

RESOLUTION NO. 4489

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Waverly Land Management, an Oregon General Partnership

A permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 12TH DAY OF SEPTEMBER, 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28th day of August, 2001, by and between **Waverly Land Management, an Oregon General Partnership**, 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 15.0 foot wide permanent public waterline easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
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 Grantor 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 City Records
PO Box 490
Albany, OR 97321*

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

GRANTOR:

Dennis Rapp
Waverly Land Management, an
Oregon General Partnership

Mark Mitchell
Waverly Land Management, an
Oregon General Partnership

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

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

The foregoing instrument was acknowledged before
me this 28th day of August, 2001 by,

The foregoing instrument was acknowledged before
me this 28th day of August, 2001 by,

Dennis Rapp

MARK MITCHELL

as _____
of Waverly Land Management, an Oregon General
Partnership

as _____
of Waverly Land Management, an Oregon General
Partnership



Brian M Grenz
Notary Public for Oregon

Brian M Grenz
Notary Public for Oregon

My Commission Expires: 12-15-01

My Commission Expires: 12-15-01

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
4489, do hereby accept on behalf of the
City of Albany, the above instrument pursuant to the
terms thereof this
12 day of September, 2001.

ATTEST:

Steve Bryant
City Manager

Ken Thomas
City Recorder

EXHIBIT A

15 foot Public Water Line Easements as shown on Exhibit B

Commencing at the Northeast corner of the Anderson Cox Donation Land Claim number 49, in Section 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence South 1°31'00" East a distance of 828.41 feet to a point; thence South 88°29'00" West, along the northerly right of way of Albany Avenue, a distance of 687.00 feet to the Point of Beginning of the centerline of a 15 feet wide Public Water Line Easement hereinafter referred to as Point A, being 7.50 feet on either side of the following described centerline;

thence North 46°29'55" West a distance of 76.47 feet to a point;

thence continuing North 5°10'28" West a distance of 11.15 feet to the Point of Ending on the easterly right of way of Pacific Highway (State Highway 99-E) hereinafter referred to as Point B.

Also a 15 feet wide Public Water Line Easement, being 7.50 feet on either side of the following described centerline; Commencing at the aforementioned Point B;

thence North 36°09'00" East, along the easterly right of way of Pacific Highway (State Highway 99-E), a distance of 224.54 feet to a point; thence North 46°30'00" East, along the easterly right of way of said Pacific Highway, a distance of 152.55 feet to the Point of Beginning of the centerline of a 15 feet wide Public Water Line Easement hereinafter referred to as Point C, being 7.50 feet on either side of the following described centerline;

thence South 46°28'44" East a distance of 56.16 feet to a point;

thence South 01°28'44" East a distance of 95.57 feet to a point;

thence South 44°39'03" East a distance of 20.93 feet to a point;

thence South 89°53'30" East a distance of 144.28 feet to the Point of Ending of said centerline hereinafter referred to as point D

The sidelines of said easements are to be lengthened or shortened so as to intersect at all angle points and to terminate on the easterly right of way of said Pacific Highway at points B and C, and the northerly right of way of Albany Avenue at point A, and be perpendicular to the centerline at point D. All being in the Southwest Quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon.

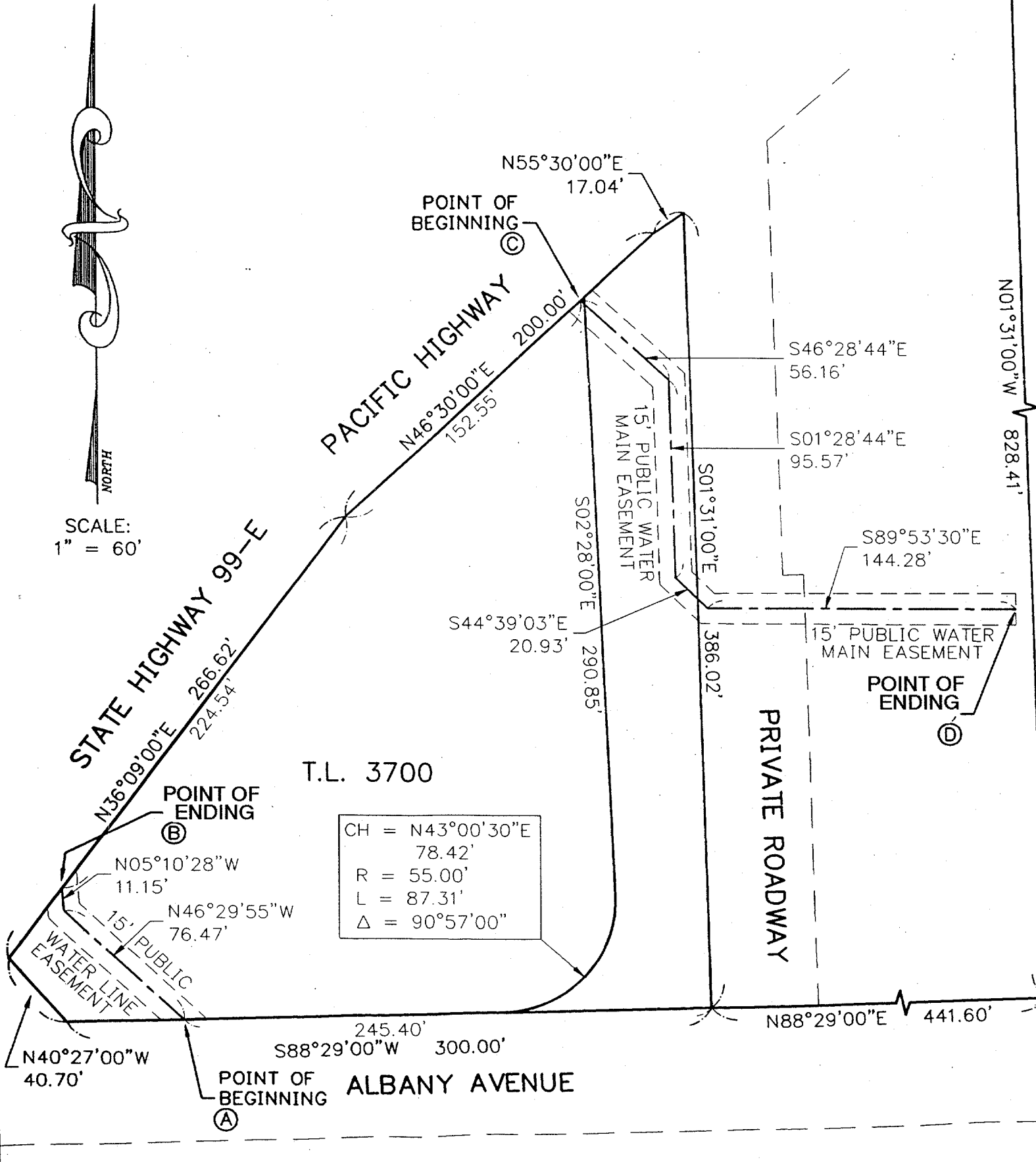
EXHIBIT B

S.W. 1/4, SEC. 4, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

N.E. COR.
ANDERSON COX
D.L.C. NO. 49



SCALE:
1" = 60'





VICINITY MAP

WAVERLY LAND MANAGMENT

100 0 100 Feet



Engineering - AMS

Mike Brash CMS

engrec:j\lav_proj\vicinity_maps.apr

Jun 4, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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

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Recorded Document Recorder File No. 3888