

RESOLUTION NO. 2975

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

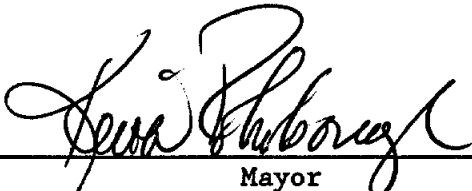
Grantor

Archdiocese of Portland in Oregon  
an Oregon Corporation

Purpose

A 15-foot wide permanent utility easement across property located at 11S-03W-07BC tax lot 2000 for purposes of maintaining a sanitary sewer manhole in the City of Albany, Linn County, Oregon.

DATED this 8th day of August, 1990.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13<sup>th</sup> day of July, 1990, by and between **Archdiocese of Portland in Oregon, an Oregon 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 belonging to Archdiocese of Portland in Oregon, an Oregon Corporation, in Block 69, City of Albany, a subdivision plat as recorded in Plat Book 1, Page 1, Linn County Records Office, in Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, said easement being 7.5 feet on either side of the follow described centerline and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of Block 69, City of Albany, a subdivision plat as recorded in Plat Book 1, Page 1, Linn County Records Office; thence on the westerly line of said Block 69, North 09° 00' 00" West 109.25 feet to a point, said point being the **TRUE POINT OF BEGINNING**; thence parallel to the northerly line of said Block 69, North 81° 00' 00" East 13.50 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.

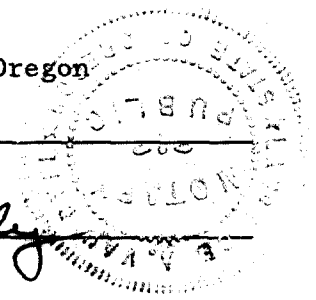
- 5. Upon performing any maintenance, the City shall return the site to original or better condition.
- 6. No permanent structure shall be constructed on this easement.

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

Archdiocese of Portland in Oregon

By: Paul Waldschmidt  
Vice President

By: Mary Jo Tully  
Secretary



STATE OF OREGON )  
County of Multnomah ) ss.  
City of Portland )

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

The foregoing instrument was acknowledged before me this 13 day of July, 1990 by ~~William Leveda~~, president,\* and by Mary Jo Tully, secretary, of Archdiocese of Portland in Oregon, an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2975 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of August, 1990.

\*Paul E. Waldschmidt, Vice President

J. A. Waldschmidt  
Notary Public for Oregon  
My Commission Expires: 8/6/93

CITY OF ALBANY, OREGON

Steve Bryant  
City Manager

[Signature]  
City Recorder



ARCHDIOCESE OF PORTLAND  
IN OREGON, AN OREGON  
CORPORATION BLOCK 69  
CITY OF ALBANY SUBDIVISION

11S-03W-07BC  
TAX LOT 2000

TRUE POINT OF  
BEGINNING

N 81° E 13.50'

BROADALBIN STREET

N 09° W 109.25'

CENTERLINE OF  
EASEMENT

SOUTHEAST CORNER OF BLOCK 69,  
CITY OF ALBANY SUBDIVISION  
PLAT POINT BEING THE P.O.B.



SCALE 1" = 30'

9th AVENUE

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION

15-FOOT EASEMENT FROM  
ARCHDIOCESE OF PORTLAND  
(ST. MARY'S CHURCH)  
TO THE CITY OF ALBANY

SEP 25 12 32 PM '90

STATE OF OREGON  
County of Linn

STEVE DRUCKENMILLER  
Linn County Clerk

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

By *[Signature]*, Deputy

City of Albany

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Recorded Document Recorder File No. 0722