

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

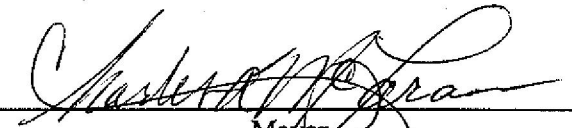
**Albany Partnership for Family Housing**

Purpose

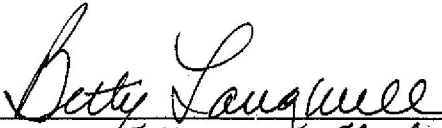
Two strips of land on the east and west sides of SE Lyon Street and the north side of SE 21st Avenue for sidewalk and public utility easement purposes, more particularly described in the attached EXHIBITS "A" and "B", shown in the attached EXHIBIT "C", and located in the attached vicinity map.

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

DATED THIS 8TH DAY OF MARCH 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder *Clrk*

TAXES: EXEMPT

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22 day of February <sup>2000</sup> ~~1999~~, by and between **Albany Partnership for Family Housing**, 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:  
See Legal Descriptions on Attached Exhibits "A" and "B" and Map on Attached 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 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:

Albany Partnership for Family Housing

[Signature]  
Bob Wright

Ex. Dir - AD

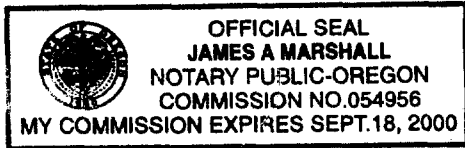
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 22 day of Feb., <sup>2000</sup> 1999, by Bob Wright for the Albany Partnership for Family Housing as his/her/their voluntary act and deed.

[Signature]  
Notary Public for Oregon

My Commission Expires: 09/18/2000

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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 4236, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of March, 2000, 1999.

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder

**ZTec Engineers, Inc.**

Civil - Structural - Surveying

3737 S.E. 8th Avenue

Portland, Oregon 97202

(503) 235-8795

FAX (503) 233-7889

John McL. Middleton, P.E.  
Chris C. Fischborn, P.L.S.Ronald B. Sellards, P.E.  
Dean P. Zarosinski, P.E.**Songbird Village  
Public Utility Easement (East Side of road)  
September 30, 1999**

An easement for the purpose of installing and maintaining utilities over and across a parcel of land located in the Northwest One-Quarter of Section 18, Township 11 South, Range 3 West, of the Willamette Meridian, in the city of Albany, Linn County, Oregon, said easement being more particularly described as follows:

Commencing at a 1" bolt located at the Northwest corner of that tract of land conveyed to Means in that deed recorded in Volume 792, page 882, Linn County deed records, said bolt being North 88°57'30" East a distance of 157.90 feet and South 01°13'00" East a distance of 960.74 feet from the Northerly Northwest corner of the Hiram M. Smead Donation Land Claim No. 53; Thence South 89°31'51" East, along the Northerly line of said Means tract, a distance of 214.93 feet to a point on the Easterly right-of-way line of that parcel of land dedicated to the City of Albany in the deed recorded September 14, 1999 in Volume 1061, Page 300, Linn County deed records, said point being the true point of beginning of the easement herein described:

Thence continuing along said Northerly boundary line, South 89°31'51" East a distance of 7.00 feet; Thence South 01°09'15" East, parallel with said Easterly right-of-way line of said Volume 1061, Page 300 parcel, a distance of 314.78 feet to a point of curve; thence along an 8.00 foot radius curve to the left; through a central angle of 88°36'34", an arc distance of 12.37 feet (the long chord of said curve bears South 45°27'32" East a distance of 11.18 feet) to a point of tangency; thence South 89°45'49" East, parallel with the Northerly right-of-way line of Southeast 21<sup>st</sup> Avenue, a distance of 222.58 feet; thence South 01°10'03" East a distance of 7.00 feet to a point on said Northerly right-of-way line of said Southeast 21<sup>st</sup> Avenue; thence North 89°45'49" West, along said Northerly right-of-way line a distance of 222.76 feet to a point of curve on said Easterly right-of-way line of said Volume 1061, Page 300 parcel; thence along a 15.00 foot radius curve to the right, through a central angle of 88°36'34", an arc distance of 23.20 feet (The long chord of said curve bears North 45°27'32" West a distance of 20.95 feet) to a point of tangency; Thence North 01°09'15" West a distance of 314.98 feet to the true point of beginning of the easement herein described.

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**ZTec Engineers, Inc.**

**Civil - Structural - Surveying**

*3737 S.E. 8th Avenue*

*Portland, Oregon 97202*

*(503) 233-8795*

*FAX (503) 233-7889*

*John Mcl. Middleton, P.E.  
Chris C. Fischborn, P.L.S.*

*Ronald B. Sellards, P.E.  
Dean P. Zarosinski, P.E.*

**Songbird Village  
Public Utility Easement (West Side of road)  
September 29, 1999**

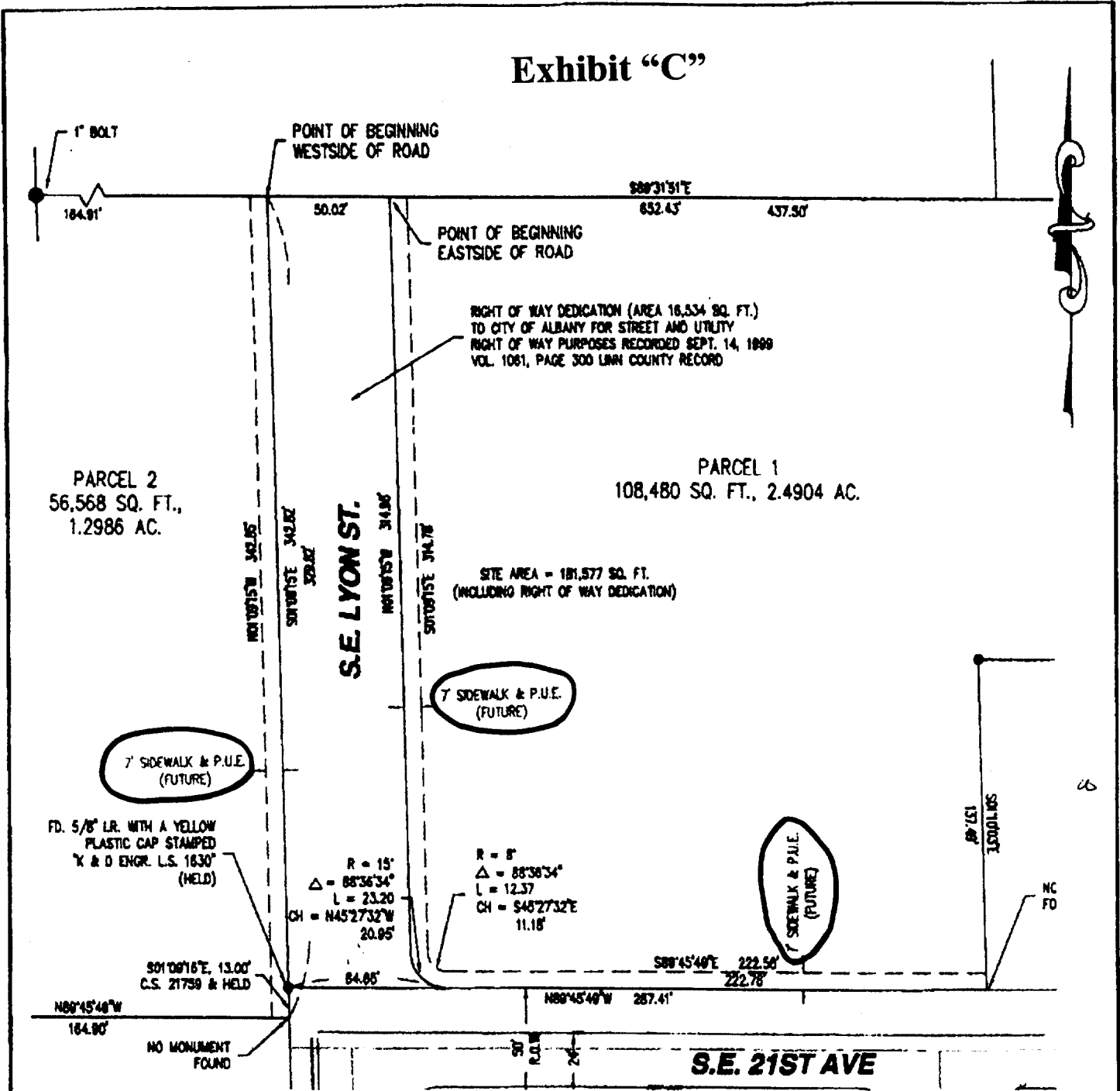
An easement for the purpose of installing and maintaining utilities over and across a parcel of land located in the Northwest One-Quarter of Section 18, Township 11 South, Range 3 West, of the Willamette Meridian, in the city of Albany, Linn County, Oregon, said easement being more particularly described as follows:

Commencing at a 1" bolt located at the Northwest corner of that tract of land conveyed to Means in that deed recorded in Volume 792, page 882, Linn County deed records, said bolt being North 88°57'30" East a distance of 157.90 feet and South 01°13'00" East a distance of 960.74 feet from the Northerly Northwest corner of the Hiram M. Smead Donation Land Claim No. 53; Thence South 89°31'51" East, along the Northerly line of said Means tract, a distance of 164.91 feet to a point on the Westerly right-of-way line of that parcel of land dedicated to the City of Albany in that deed recorded September 14, 1999 in Volume 1061, Page 300, Linn County Deed Records, said point being the true point of beginning of the easement herein described:

Thence South 01°09'15" East along said Westerly right-of-way line, a distance of 342.82 feet to a point on the Northerly boundary line of Partition Plat No. 1996-97, Linn County Plat records; Thence North 89°45'49" West, along said Northerly boundary line, a distance of 7.00 feet; Thence North 01°09'15" West, parallel with said Westerly right-of-way line, a distance of 342.85 feet to a point on said Northerly boundary line of said Means tract; Thence South 89°31'51" East, along said Northerly boundary line, a distance of 7.00 feet to the true point of beginning of the easement herein described.

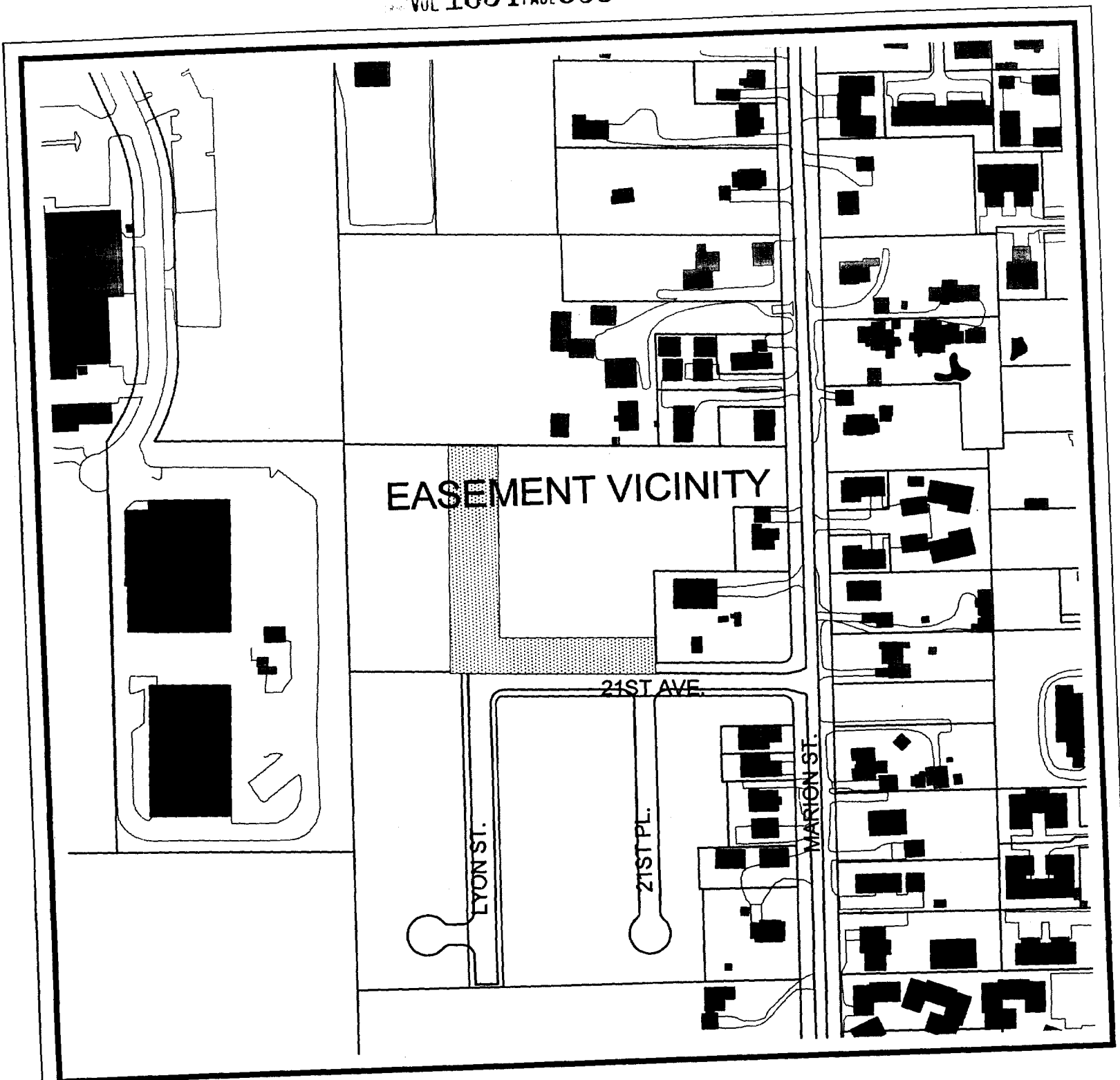
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Exhibit "C"

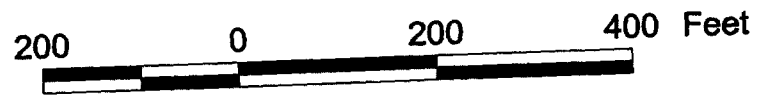


Songbird Village Easement, Page 5

TITLE: SIDEWALK & UTILITY EASEMENT EXHIBIT		<b>ZTec ENGINEERS, INC.</b> 3737 S.E. 8TH AVE, PORTLAND, OREGON 97202 (503) 235-8795
DATE: 10-6-99	PLOT DATE: 10-7-99	
DWG BY: JHH	CHK BY: JM	
SHEET: E1	FILE: F1771EXH.DWG	
		CLIENT: GRAHAM EBERLE NORMAN / SONGBIRD VLLAGE



**Vicinity Map**  
**Albany Partnership for Family Housing**  
**Sidewalk and Public Utility Easements**



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 SD, Deputy

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MF 1094  
PAGE 653



Resolution No. 4236

Recorded Document Recorder File No. 3567