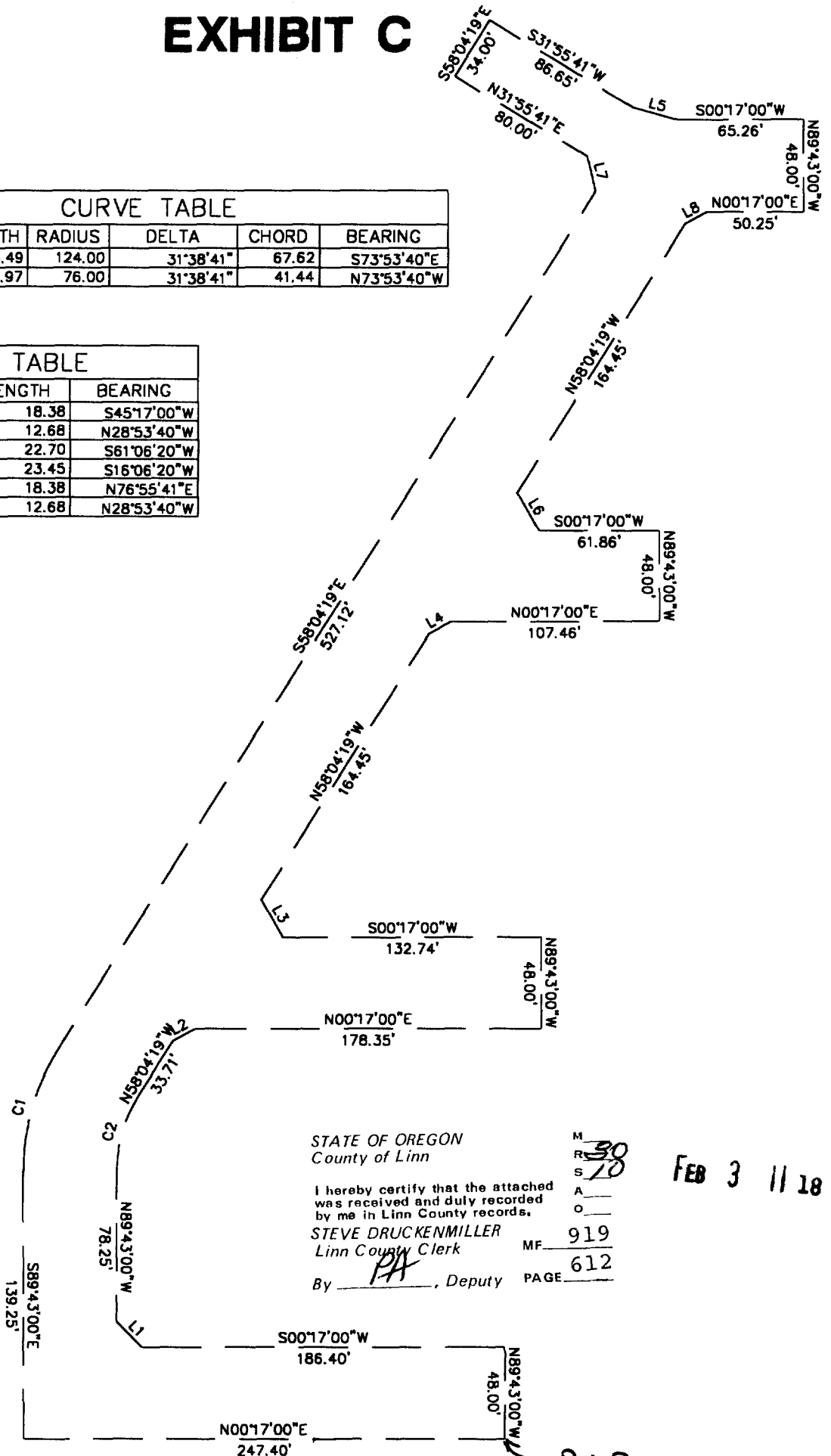
LINE TABLE		
LINE	LENGTH	BEARING
L1	18.38	S44°17'50"W
L2	12.68	S28°25'40"W
L3	22.70	S11°35'20"W
L4	23.48	S16°36'20"W
L7	16.38	S78°25'41"E
L8	12.68	S28°25'40"W



# EXHIBIT C

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	68.49	124.00	31°38'41"	67.62	S73°53'40"E
C2	41.97	76.00	31°38'41"	41.44	N73°53'40"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	18.38	S45°17'00"W
L2	12.68	N28°53'40"W
L3	22.70	S61°06'20"W
L5	23.45	S16°06'20"W
L7	18.38	N76°55'41"E
L8	12.68	N28°53'40"W



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

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P.O.B.

Resolution No. 3891

Recorded Document Recorder File No. 3093