

RESOLUTION NO. 4080

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Greater Albany Public Schools District 8J

Purpose

A permanent public utility easement on four strips of land for the installation and maintenance of domestic water lines. The easement is described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".

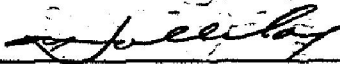
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 10TH DAY OF FEBRUARY 1999.



~~Mayor~~
Council President Pro Tem

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of January, 1999, by and between Greater Albany Public Schools District 8J, 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, easements 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:

Four (4) strips of land for public water line purposes. The easements are more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
2. The permanent easements described herein grant to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easements at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easements granted are 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 these easements.

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

Return to: City of Albany - Recorder
P.O. Box 450, Albany, OR 97321

GRANTOR:

Greater Albany Public Schools District 8J

By: Thomas G. Gaulke
Thomas G. Gaulke, Director of Business

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

The foregoing instrument was acknowledged before me this 29th day of January, 1999, by Thomas G. Gaulke as his voluntary act and deed.

Lori K Williams
Notary Public for Oregon
My Commission Expires: 2.13.02



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 4080 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of February, 1999.

Steve Bryant
City Manager

ATTEST:

Lori K Williams
City Recorder

K & D ENGINEERING, Inc.

*Engineers • Planners • Surveyors*EXHIBIT "A"

Four (4) strips of land for public waterline easement purposes that are located in Section 17 of Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and said strips of land all being a part of that School District property described by deed recorded in Book 321, Page 322 of the Linn County Deed Records on January 13, 1967, said strips being more particularly described as follows:

PUBLIC WATERLINE EASEMENT No. 1

A 15.00 foot wide strip of land that is centered over an existing underground waterline, the centerline of which is more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Columbus Street (a 60.00 foot wide right-of-way) that is North 00°54'13" West 295.10 feet from the northwest corner of "DEERFIELD", a subdivision of record in Linn County, Oregon; thence North 89°05'47" East 457.39 feet; thence North 89°05'47" East 315.72 feet; thence North 00°54'13" West 225.20 feet; thence North 89°05'47" East 35.93 feet; thence North 89°05'47" East 351.58 feet; thence North 00°54'13" West 237.18 feet; thence North 21°35'47" East 10.45 feet; thence North 00°54'13" West 275.00 feet, more or less, to the south right-of-way line of 36th Avenue. The westerly terminus of herein described strip is said easterly right-of-way line of Columbus Street. The northerly terminus of herein described strip is the said southerly right-of-way line of 36th Avenue.

PUBLIC WATERLINE EASEMENT No. 2

Commencing at a point on the easterly right-of-way line of Columbus Street (a 60.00 foot wide right-of-way) that is North 00°54'13" West 295.10 feet from the northwest corner of "DEERFIELD", a subdivision of record in Linn County, Oregon; thence North 89°05'47" East 457.39 feet to the TRUE POINT OF BEGINNING of the herein described easement strip; thence South 00°54'13" East, along center line of said waterline pipe, 12.00 feet to the end of said pipe; thence South 00°54'13" East, along the southerly extension of said pipe, 7.50 feet of the terminus of herein described easement strip.

PUBLIC WATERLINE EASEMENT No. 3

Commencing at a point on the easterly right-of-way line of Columbus Street (a 60.00 foot wide right-of-way) that is North 00°54'13" West 295.10 feet from the northwest corner of "DEERFIELD", a subdivision of record in Linn County, Oregon; thence North 89°05'47" East 457.39 feet; thence North 89°05'47" East 315.72 feet; thence North 00°54'13" West 225.20 feet; thence North 89°05'47" East 35.93 feet to the TRUE POINT OF BEGINNING of the herein described easement strip; thence North 00°54'13" West, along center line of said waterline pipe, 77.65 feet to the end of said pipe; thence North 00°54'13" West along the northerly extension of said pipe, 7.50 feet of the terminus of herein described easement strip.

PUBLIC WATERLINE EASEMENT No. 4

Beginning at the intersection of the easterly right-of-way line of Columbus Street (a 60.00 foot wide right-of-way) with the southerly right-of-way line of 36th Avenue (36th Avenue being 40 foot wide at this point), said Point of Beginning being North 00°54'13" West 1057.88 feet from the northwest corner of "DEERFIELD", a subdivision of record in Linn County, Oregon; thence North 89°52'15" East, along said south right-of-way line, 33.25 feet; thence South 00°07'45" East 9.53 feet; thence South 89°52'15" West 33.12 feet to a point on said easterly right-of-way line; thence North 00°54'13" West 9.53 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JACK R. BURRELL
1630

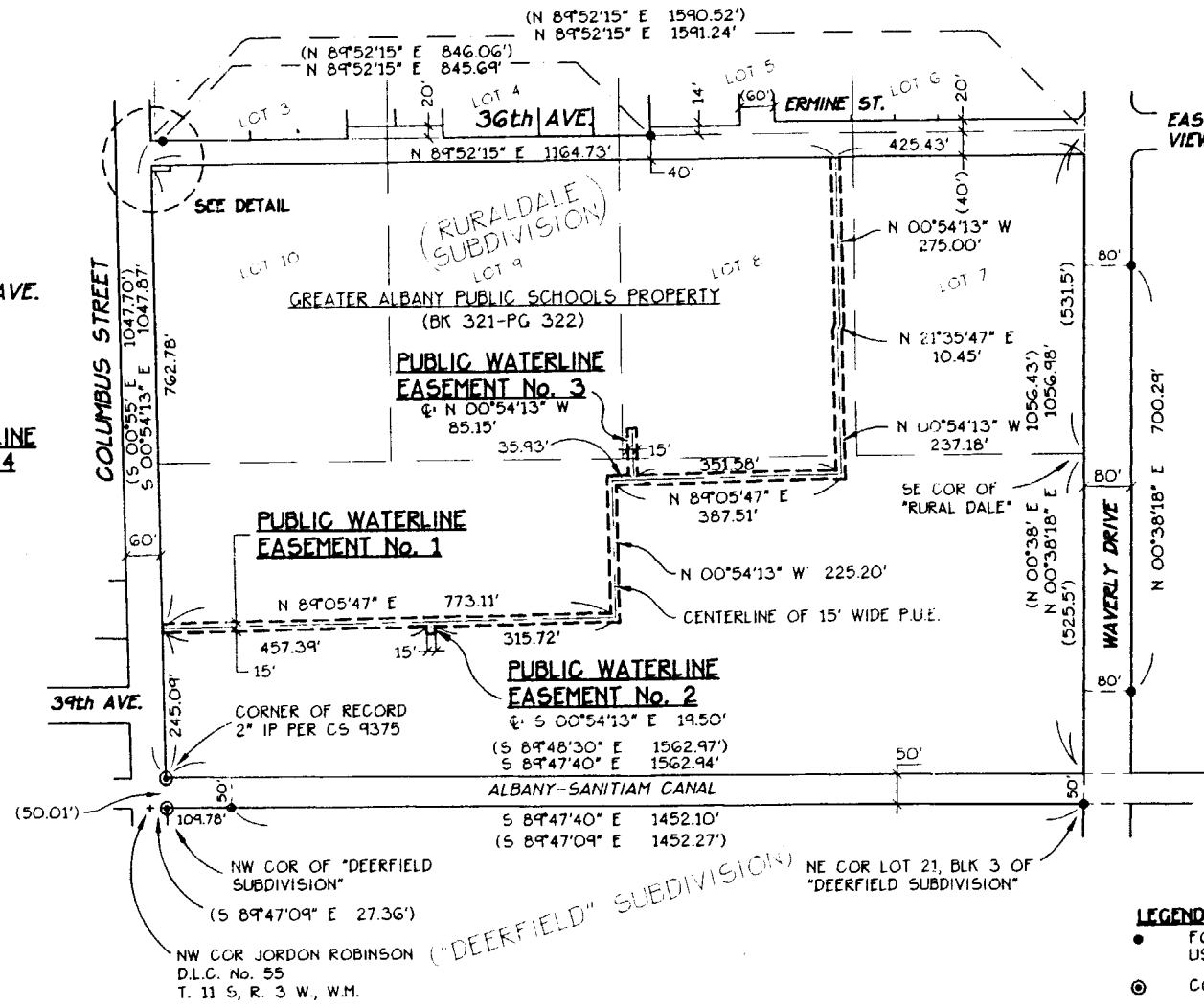
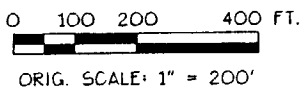
EXPIRATION DATE: 12/31/99

November 24, 1998
EXHIBIT "A" - WATERLINE EASEMENTS
SOUTH ALBANY HIGH SCHOOL
(98-27) JRB:nm

File: nm\gaps\9827\EXH-A.desc.doc

PUBLIC WATERLINE EASEMENTS
 LOCATED IN
 SEC. 17, T. 11 S., R. 3 W., W.M.
 CITY OF ALBANY, LINN COUNTY, OREGON

EXHIBIT "B"



"FIRST ADDITION TO
 EDGEWOOD ESTATES"
 SUBDIVISION

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Jack R. Burrell
 OREGON
 JULY 14 1978
 JACK R. BURRELL
 1630
 EXPIRATION DATE: 12/31/99

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- LEGEND:**
- FOUND SURVEY MONUMENT OF RECORD USED TO DETERMINE BOUNDARY
 - ⊙ CORNER OF RECORD (NOT FOUND)
 - () DENOTES RECORD INFORMATION

Date: 11/24/1998 Time: 12:04
 View: PLOT Scale: 1=200
 File: DWG\98-27\9827-EX2.dwg (cpu#13 R.R.)

K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 828-2583

NW COR JORDON ROBINSON
 D.L.C. No. 55
 T. 11 S., R. 3 W., W.M.

("DEERFIELD" SUBDIVISION)

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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Recorded Document Recorder File No. 3349