

RESOLUTION NO. 4124

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Harold W. and Dona L. Bates

Purpose

A permanent public sanitary sewer easement 20-feet in even width, as described in attached Exhibit "A" and shown on attached Exhibit "B".

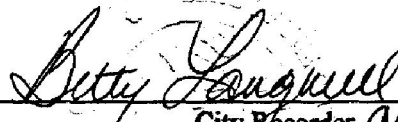
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 9TH DAY OF JUNE 1999.

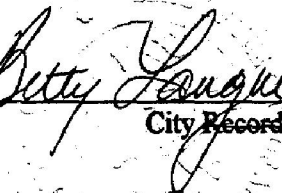


Mayor

ATTEST:



City Recorder Clerk



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of May, 1999, by and between Harold W. and Dona L. Bates, 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 sanitary sewer easement, 20-feet in even width, 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.

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

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

GRANTOR:

CITY OF ALBANY:

Harold W. Bates
Harold W. Bates

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

Dona L. Bates
Dona L. Bates

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4124, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this

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

9th day of June
1999.

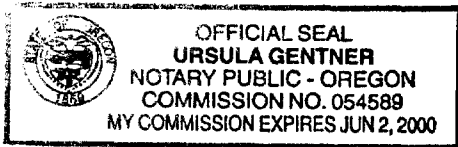
The foregoing instrument was acknowledged before me this 13th-day of May, by their voluntary act and deed.

Steve Bryant
City Manager

ATTEST:

Ursula Gentner
Notary Public for Oregon
My Commission Expires: June 2, 2000

Betty Langwell
City Recorder Clerk



K & D ENGINEERING, Inc.

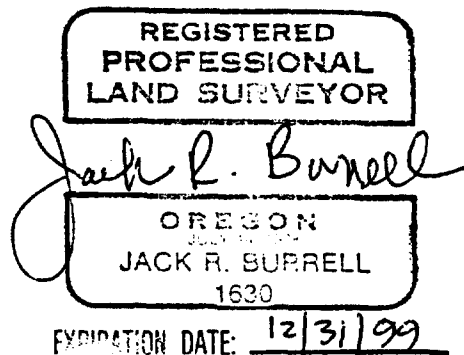
Engineers • Planners • Surveyors

EXHIBIT "A"BLUE OX SANITARY SEWER EASEMENT

A 20 foot-wide strip of land for Public Sanitary Sewer Easement proposes located in that Bates Tract described by deed recorded in Volume MF 948, Page 314 of the Linn County Deed Records on June 2, 1998, the said 20 foot-wide strip being more particularly described as follows:

Commencing at the southwest corner of the Hugh Nickerson Donation Land Claim No. 39 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence NORTH, along the west line of said Claim, 595.98 feet; thence North 89°51'32" West 20.00 feet to a 5/8 inch rod on the west right-of-way line of Goldfish Farm Road; thence North 89°51'32" West 801.77 feet to a 5/8 inch rod which point being the TRUE POINT OF BEGINNING of herein described strip, which point also being the northeast corner of that City of Albany Tract described by deed recorded in Volume MF 73, Page 2 of the Linn County Deed Records on October 11, 1973; thence North 00°23'45" West 165.00 feet to a point on the north line of said Bates Tract; thence South 89°51'32" East, along said north line, 748.22 feet; thence South 00°23'45" East 20.00 feet; thence North 89°51'32" West, parallel with said north line, 728.22 feet; thence South 00°23'45" East 145.00 feet to a point on the south line of said Bates Tract; thence North 89°51'32" West, along the said south line, 20.00 feet to the True Point of Beginning.

March 30, 1999
 BLUE OX
 SANITARY SEWER EASEMENT
 (99-55) JRB:nm
 File: nm\legal\9955 ss ease.doc



VICINITY MAP BLUE OX EXPANSION



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 PA, Deputy

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A
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PAGE 575

Resolution No. 4124

Recorded Document Recorder File No. 3398