

RESOLUTION NO. 2979

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement dated July 23, 1990:

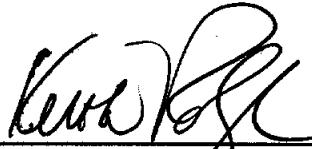
Grantor

Robert S. Rondeau
Elizabeth A. Rondeau

Purpose

Permanent utility easement across their property located at 2875 Cedarwood Court SE, Albany, Linn County, Oregon.

DATED this 15th day of August, 1990.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23 day of July, 1990, by and between Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife, 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 25-foot wide permanent utility easement across that property conveyed to Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife in Volume MF 485, Page 186 Linn County Microfilm Deed Records, 12.5 feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southwest corner of the Anderson Cox Donation Land Claim Number 49, in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, thence North 1° 39' West 3,742.95 feet, thence North 88° 40' 30" East 364.50 feet to the TRUE POINT OF BEGINNING said point being in the center of a 15-foot water line easement granted to Pacific Power and Light Company recorded in deed Volume 341, Page 559, Linn County Deed Microfilm Records; thence South 1° 21' 13" East 163.15 feet and there terminating.

ALSO:

A 15-foot wide permanent utility easement across that property conveyed to Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife in Volume MF 485, Page 186 Linn County Microfilm Deed Records, 7.5 feet on either side of a center line more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southwest corner of the Anderson Cox Donation Land Claim Number 49, in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, thence North 1° 39' West 3,742.95 feet, thence North 88° 40' 30" East 364.50 feet, thence South 1° 21' 13" East 131.00 feet to the TRUE POINT OF BEGINNING, thence North 88° 38' 47" East 42.00 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.

Robert S. Rondeau

Robert S. Rondeau

Elizabeth A. Rondeau

Elizabeth A. Rondeau

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 23 day of July, 1990, by grantor(s) as his/her/their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2979, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of August, 1990.

John Q. Supak

Notary Public for Oregon

My Commission Expires: 3-12-92

CITY OF ALBANY, OREGON

Steve Bryant
City Manager

[Signature]
City Recorder

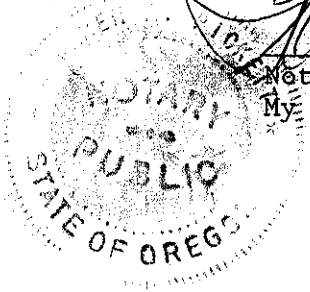


EXHIBIT A

15-FOOT WATER LINE EASEMENT TO PACIFIC POWER AND LIGHT COMPANY AS RECORDED IN VOLUME 341, PAGE 599.

POINT OF BEGINNING OF THE 25-FOOT PERMANENT UTILITY EASEMENT IS IN THE CENTER OF THE EXISTING 15-FOOT WATER LINE EASEMENT AS RECORDED IN VOLUME 341, PAGE 599.

N 88° 40' 30" E 364.50'

CEDAR WOOD CT.

25 FOOT PERMANENT UTILITY EASEMENT

15 FOOT PERMANENT UTILITY EASEMENT

SOUTH 1° 21' 13" EAST
163.10'

POINT OF BEGINNING OF THE 15-FOOT PERMANENT UTILITY EASEMENT IS IN THE CENTER OF THE 25-FOOT EASEMENT, AND S 1° 21' 13" E 131.00 FEET FROM THE CENTER OF THE WATER LINE EASEMENT TO PACIFIC POWER AND LIGHT COMPANY.

NORTH 88° 38' 47" EAST
42.00'

VOL 537 PAGE 471

ROBERT S. RONDEAU
ELIZABETH A. RONDEAU
MF 485-186
TAX LOT 404, 11S-03W-08D

SCALE 1" = 60'

THE SOUTHWEST CORNER OF THE ANDERSON COX DONATION LAND CLAIM NUMBER 49, IN SECTION 8 TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN.

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

RONDEAU PROPERTY
15 AND 25 FOOT WIDE
PERMANENT UTILITY
EASEMENT TO THE
CITY OF ALBANY

N 1° 39' W 3,742.95'

WAVERLY DRIVE

JUL 24 3 15 PM '90

25-1

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 537 Page: 469

attest: Andy

STEVE DRUCKENMILLER
Linn County Clerk

By: Deputy
City of Albany
8/14/90
Albany 97321

Resolution No. 2979

Recorded Document Recorder File No. 0616