

RESOLUTION NO. 4239

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Ferry Street Properties, LLC

Purpose

Two strips of land, both strips being 15.00 feet wide, for public utility purposes, more particularly described in attached EXHIBIT "A," shown in attached EXHIBIT "B," and located in attached vicinity map.

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

DATED THIS 29TH DAY OF MARCH 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 9th day of March, 2000, by and between **FERRY STREET PROPERTIES, LLC**, an Oregon limited liability company, 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, 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:

Two strips of land for public utility easement purposes. 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 by Grantor on this easement.

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 490, Albany, OR 97321

GRANTOR:

FERRY STREET PROPERTIES, LLC, an Oregon limited liability company

By: Ed Perlenfein
Ed Perlenfein, Authorized Agent

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

The foregoing instrument was acknowledged before me this 9th day of March, 2000, by Ed Perlenfein as his voluntary act and deed.

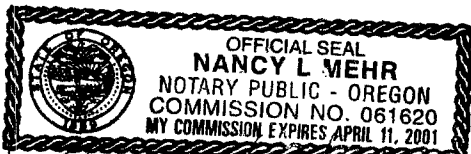


Nancy L. Mehr
Notary Public for Oregon
My Commission Expires: 4/11/01

By: Dave Perlenfein
Dave Perlenfein, Authorized Agent

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

The foregoing instrument was acknowledged before me this 9th day of March, 2000, by Dave Perlenfein as his voluntary act and deed.



Nancy L. Mehr
Notary Public for Oregon
My Commission Expires: 4/11/01

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 4239, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of March, 2000.

Steve Bryant
City Manager

ATTEST:

Betty Longwell
City Recorder Clery

K & D ENGINEERING, Inc.

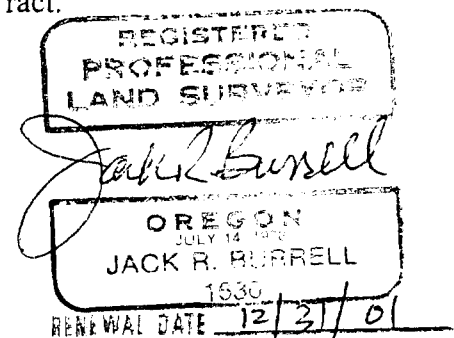
*Engineers • Planners • Surveyors***EXHIBIT "A"****PUBLIC UTILITY EASEMENT FOR THE PERLENFEIN WAREHOUSE WATERLINE**

Two strips of land for public utility easement purposes located in a portion of that Ferry Street Properties LLC Tract described in deed recorded in Microfilm Volume 894, Page 470 of the Linn County Deed Records on September 22, 1997. Both strips being 15.00 feet wide, the centerline of which being more particularly described as follows:

Easement No. 1: Beginning at a point on the westerly right-of-way line of Ferry Street that is North 20°02'09" West 509.54 feet from a 5/8 inch rod at the southeast corner of said Ferry Street Properties LLC Tract, said Point of Beginning being 7.50 feet southerly (when measured perpendicularly) from the northeast corner of said tract; thence South 82°06'00" West, parallel with the north line of said tract, 352.37 feet; thence South 37°06'09" West 42.43 feet; thence South 07°53'43" East 10.00 feet to a point (hereafter referred to as Point "A"); thence South 07°53'43" East 92.93 feet; thence South 17°53'04" East 196.49 feet to the centerline of a 15-foot wide public utility easement recorded in Microfilm Volume 948, Page 895 of Linn County Deed Records on June 4, 1998, which point being the southerly terminus of Easement No. 1 and said point being North 77°14'29" West 486.73 feet from said 5/8 inch rod at the southeast corner of said Ferry Street Properties LLC Tract.

Easement No. 2: Beginning at said Point "A" that is North 54°47'38" West 670.45 feet from the said 5/8 inch rod at the southeast corner of the Ferry Street Properties LLC Tract; thence South 82°06'17" West 15.08 feet to the westerly boundary line of said Ferry Street Properties LLC Tract. The westerly terminus of Easement No. 2 is the westerly boundary line of said Ferry Street Properties LLC Tract.

February 8, 2000
 PUBLIC UTILITY EASEMENT FOR
 PERLENFEIN WAREHOUSE WATERLINE
 (99-112-B) JRB:jdm:ls
 File Ref: nlm/jack/99112B pue waterline.doc



PUBLIC UTILITY EASEMENT

EXHIBIT "B"

FOR THE CITY OF ALBANY
OVER THE

PERLENFEIN WAREHOUSE WATERLINE

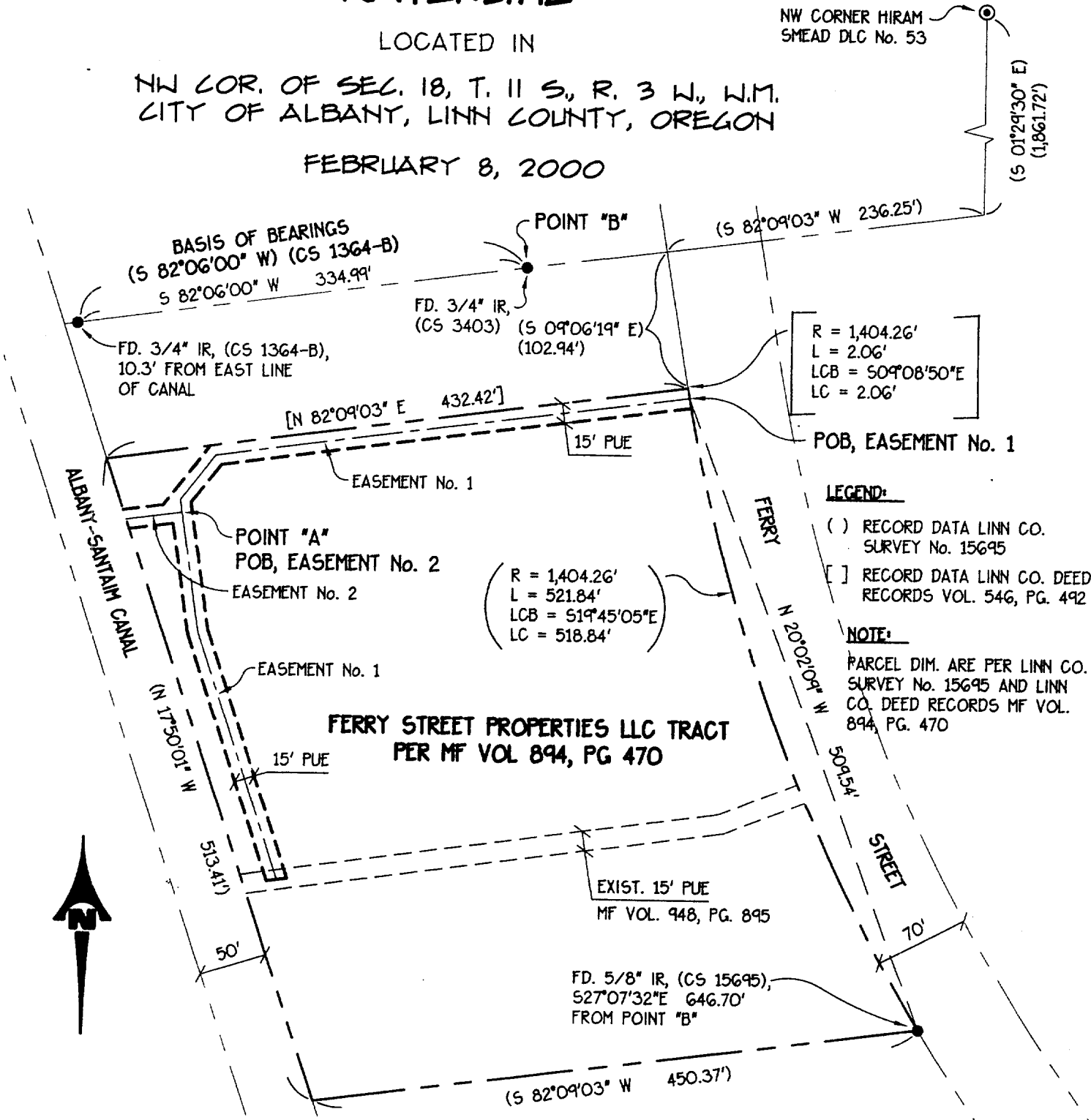
LOCATED IN

NW COR. OF SEC. 18, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

FEBRUARY 8, 2000

NW CORNER HIRAM
SMEAD DLC No. 53

(S 01°29'30" E)
(1,861.72')



R = 1,404.26'
L = 2.06'
LCB = 50°08'50"E
LC = 2.06'

R = 1,404.26'
L = 521.84'
LCB = 51°45'05"E
LC = 518.84'

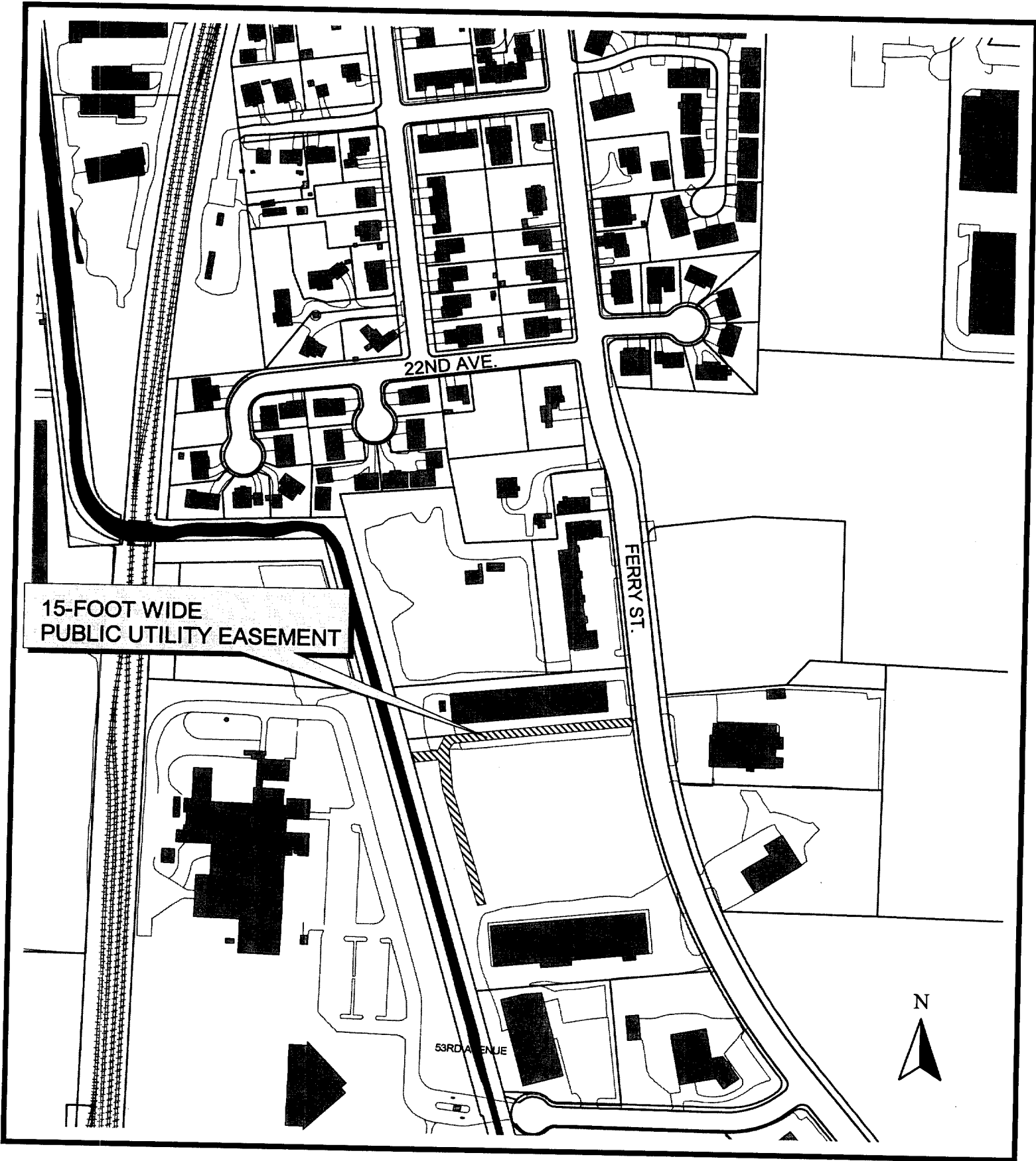
LEGEND:
() RECORD DATA LINN CO. SURVEY No. 15695
[] RECORD DATA LINN CO. DEED RECORDS VOL. 546, PG. 492

NOTE:
PARCEL DIM. ARE PER LINN CO. SURVEY No. 15695 AND LINN CO. DEED RECORDS MF VOL. 894, PG. 470



Vicinity Map

Ferry Street Properties, LLC, 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 JD, Deputy

M
R
S
A
O

MF 1100

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Resolution No. 4239

Recorded Document Recorder File No. 3575