

RESOLUTION NO. 2976

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

Grantor

Oregon Metallurgical Corporation

Purpose

A 15-foot wide utility easement located in 11S-03W-19 tax lot 402 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 20 day of July, 1990, by and between Oregon Metallurgical 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 the boundaries of which are as described below and further shown on the attached drawing labeled EXHIBIT A.

Beginning at a 3/4-inch bolt located at the southwest corner of that parcel conveyed to Oregon Metallurgical Corporation in Volume MF 304, Page 322, Linn County Microfilm Deed Records, in Section 19, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon: thence North 89° 08' 26" East on the south property line of said parcel, 1,360.87 feet; thence North 00° 49' 32" West on the east property line of said parcel, 15.00 feet; thence South 89° 08' 26" West parallel to the south property line of said parcel, 1,345.61 feet; thence North 00° 09' 26" East parallel to the west property line of said parcel, 1,279.77 feet; thence North 89° 50' 34" West, 15.00 feet; thence South 00° 09' 26" West on the west property line of said parcel, 1,295.04 feet, to the point of beginning.

Containing 0.91 acres 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.

PREMIER
JUL 23 90
PUBLIC WORKS
CITY OF LOS ANGELES

- 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.

Oregon Metallurgical Corporation

By: Frank Caputo
President

By: Orval N Thompson
Secretary

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 20 day of July, 1990 by Frank Caputo, president, and by Orval N. Thompson, secretary, of Oregon Metallurgical Corporation, an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2976 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of August, 1990.

Walter J. Holyfield
Notary Public for Oregon
My Commission Expires: 12/18/91

CITY OF ALBANY, OREGON

Steve Bryant
City Manager

Walter J. Holyfield
City Recorder

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 27th day of June, 1990, by ORVAL N. THOMPSON, Secretary of OREGON METALLURGICAL CORPORATION, an Oregon corporation, on behalf of the corporation.

Walter J. Holyfield
Notary Public for Oregon
My Commission Expires: 9/21/92.

EXHIBIT A

U.S. HWY. 99

See Mod II 4W 254A

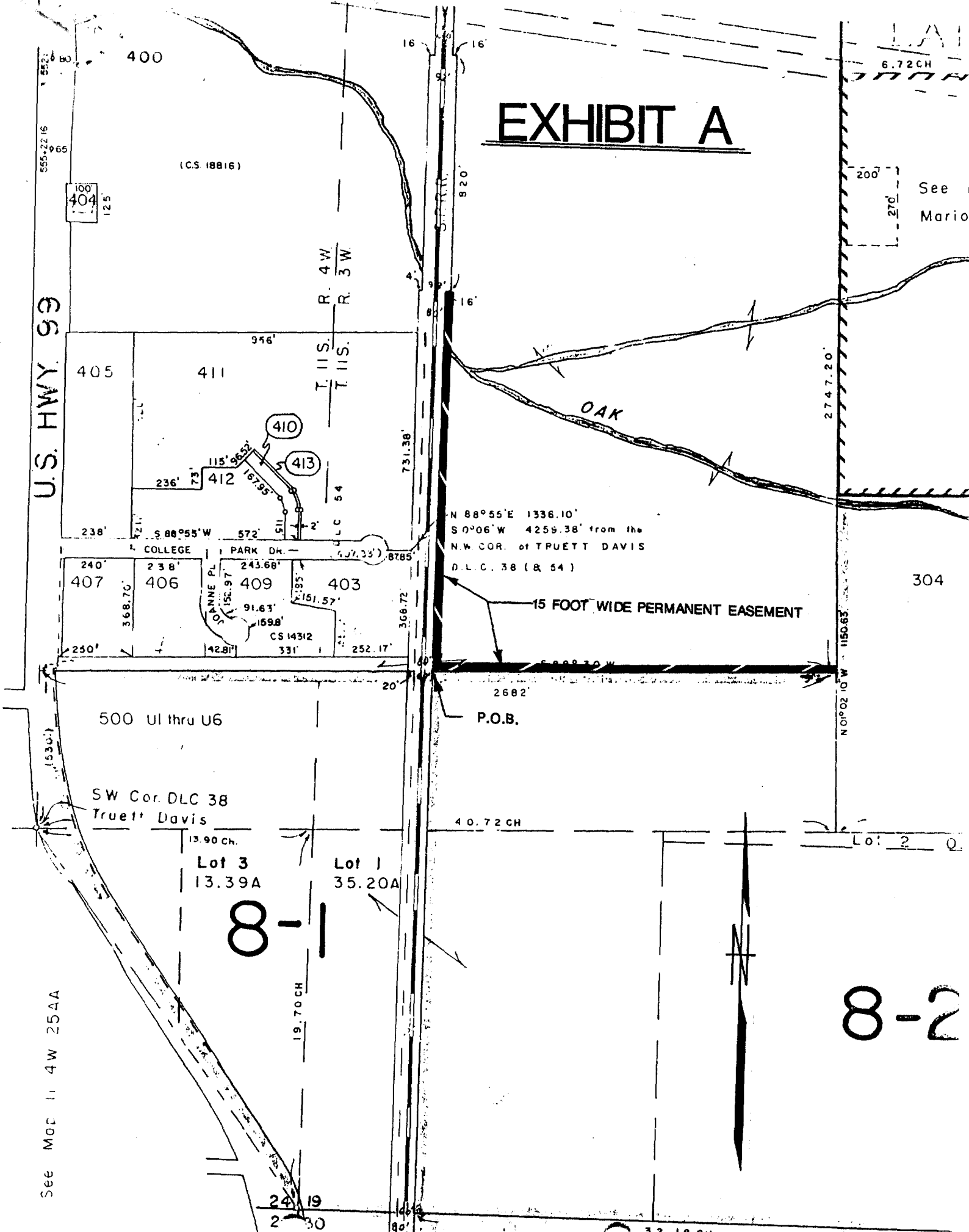
6.72 CH

See M
Marior

304

Lot 2

8-2



25

SEP 25 12 38 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

Volume: MF 543 Page: 214

City of Albany

Resolution No. 2976

Recorded Document Recorder File No. 0705