

RESOLUTION NO. 4628

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Clayton Meadows Apartments Limited Partnership

Purpose

A permanent 20-foot-wide 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 13TH DAY OF FEBRUARY 2002.



Mayer

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24th day of Jan, 2002 by and **Clayton Meadows Apartments Limited Partnership**, hereinafter 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:

A public utility easement, 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 on this easement.

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

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

GRANTOR:
CLAYTON MEADOWS APARTMENTS
LIMITED PARTNERSHIP

CITY OF ALBANY:

By Philip D. Hendrick
Philip D. Hendrick

Title Managing General Partner

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 4628 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of February, 2002

This instrument was acknowledged before me on the date: Jan. 24 2002

By Philip D. Hendrick
Title Managing General Partner

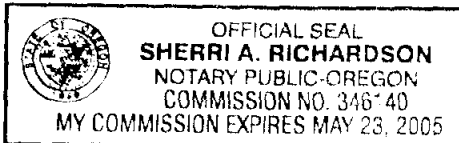
Steve Bryant
City Manager

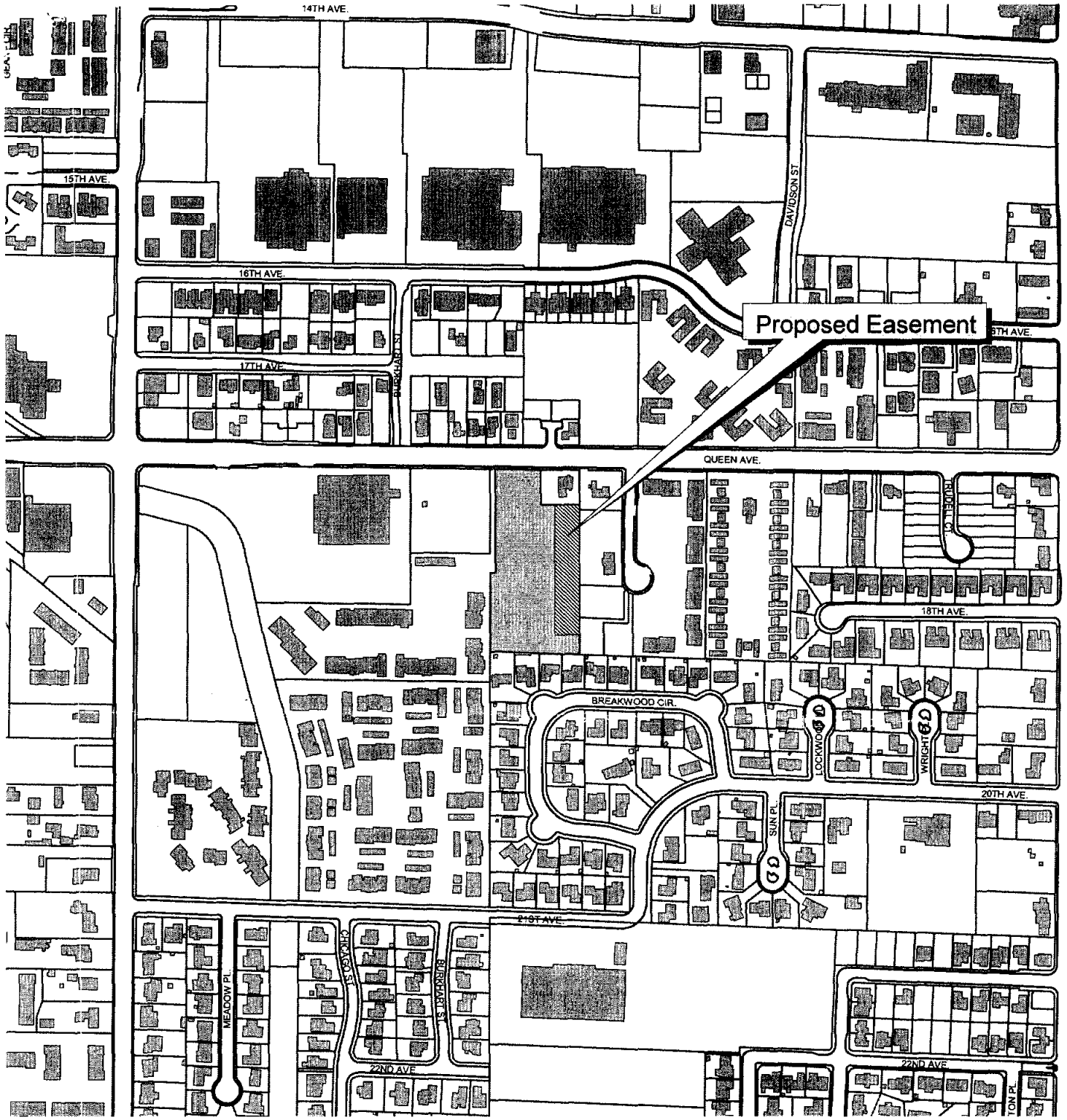
of Clayton Meadows Apartments Limited Partnership.

ATTEST:

Sherril Richardson
Notary Public for Oregon
My Commission Expires: May 23 2005

Ken Thompson
City Recorder





VICINITY MAP

100 0 100 Feet



CLAYTON MEADOWS APTS LIMITED PARTNERSHIP

20' Wide Public Utility Easement

Mike Brash

Engineering

angles J:\AV_PROJ\SITE_MAP.APR

November 27, 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 this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchase 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.



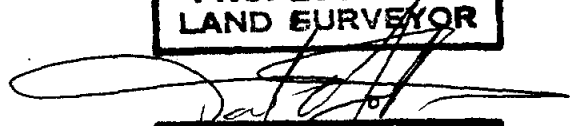
LEGAL DESCRIPTION - PUBLIC UTILITY EASEMENT

A PARCEL OF LAND BEING IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, STATE OF OREGON, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ON THE SOUTHERLY RIGHT-OF-WAY LINE OF QUEEN AVENUE, SAID ROD BEING NORTH 88°55'57" EAST A DISTANCE OF 1035.50 FEET AND NORTH 88°56'10" EAST A DISTANCE OF 255.00 FEET AND SOUTH 1°43'56" EAST A DISTANCE OF 35.00 FEET FROM THE SOUTHEAST CORNER OF THE ABRAM HACKLEMAN D.L.C. NO 62 IN SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, CONTINUING SOUTH 1°43'56" EAST A DISTANCE OF 100.00 FEET TO **THE TRUE POINT OF BEGINNING**, BEING THE MOST EASTERLY NORTHEAST CORNER OF PARCEL ONE OF PARTITION PLAT 1994-20; THENCE CONTINUING SOUTH 1°43'56" EAST, ALONG THE EAST LINE OF SAID PARTITION PLAT, A DISTANCE OF 338.77 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 88°16'04" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 1°43'56" WEST A DISTANCE OF 339.00 FEET TO A POINT ON THE EASTERLY NORTH LINE OF SAID PARCEL ONE; THENCE NORTH 88°56'10" EAST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,778 SQUARE FEET OR 0.16 ACRES MORE OR LESS.

THE BASIS OF BEARING FOR THE ABOVE LEGAL DESCRIPTION IS PARTITION PLAT 1994-20.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
DEC. 16, 1980
DAVID A. FOSTER
#1934

RENEWED THRU 12/31/2001

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

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S 70
A 11
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MF

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Recorded Document Recorder File No. 4064