

RESOLUTION NO. 4048

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Daniel C. Evans and N. John Leuck

Purpose

A permanent public water line easement deeded to the City of Albany as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled Exhibit B.

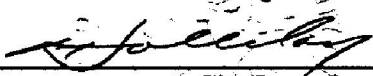
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 16TH DAY OF DECEMBER 1998.

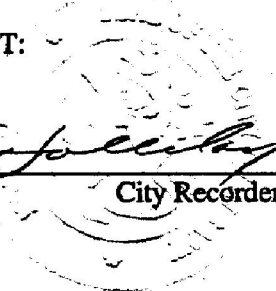


Mayor

ATTEST:



City Recorder



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CITY OF ALBANY

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VOL 997 PAGE 847

NOV 23 1998

EASEMENT FOR PUBLIC UTILITIES

SABRE CONSTRUCTION

THIS AGREEMENT, made and entered into this 20th day of November 1998, by and between Daniel C. Evans and N. John Leuck, 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 permanent public water line easement as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled 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 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 450, Albany, OR 97321

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CITY OF ALBANY

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VOL 997 PAGE 848

GRANTOR:

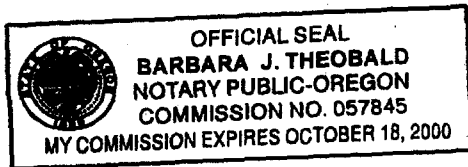
Daniel C. Evans
Daniel C. Evans

N. John Leuck
N. John Leuck

STATE OF OREGON)
County of Lane)
City of Eugene)

The foregoing instrument was acknowledged
before me this 20th day of November
by their voluntary act and deed.

Barbara J. Theobald
Notary Public for Oregon
My Commission Expires: 10-18-2000



CITY OF ALBANY:

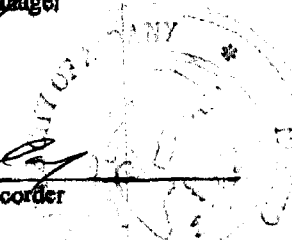
STATE OF OREGON)
County of Linn)
City of Albany)

I, Steve Bryant as City Manager of the City
of Albany, Oregon, pursuant to Resolution
Number 4048, do hereby accept on
behalf of the City of Albany, the above
instrument pursuant to the terms thereof this
17 day of December
1998.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



11/12/98 THU 12:07 FAX 1 541 917 7573

CITY OF ALBANY

004

VOL 997 PAGE 849

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

Public Waterline Easement

An easement for public waterline purposes located in Lot 3 of "FARWEST INDUSTRIAL PLAT", a subdivision of record in Linn County, Oregon, said easement being more particularly described as follows:

Beginning at the northeast corner of said Lot 3; thence North 89°56'29" West, along the north line of said Lot 3, a distance of 266.00 feet; thence South 00°03'31" West 8.00 feet to a point that is 8.00 feet southerly, when measured perpendicularly, from the said north line of Lot 3; thence South 89°56'29" East, parallel with said north line, 266.00 feet to the east line of said Lot 3; thence North 00°03'00" East 8.00 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JULY 14, 1878
JACK R. BURRELL
1630

EXPIRATION DATE: 12/31/99

November 10, 1998
LOT 3 EXHIBIT "A"
(98-118) JRB:nm
File: nm\legal\98-118 lot 3 exh a.doc

This Utility easement is by and between David C. Evans and N. John Lawick and the City of Albany
pg 3 of 4

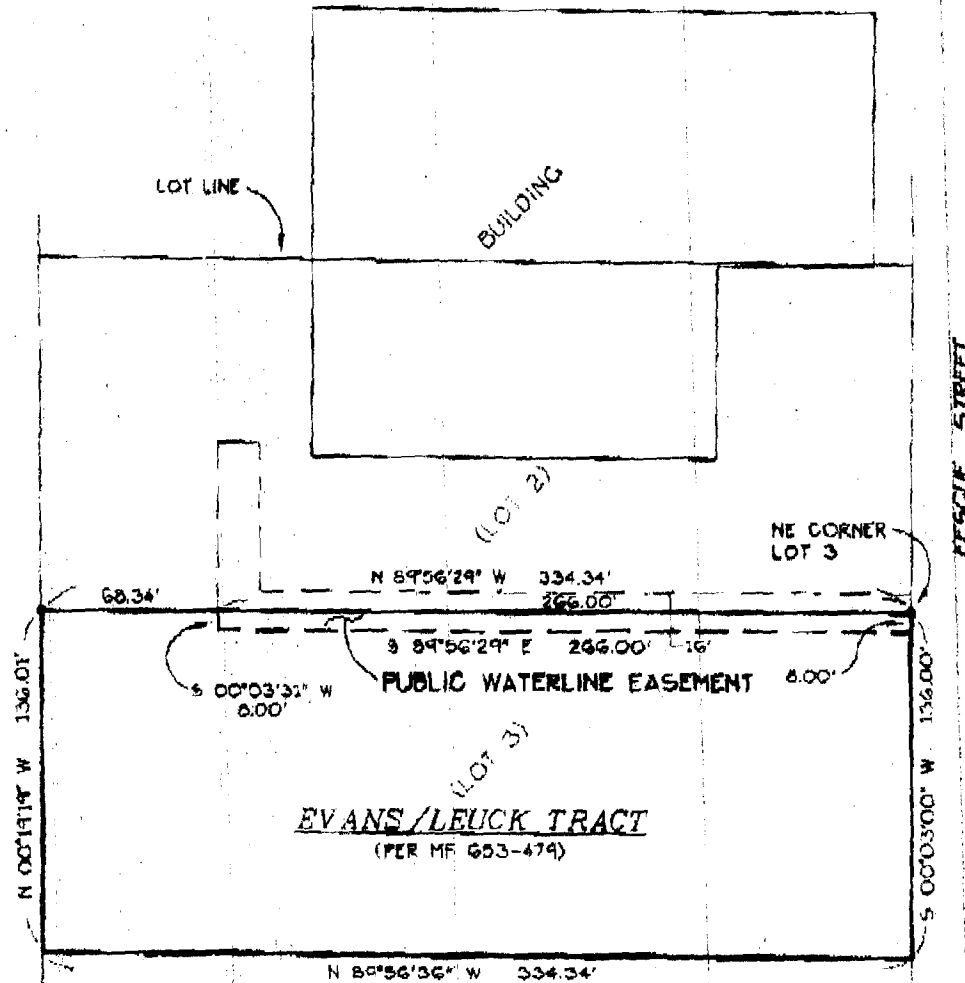
EXHIBIT "B"

PUBLIC UTILITY EASEMENT FOR ALLANN BROS. COFFEE CO.

LOCATED IN
LOT 3 OF "FARWEST INDUSTRIAL
PLAT", A SUBDIVISION OF RECORD
SEC. 9, T. 11 S., R. 3 W., W.M.
ALBANY, LINN COUNTY, OREGON

NOVEMBER 10, 1998

ALLAN STUART ENTERPRISES, LLC TRACT
(PER ME 936-184)



Utility easement by and between Daniel C. Evans and N. John Leuck and the City of Albany
x4

LEGEND:

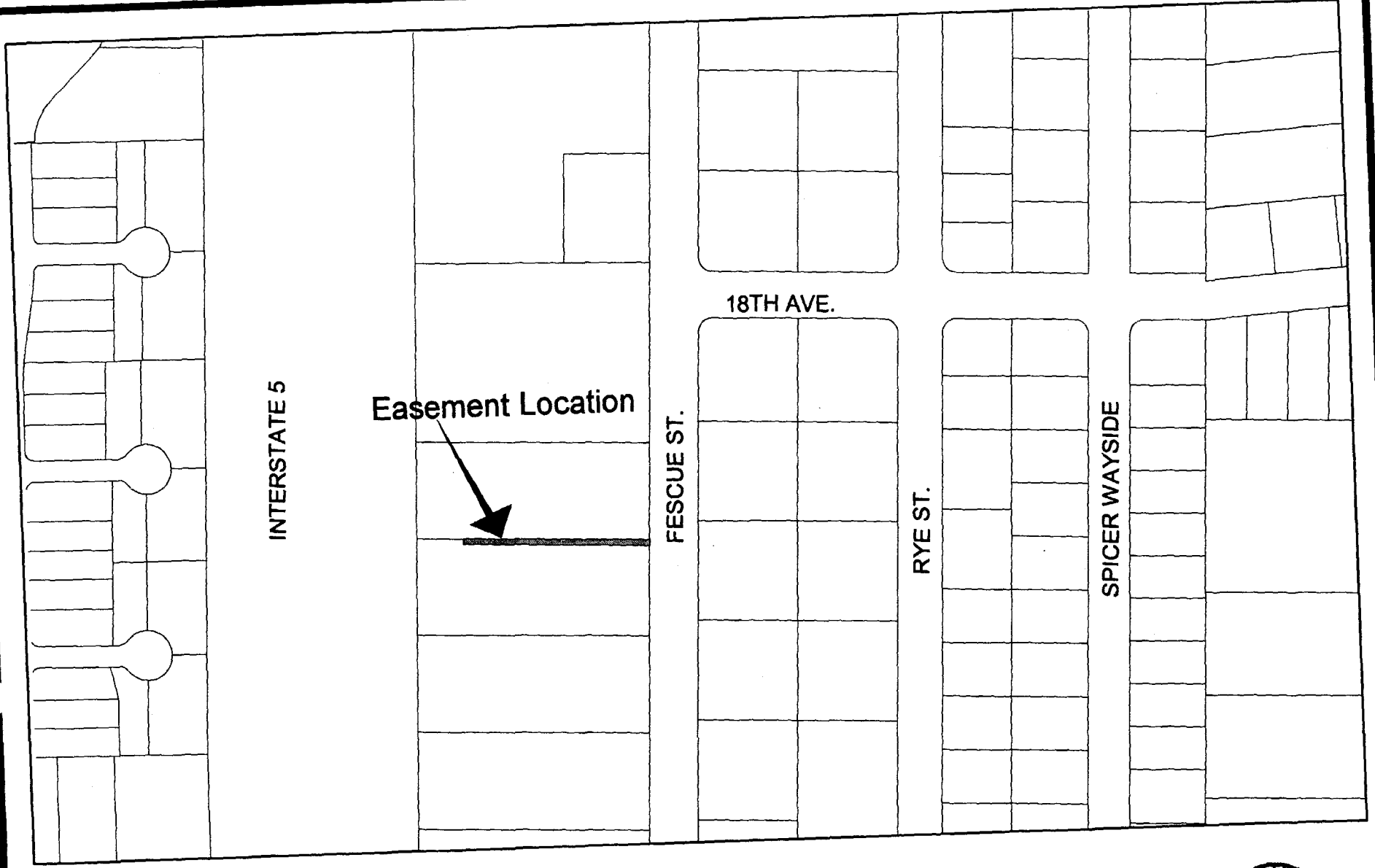
- FOUND MONUMENTS PER C.S.
- () DENOTES RECORD DATA PER C.S.



K & D ENGINEERING, Inc.
878 N.W. Hickory Street, P.O. Box 726
Albany, Oregon 97381
(541) 928-3800

N.T.S.

Date: 11/10/1998 Time: 14:51
View: PLOT Scale: 1=50
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Vicinity Map

NOT TO SCALE



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 SM, Deputy

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A
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MF 997
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PAGE

Resolution No. 4048

Recorded Document Recorder File No. 3315