

RESOLUTION NO. 2846

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

Grantor

Great Western Seed Co., Inc.

Purpose

A 15-foot x 25-foot permanent utility easement from 9th Avenue south into the property owned by Great Western seed Co., Inc. for protection of a public sewer manhole.

DATED this 25th day of January, 1989.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13th day of January, 1989, by and between Great Western Seed Co. Inc., a New Jersey 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 that property conveyed to Great Western Seed Co. Inc., a New Jersey Corporation, MF 446 - 854, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a 5/8-inch iron rod located at the intersection of the east right-of-way of Jackson Street with the south right-of-way of 9th Avenue, said point also being South 9°05'00" East, 66.00 feet from the southwest corner of Block 19, Hackleman's Second Addition, Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence North 81°03'56" East, on the south right-of-way of 9th Avenue, 205.86 feet to the true point of beginning; thence South 25°38'22" East, 25.43 feet; thence North 64°12'50" East, 15.00 feet; thence North 25°38'22" West, 20.89 feet to the south right-of-way of 9th Avenue; thence South 81°03'35" West on the south right-of-way of 9th Avenue, 15.67 feet to the true point of beginning, containing 347 square feet more or less.

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 above written.

Corporation Great Western Seed Co. Inc., a New Jersey

By: *John D. Loft*
 President

By: *Dennis S. Malone*
 Secretary

STATE OF NEW JERSEY)
) ss.
)

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

The foregoing instrument was acknowledged before me this 13th day of January, 1989, by John D. Loft, president, and by Dennis S. Malone, secretary, of Great Western Seed Co. Inc., a New Jersey corporation, on behalf of the corporation.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2846 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 26th day of January, 1989.

PATRICIA E. OLIVO
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Aug. 21, 1992
Patricia E. Olivo
 Notary Public for New Jersey
 My Commission Expires: 8-21-92

CITY OF ALBANY, OREGON
William B. Barrons
 City Manager

[Signature]
 City Recorder

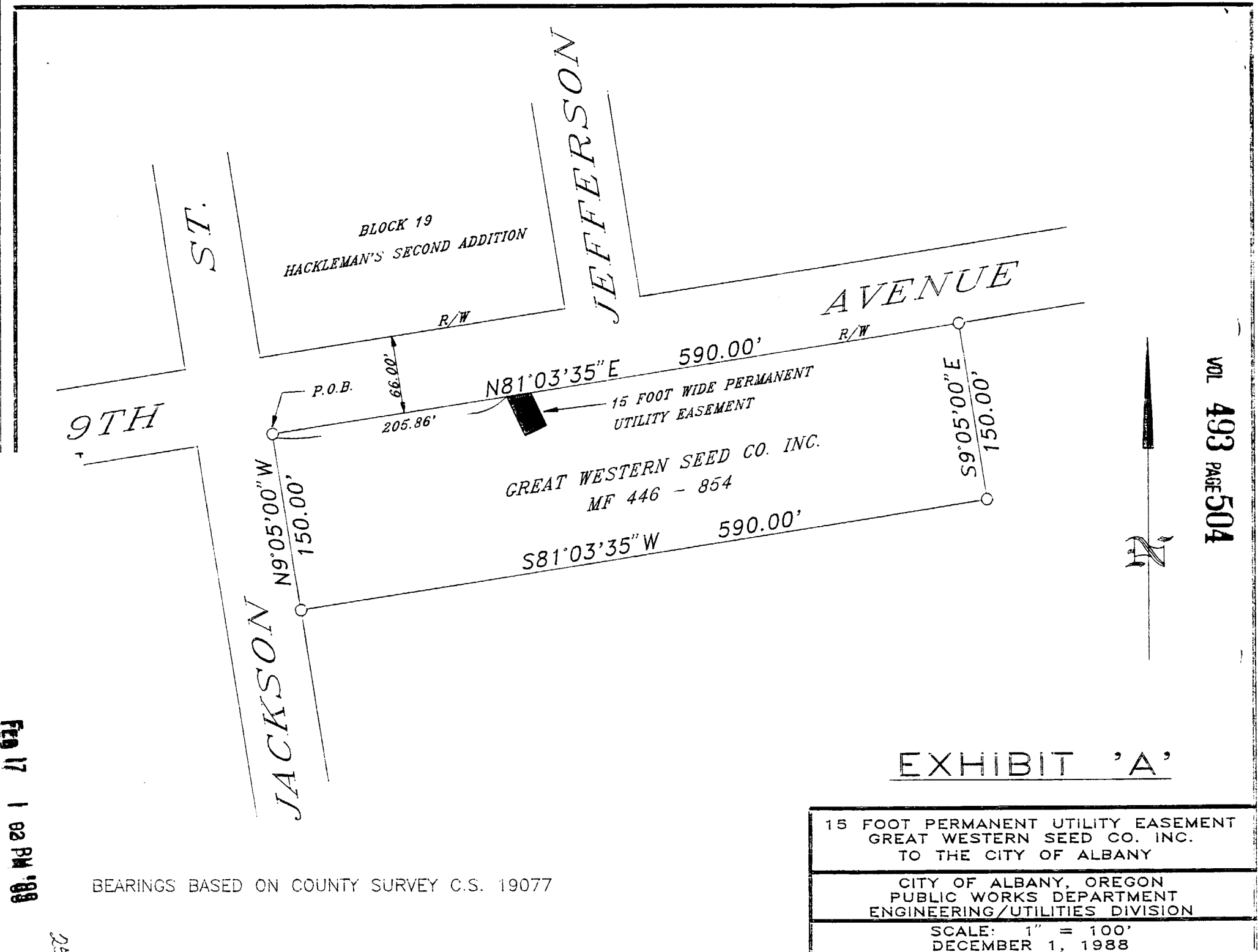


EXHIBIT 'A'

15 FOOT PERMANENT UTILITY EASEMENT GREAT WESTERN SEED CO. INC. TO THE CITY OF ALBANY
CITY OF ALBANY, OREGON PUBLIC WORKS DEPARTMENT ENGINEERING/UTILITIES DIVISION
SCALE: 1" = 100' DECEMBER 1, 1988

BEARINGS BASED ON COUNTY SURVEY C.S. 19077

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 493 Page: 502

BY *Steve Druckenmiller*
Deputy
City of Albany
Box 490
Albany 97321

STEVE DRUCKENMILLER
Linn County Clerk

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25

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Recorded Document Recorder File No. 1931