

RESOLUTION NO. 3997

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Casey Sanford

Purpose

A permanent public water line easement, 20 feet in width, described in the attached "Exhibit A" and shown in the attached "Exhibit B".

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

DATED THIS 12TH DAY OF AUGUST 1998.



~~Mayer~~

Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22nd day of June, 1998, by and between Casey Sanford, 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 does 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 20 foot wide water line easement for the purpose of installing and maintaining a public water line. The easement is more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
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 Grantor does 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 Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Casey Sanford

By: Casey Sanford
Casey Sanford

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

The foregoing instrument was acknowledged before me
this 22nd day of June, 1998, by Casey Sanford as
his voluntary act and deed.

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

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 3997 do
hereby accept on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this 12
day of August, 1998.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder



June 4, 1998

Exhibit "A"

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Section 18, T.11 S., R.3 W. W.B. & M.
Description for Casey Sanford

Water Line Easement Description - REVISED

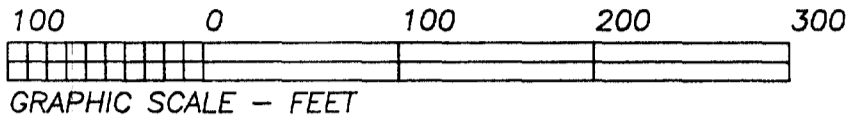
an easement for the purpose of installing and maintaining a domestic water line, being 15 feet in width, the center line of which is described as follows: Beginning at a point on the west line of Partition Plat Number 1996-71, a Supplemental Plat of a portion of Parcel 2 of Partition Plat No. 1995-34, Linn County, Oregon, which point is 685.15 feet North 88°58'16" East, and 3844.57 feet North 1°11'22" West of the Southwest corner of the Hiram N. Smead Donation Land Claim No. 53, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; said point of beginning also being 207.62 feet North 1°11'22" West of the southwest corner of said Partition Plat; thence North 88°48'38" East 165 feet to the west right of way line of Lyon Street 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 on the west right of way line of Lyon Street, which point is 685.15 feet North 88°58'16" East, 3844.57 feet North 1°11'22" West, 165 feet North 88°48'38" East, and 122.39 feet South 1°11'22" East of the Southwest corner of the said Hiram N. Smead Donation Land Claim No. 53; thence South 88°48'38" West 85.5 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 on the south right of way line of Twenty First Avenue, which point is 685.15 feet North 88°58'16" East, 4119.39 feet North 1°11'22" West to the northwest corner of the said Partition Plat Number 1996-71, 444.04 feet South 89°46'20" East along the north line of the said partition plat, and 37.01 feet South 1°11'22" East of the Southwest corner of the said Hiram N. Smead Donation Land Claim No. 53; thence South 1°11'22" East 387.5 feet and there terminating.

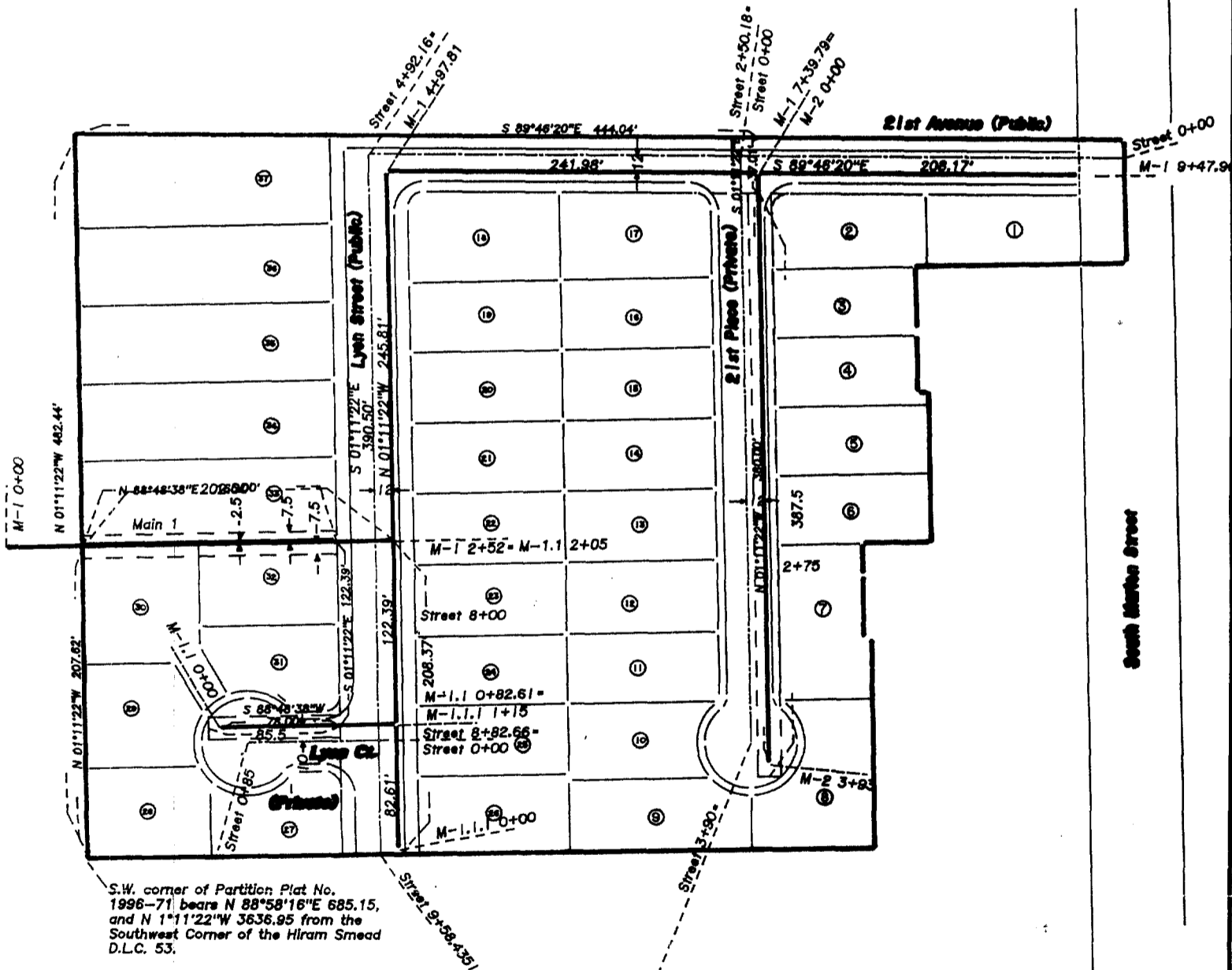
EXHIBIT B"

Water Line Easement Drawing



Marion Meadows

Parcel 1 of Partition Plat No. 1996-71



S.W. corner of Partition Plat No. 1996-71 bears $N 88^{\circ}58'16''E 685.15'$, and $N 1^{\circ}11'22''W 3636.95'$ from the Southwest Corner of the Hiram Smead D.L.C. 53.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Verle C. Moore

OREGON
MAY 13, 1960
VERLE C. MOORE
501

expires 12/31/98

JOB NAME: Sanford, Casey JOB #: 950801
COORD. FILE: 920527A SCREEN FILE: 920527AF
LAYERS: 1-3,21-24,32,39,43

Moore Surveying
424 Second Avenue Southeast
Albany, Oregon 97321
(541) 928-3878

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STATE OF OREGON
County of Linn

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28 Aug 27 10 01 AM '98

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF 968

By PA, Deputy

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Recorded Document Recorder File No. 3209