

RESOLUTION NO. 4281

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

Albany Family Limited Partnership

Purpose

A permanent public utility easement more particularly described in the attached legal description labeled "EXHIBIT A", shown in the attached map labeled "EXHIBIT B", and located in the attached vicinity map.

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

DATED THIS 24TH DAY OF MAY 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 10th day of May, 2000, by and between Albany Family Limited Partnership, an Oregon corporation, 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:

A permanent public utility easement across a part of that parcel of land conveyed to Means in that deed recorded in Volume 792, Page 882, Deed Records for Linn County, Oregon. This permanent easement is described in the attached legal description labeled "EXHIBIT A" and is 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 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.

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

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

GRANTOR:

Albany Family Limited Partnership

[Signature]
Robert Wright, Executive Director

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
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 4281, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of May, 2000.

The foregoing instrument was acknowledged before me this 10 day of May, 2000, by Robert Wright as his voluntary act and deed.



Notary Public for Oregon
My Commission Expires: 09/18/2000

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

[Signature]
Randall Schutt, President

STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

The foregoing instrument was acknowledged before me this 10 day of May, 2000, by Randall Schutt as his voluntary act and deed.



Notary Public for Oregon
My Commission Expires: 09/18/2000

EXHIBIT A

Albany Family Housing Public Utility Easement

April 24, 2000

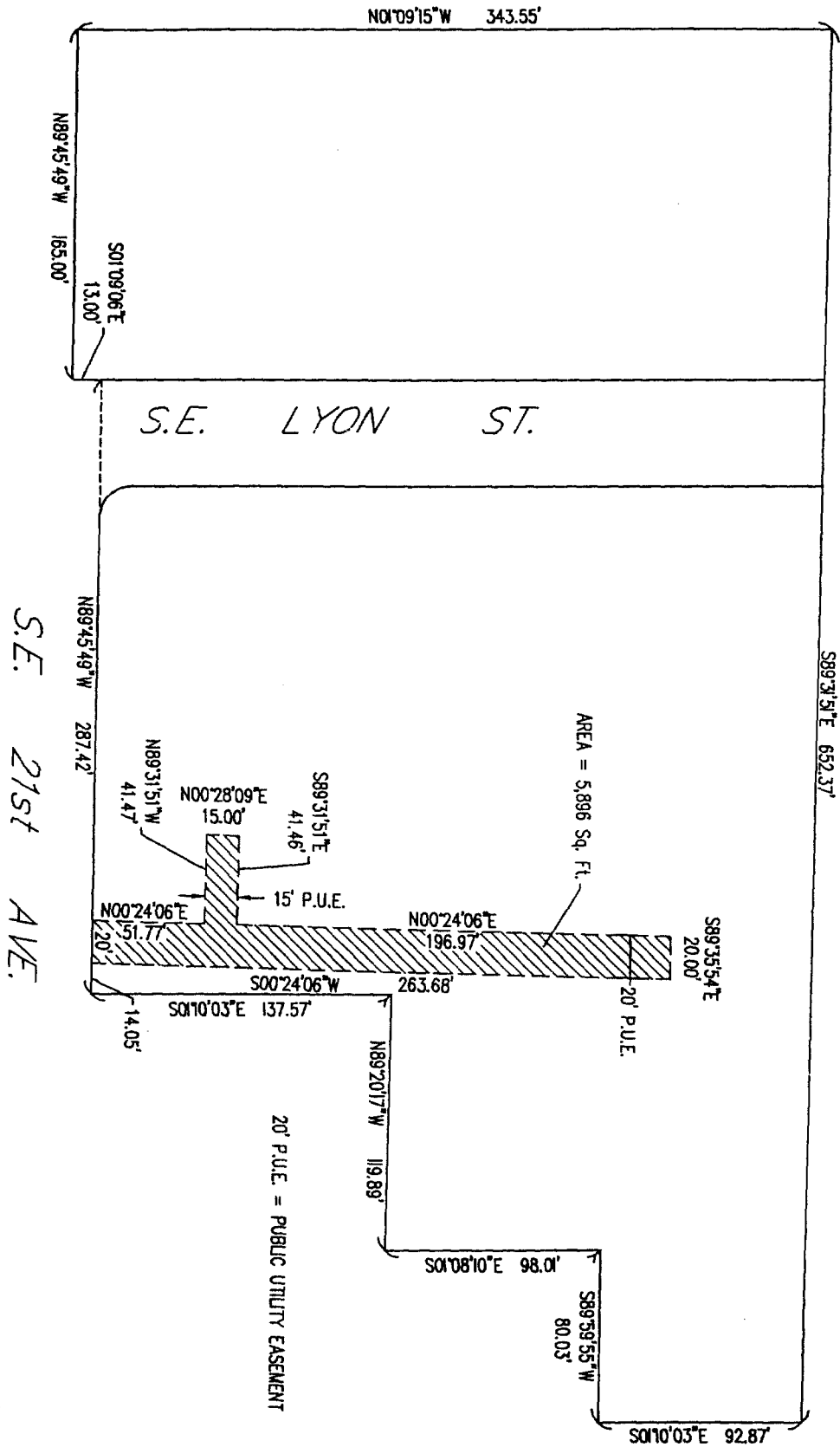
An easement reserved for the purpose of installing and perpetually maintaining public utilities and located in the Northwest One-Quarter of Section 18, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, Linn County, Oregon, and being a part of that parcel of land conveyed to Means in that deed recorded in Volume 792, Page 882, Linn County deed records. Said Easement being more particularly described as follows:

Beginning at a point on the Northerly right-of-way line of Southeast 21st Avenue at a point that is North 89°45'49" West along said Northerly right-of-way line a distance of 14.05 feet from the most Southerly, Southeast corner of said Means property; thence continuing North 89°45'49" West along said Northerly right-of-way line a distance of 20.00 feet; thence North 00°24'06" East a distance of 51.77 feet; thence North 89°31'51" West a distance of 41.47 feet; thence North 00°28'09" East a distance of 15.00 feet; thence South 89°31'51" East a distance of 41.46 feet; thence North 00°24'06" East a distance of 196.97 feet; thence South 89°35'54" East a distance of 20.00 feet; thence South 00°24'06" West a distance of 263.68 feet to the point of beginning.

Said Easement contains an area of 5,896 square feet more or less.

Albany Family esmt

EXHIBIT B

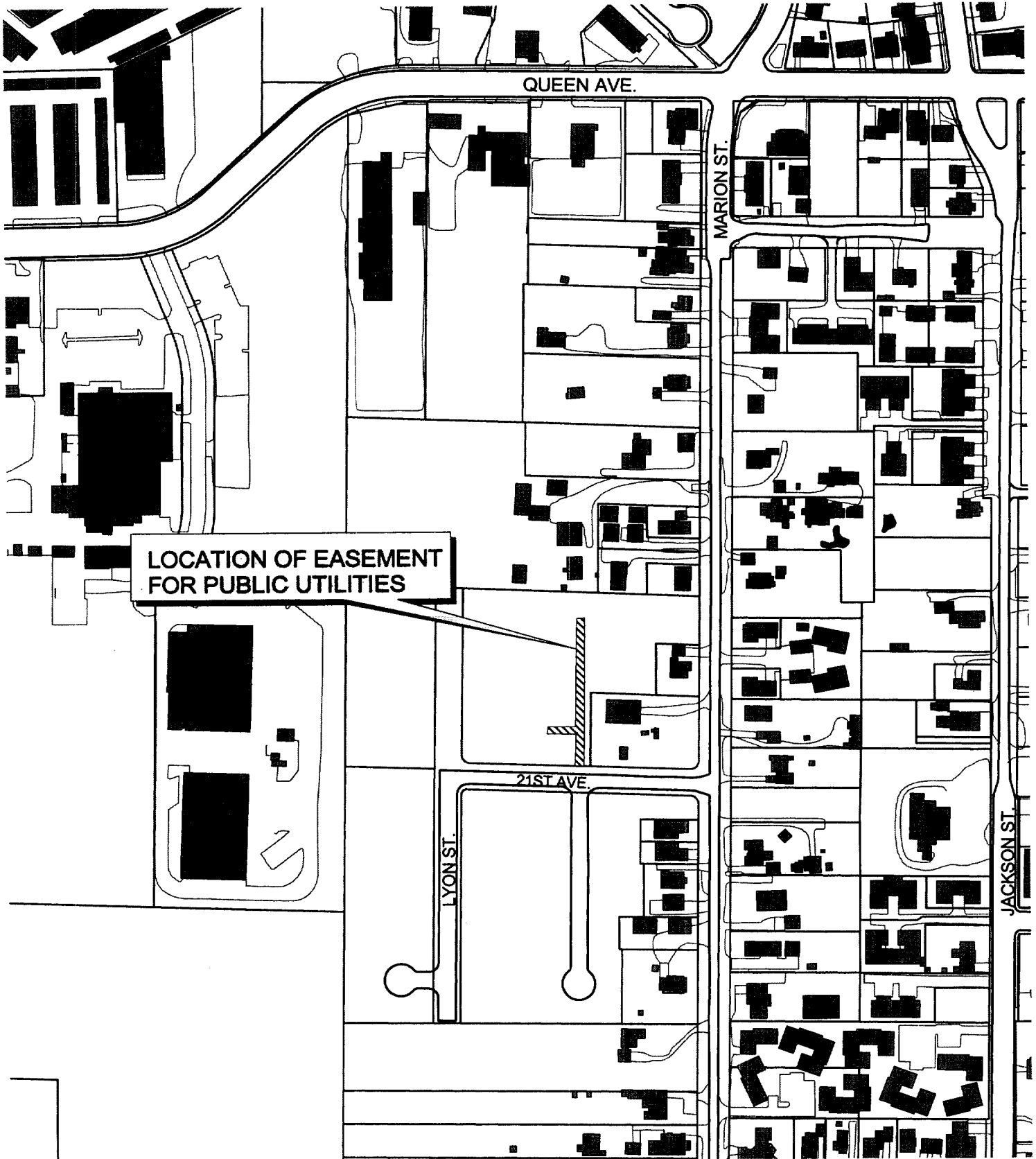


S.E. MARION ST.



Vicinity Map

Albany Family Limited Partnership
Public Utility Easement



**LOCATION OF EASEMENT
FOR PUBLIC UTILITIES**

QUEEN AVE.

MARION ST.

21ST AVE.

LYON ST.

JACKSON ST.

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 25
S 70
A 77
O

MF 1109

PAGE 716

46
JUN 6 11 50 AM '00

Resolution No. 4281

Recorded Document Recorder File No. 3618