

RESOLUTION NO. 4283

A RESOLUTION ACCEPTING THE FOLLOWING PERMANENT AND TEMPORARY EASEMENTS FOR PUBLIC UTILITIES:

Grantor

Robert Schram

Purpose

A 20-foot wide permanent public utility easement described in the attached "PUBLIC UTILITY EASEMENT DESCRIPTION" labeled "EXHIBIT A", shown in the attached "S.S. EASEMENT MAP" labeled "EXHIBIT B"; and a temporary sewer line construction easement described in the attached "Schram Temporary Construction Easement Description" labeled "EXHIBIT C", shown in the attached "TEMPORARY CONSTRUCTION EASEMENT MAP" dated March 28, 2000, labeled "EXHIBIT D"; and a temporary sidewalk construction easement described in the attached "SCHRAM TEMPORARY CONSTRUCTION EASEMENT" labeled "EXHIBIT E", shown in the attached "TEMPORARY CONSTRUCTION EASEMENT MAP" dated April 13, 2000, labeled "EXHIBIT F"; and located in the attached vicinity map.

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

DATED THIS 24TH DAY OF MAY 2000.



Mayor

ATTEST:



City Recorder

PERMANENT AND TEMPORARY EASEMENTS FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 2nd day of May, 2000, by and between **Robert Schram**, 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, 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:

PERMANENT UTILITY EASEMENT

A permanent public utility easement is more particularly described on Exhibit "A" and shown by map on Exhibit "B", attached hereto and made a part by this reference.

TEMPORARY SEWER LINE CONSTRUCTION EASEMENT

A temporary sewer line construction easement is more particularly described on Exhibit "C" and shown by map on Exhibit "D", attached hereto and made a part by this reference.

TEMPORARY SIDEWALK CONSTRUCTION EASEMENT

A temporary sidewalk construction easement is more particularly described on Exhibit "E" and shown by map on Exhibit "F", attached hereto and made a part by this reference.

- 2. The permanent easements 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.

The temporary easements described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation, or maintenance purposes.

- 3. The permanent easement is in consideration of \$2700.00, the 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 the grantor may obtain therefrom.

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P.O. Box 490, Albany, OR 97321

4. The temporary sewer line easement is in consideration of \$500.00, the 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 the grantor may obtain therefrom.

5. The temporary sidewalk easement is in consideration of \$0.00, the 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 the grantor may obtain therefrom.

6. The Grantor does hereby covenant with the City that he is lawfully seized and possessed of the real property above described and that he has a good and lawful right to convey it or any part thereof and that he will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

7. Upon performing any maintenance, the City shall return the site to original or better condition.

8. No permanent structure shall be constructed on the 20-foot permanent easement.

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

GRANTOR:

CITY OF ALBANY:

Robert Schram 5-2-2000
Robert Schram

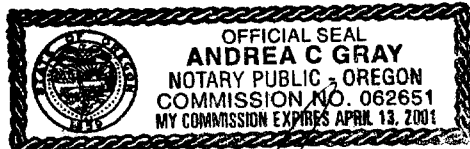
STATE OF OREGON)
County of Linn)
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4283, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of May, 2000.

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

The foregoing instrument was acknowledged before me this 2-day of May, 2000 by his voluntary act and deed.

Steve Bryant
City Manager



ATTEST:

Andrea Gray
Notary Public for Oregon
My Commission Expires: 4-13-2001

Ken Thompson
City Recorder

EXHIBIT "A"

PUBLIC UTILITY EASEMENT DESCRIPTION

(Located in Schram Property)

A 20-foot wide strip of land for public utility purposes that is located in a portion of that Schram Tract described by deed recorded in Microfilm Volume 348, Page 974 of the Linn County Deed Records on December 9, 1983 (hereinafter referred to as First Schram Tract) and also located in a portion of that Schram property described by deed recorded in Microfilm Volume 698, Page 872 of said Deed Records on May 26, 1994. The herein described 20-foot wide strip being more particularly described as follows:

Beginning at the most southerly corner of said First Schram Tract, which point being on the northerly right-of-way line of Santiam Road; thence North 65°04' East, along the southerly line of said First Schram Tract, 78.00 feet; thence North 24°56' West 20.00 feet; thence South 65°04' West, parallel with said southerly line of First Schram Tract, 101.32 feet to the said northerly right-of-way line of Santiam Road; thence South 74°19' East 30.72 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1630

RENEWAL DATE 12/31/01

February 9, 2000
PUBLIC UTILITY EASEMENT
LOCATED IN SCHRAM PROPERTY
(99-50-C) JRB:ls
File Ref: nlm/city-alb/99-50/9950C pue (schram prop) desc

S.S. EASEMENT MAP

EXHIBIT "B"

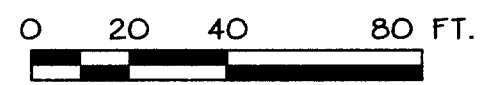
FOR THE CITY OF ALBANY
OVER

SCHRAM TRACT TAX LOT 10600

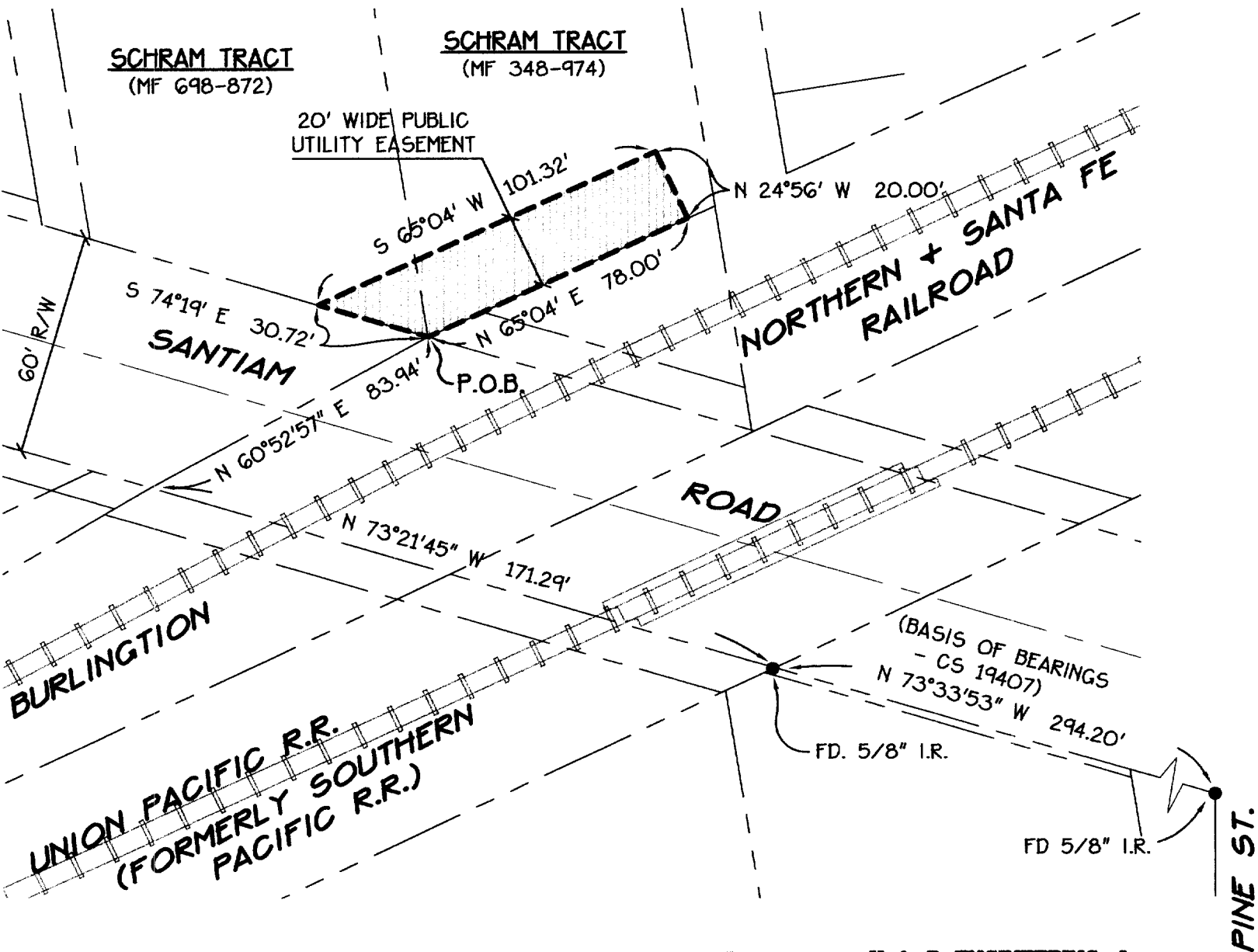
LOCATED IN

SEC. 5 & 6, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

FEBRUARY 15, 2000



ORIG. SCALE: 1" = 40'

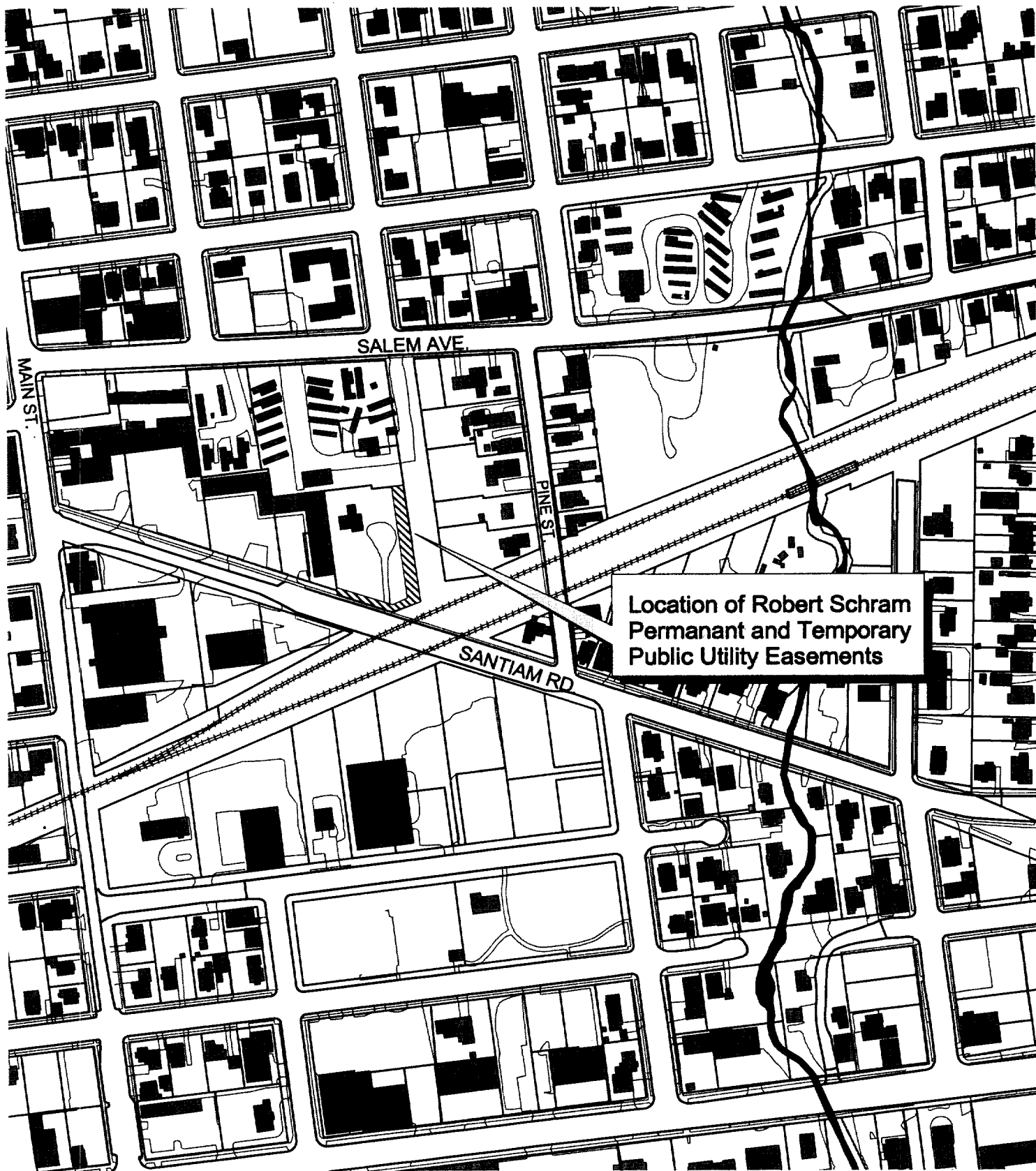


PINE ST.



Vicinity Map

Robert Schram
Permanent and Temporary
Public Utility Easements



Location of Robert Schram
Permanent and Temporary
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 , Deputy

M 75 JUN 6 11 50 AM '00 66
R 70
S 77
A 77
O

MF 1109

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Recorded Document Recorder File No. 3620