

RESOLUTION NO. 2825

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

Grantor

National Frozen Foods Corporation, a
Washington Corporation,

Purpose

A 15-foot permanent, public utility easement, centered on public waterline and located on the north side of 30th Avenue beginning at Pacific Blvd. and continuing approximately 950 feet to the east in Albany, Linn County, Oregon.

DATED this 26th day of October, 1988.



Mayor

ATTEST:


City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6th day of ~~June~~ ^{OCTOBER}, 1988, by and between **National Frozen Foods Corporation**, a Washington corporation, 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 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-foot wide permanent utility easement across property deeded to National Fruit Canning Company, a Washington corporation, in Volume 309, Page 300, Linn County Microfilm Deed Records, and also along 30th Avenue, a private roadway, 7.5 feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit "A":

Beginning at a point (Point #1) which bears S. 0°54'30" E., 20.90 feet from a 1/2" iron rod at the southwest corner of that parcel conveyed to Robert L. & Charleen M. Veal in Vol 355, page 409, Linn County Microfilm Deed Records and as shown on County Survey #17974, in Section 13, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; Thence N. 89°14'05" E., 683.45 feet to Point #2; thence S. 61°28'45" E., 16.58 feet to Point #3; thence No. 89°04'45" E., 232.16 feet to Point #4; and there terminating.

ALSO: The following 15-foot wide permanent utility easements beginning at right angles to the easement centerline described above and as shown on the attached map labeled Exhibit "A" (initial distances described from points numbered above):

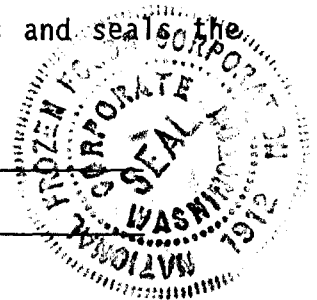
a) Beginning at a point that bears N. 89°14'05" E., 375.44 feet from Point #1; thence S. 0°45'55" E. 34.0 feet; thence N. 89°14'05" E. 15.0 feet and there terminating.

b) Beginning at a point that bears N. 89°14'05" E., 396.59 feet from Point #1; thence N. 0°45'55" W., 30.0 feet and there terminating.

- c) Beginning at a point that bears N. 89°14'05" E., 414.42 feet from Point #1; thence N. 0°45'55" W. 36.0 feet and there terminating.
 - d) Beginning at a point that bears N. 89°14'05" E., 523.18 feet from Point #1; thence S. 0°45'55" E., 48.0 feet and there terminating.
 - e) Beginning at a point that bears N. 89°14'05" E., 620.27 feet from Point #1; thence N. 0°45'55" W., 25.0 feet and there terminating.
 - f) Beginning at point that bears N. 89°04'45" E., 62.97 feet from Point #3; thence S. 0°55'15" E., 39.0 feet and there terminating.
 - g) Beginning at a point that bears N. 89°04'45" E., 212.75 feet from Point #3; thence N. 0°55'15" W., 17.0 feet and there terminating.
 - h) Beginning at a point that bears N. 89°04'45" E., 227.10 feet from Point 33; thence N. 0°55'15" W., 23.0 feet and there terminating.
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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
 4. 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.
 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.

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

[Handwritten signatures]



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 _____ day of _____, 19____, by _____, president, and by _____, secretary, of National Frozen Foods Corporation, a Washington corporation, on behalf of the corporation.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2825 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 27th day of October, 1988.

CITY OF ALBANY, OREGON

William B. Barrons
City Manager

Notary Public for Oregon
My Commission Expires: _____

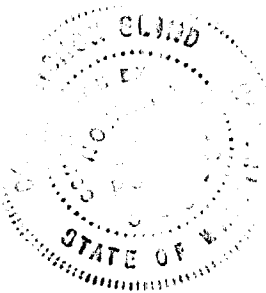
Carol Kelley
City Recorder



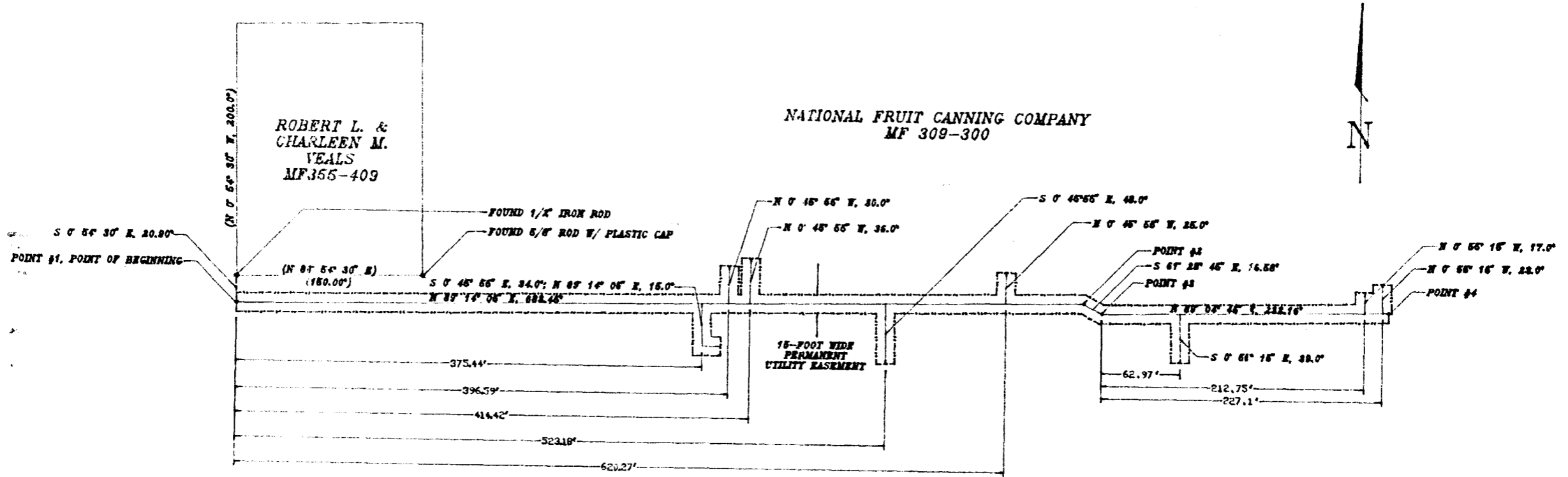
STATE OF WASHINGTON)
County of King) ss.
City of Seattle)

The foregoing instrument was acknowledged before me this sixth day of October, 1988, by S.J. McCaffray, president, and by M.B. McCaffray, secretary, of National Frozen Foods Corporation, a Washington corporation, on behalf of the corporation.

Carol Bichon Hind
Notary Public for Washington
My Commission Expires 5/5/90



BASIS OF BEARINGS - C.S. 17974



15-FOOT WIDE PERMANENT UTILITY EASEMENT
FOR WL-87-7, 30TH AVENUE WATERLINE
CITY OF ALBANY, PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITY DIVISION
5/26/88, PJB

30TH AVE. (PRIVATE)

EXHIBIT 'A'
NOT TO SCALE

30⁰⁰

Nov 3 11 39 AM '88

STATE OF OREGON
County of Linn

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

Volume: MF 485 Page: 490

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature] Deputy
City of Albany

Resolution No. 2825

Recorded Document Recorder File No. 1912