

RESOLUTION NO. 2543

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following:

Grantor

Purpose

Jack Keller, Agnes C. Keller,
Rodney J. Keller, and Barbara S. Keller

Maintain and repair storm drain lines

DATED this 22nd day of May, 1985.



Mayor

ATTEST:



City Recorder

EASEMENT FOR A STORM DRAIN

THIS AGREEMENT, made and entered into this 18th day of February, 1985, by and between Jack Keller, Agnes C. Keller, Rodney J. Keller, and Barbara S. Keller herein called grantors, 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 grantors have this day bargained and sold and by these presents do 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 storm drain lines for the purpose of conveying storm drainage 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 storm drain and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said storm drain.

The easement and right-of-way affected by this agreement is more particularly described in "Exhibit A", which is herewith made part of this agreement.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consist of:
 - a. a permanent easement which covers a strip of land 20 feet in width for the purpose of maintenance, and
 - b. a temporary easement which covers a strip of land 10 feet in width for the purpose of construction; over the property described herein.
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 maintenance and repair purposes.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement for construction purposes. This temporary easement shall be in effect until such time that the storm drain line receives final approval from the City of Albany.

3. The land affected by this agreement is located in the County of Linn, State of Oregon; and is a portion of the tract as shown on the attached drawing, marked "Exhibit B", which is herewith made part of this agreement.

4. The true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
 - a. the sum of One dollar (\$1.00) for the permanent easement; and
 - b. the additional sum of One dollar (\$1.00) for the temporary easement.
5. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be paid to the Grantors within a period of thirty (30) days from the date of this instrument.
6. The Grantors do 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.
7. No permanent structure shall be constructed on this easement.

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

Jack Keller
Jack Keller

Rodney J. Keller
Rodney J. Keller

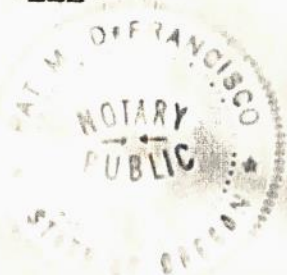
Agnes C. Keller
Agnes C. Keller

Barbara S. Keller
Barbara S. Keller

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

On this 18th day of February, 19 85 personally appeared the above named Jack Keller and Agnes C. Keller and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 18th day of February, 19 85.



Notary Public for Oregon

My Commission Expires: 8/17/87

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

On this 18th day of February, 1985 personally appeared the above named Rodney J. Keller and Barbara S. Keller and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 18th day of February, 1985.


Notary Public for Oregon

My Commission Expires: 8/17/87

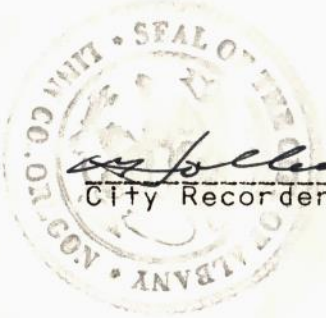
STATE OF OREGON)
County of Linn)ss
City of Albany)

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2543, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated: May 24, 1985.

CITY OF ALBANY, OREGON


City Manager



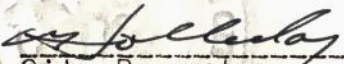

City Recorder

Exhibit "A"

STORM DRAIN EASEMENT

A 20.00 foot wide easement, 10.00 feet either side of a centerline more fully described as:

Beginning at a point on the West line of South Geary Street said point bears $N01^{\circ}35'W$ 1339.06 feet and $S89^{\circ}10'W$ 30.00 feet from the Southeast corner of A. Hackleman and Wife D.L.C. No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Oregon; said point also bears $S01^{\circ}35'E$ 10.00 feet from the Southeast corner of that parcel described in Volume 16, Page 664 in Deed Records of Linn County, Oregon; thence $S89^{\circ}18'22"W$ 134.00 feet parallel to and 10.00 feet South of the South line of said parcel described in Volume 16, Page 664; thence $S53^{\circ}36'13"W$ 104.38 feet; thence $S88^{\circ}40'10"W$ 191.00 feet to a point on the East line of Brookshore, said point being $S01^{\circ}11'49"E$ 9.91 feet from the Southeast corner of Lot 113 of said Brookshore and there terminating.

TOGETHER WITH a construction easement 10.00 feet in width and adjacent to the Southerly line of the above described easement.

JUN 11 1985

At 8 30 O'clock a.m.

208

DEL W RILEY
Linn County Clerk

STATE OF OREGON
County of Linn

By *[Signature]*, Deputy
City of Albany

I hereby certify that the attached was
received and duly recorded by me in
Linn County records

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Resolution No. 2543

Recorded Document Recorder File No. 1681