

RESOLUTION NO. 3029

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

Grantor

Oregon Freeze Dry, Inc.

Purpose

A 15-foot wide utility easement across their property located at 525 25th Ave. SW, City of Albany, Linn County, Oregon.

DATED this 13th day of February, 1991.

  
Approved by Council President

ATTEST

  
Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17<sup>th</sup> day of January, 1990, by and between Oregon Freeze Dry Foods, Inc. an Oregon Corporation, now known as Oregon Freeze Dry, Inc. 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:

SECTION I

A 15-foot wide permanent utility easement, centered over an existing waterline, across that parcel of land conveyed to Oregon Freeze Dry Foods, Inc. an Oregon Corporation, now known as Oregon Freeze Dry, Inc., an Oregon Corporation, in Volume MF 259, Page 809, Tract I, Linn County Microfilm Deed Records, the centerline of which is more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the easterly southeast corner of the Isaac Hutchins Donation Land Claim Number 70, in the southwest quarter of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence North 01° 29' 30" West 652.82 feet; thence North 17° 48' 27" West 1,152.90 feet; thence North 72° 11' 33" East 88.26 feet to the TRUE POINT OF BEGINNING; thence following the centerline of a newly constructed waterline (Oregon Freeze Dry waterline project number SI-90-4A through 4D) the following courses and distances: South 89° 59' 04" West 10.31 feet; North 42° 04' 40" West 82.36 feet; North 85° 52' 22" West 47.27 feet; North 30° 48' 12" West 196.03 feet; North 17° 51' 11" West 410.59 feet; North 17° 23' 11" West 106.52 feet; North 18° 18' 16" West 30.15 feet; North 55° 21' 46" West 13.06 feet; South 86° 15' 51" West 24.78 feet; South 87° 05' 19" West 87.52 feet; South 88° 41' 32" West 274.05 feet and there terminating.

Containing 0.4417 acres, more or less.

## SECTION II

A 15-foot wide permanent utility easement, centered over an existing fire hydrant, across that parcel of land conveyed to Oregon Freeze Dry Foods, Inc. an Oregon Corporation, now known as Oregon Freeze Dry, Inc., an Oregon Corporation, in Volume MF 259, Page 809, Tract I, Linn County Microfilm Deed Records, the centerline of which is more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the easterly southeast corner of the Isaac Hutchins Donation Land Claim Number 70, in the southwest quarter of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence North  $01^{\circ} 29' 30''$  West 652.82 feet; thence North  $17^{\circ} 48' 27''$  West 2,059.88 feet; thence South  $89^{\circ} 54' 00''$  West 420.54 feet; thence South  $00^{\circ} 03' 14''$  East 184.35 feet to the TRUE POINT OF BEGINNING; thence following the centerline of a newly constructed fire hydrant (Oregon Freeze Dry waterline project number SI-90-4A through 4D) the following course and distance: North  $89^{\circ} 56' 46''$  East 10.60 feet and there terminating.

Containing 159 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.

Oregon Freeze Dry, Inc

By: [Signature]  
President

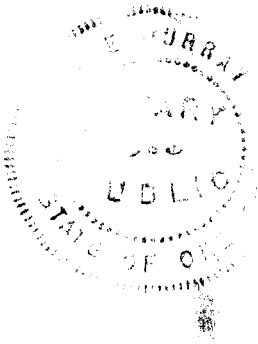
By: [Signature]  
Secretary

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 17th day of January, 1991 by Herbert Aschkenasy, president, and by Philip A. Unverzagt, secretary, of Oregon Freeze Dry, Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3029 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of February, 1991.

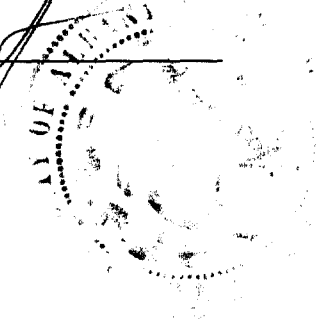


[Signature]  
Notary Public for Oregon  
My Commission Expires: 8-10-91

CITY OF ALBANY, OREGON

[Signature]  
City Manager

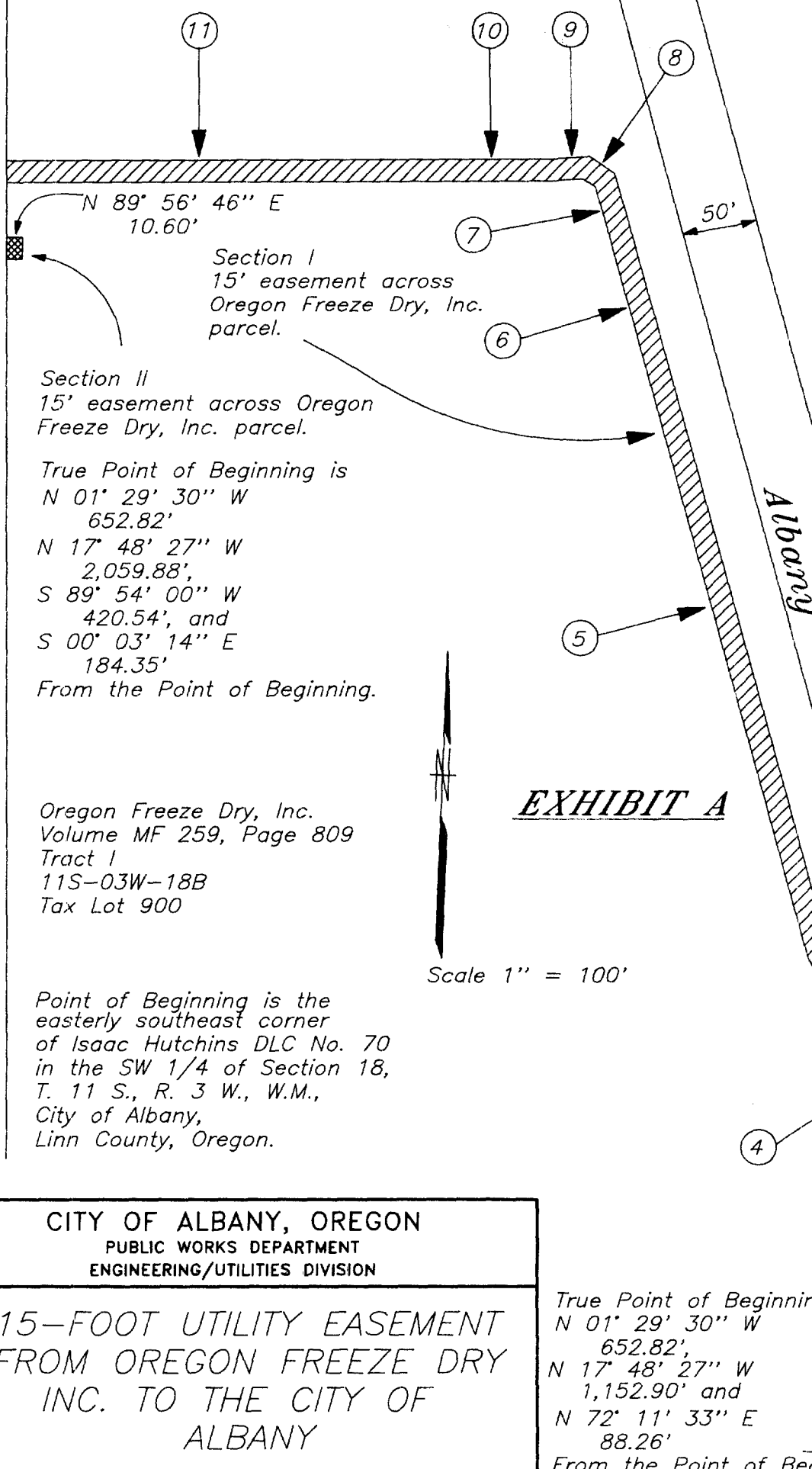
[Signature]  
Deputy City Recorder



BEARING AND DISTANCE TABLE

①	S 89° 59' 04" W 10.31'
②	N 42° 04' 40" W 82.36'
③	N 85° 52' 22" W 47.27'
④	N 30° 48' 12" W 196.03'
⑤	N 17° 51' 11" W 410.59'
⑥	N 17° 23' 11" W 106.52'
⑦	N 18° 18' 16" W 30.15'
⑧	N 55° 21' 46" W 13.06'
⑨	S 86° 15' 51" W 24.78'
⑩	S 87° 05' 19" W 87.52'
⑪	S 88° 41' 32" W 274.05'

Southern Pacific Railroad



N 89° 56' 46" E  
10.60'

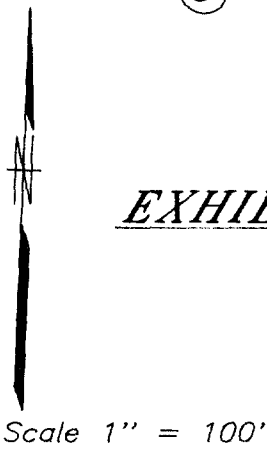
Section I  
15' easement across  
Oregon Freeze Dry, Inc.  
parcel.

Section II  
15' easement across Oregon  
Freeze Dry, Inc. parcel.

True Point of Beginning is  
N 01° 29' 30" W  
652.82'  
N 17° 48' 27" W  
2,059.88',  
S 89° 54' 00" W  
420.54', and  
S 00° 03' 14" E  
184.35'  
From the Point of Beginning.

Oregon Freeze Dry, Inc.  
Volume MF 259, Page 809  
Tract I  
11S-03W-18B  
Tax Lot 900

Point of Beginning is the  
easterly southeast corner  
of Isaac Hutchins DLC No. 70  
in the SW 1/4 of Section 18,  
T. 11 S., R. 3 W., W.M.,  
City of Albany,  
Linn County, Oregon.



**EXHIBIT A**

Albany - Saritiam Canal

25th Ave.

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

15-FOOT UTILITY EASEMENT  
FROM OREGON FREEZE DRY  
INC. TO THE CITY OF  
ALBANY

True Point of Beginning is  
N 01° 29' 30" W  
652.82',  
N 17° 48' 27" W  
1,152.90' and  
N 72° 11' 33" E  
88.26'  
From the Point of Beginning

30

MAR 12 2 10 PM '91

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 557 Page: 168

STEVE DRICKENMILLER  
Linn County Clerk

By  Deputy  
City of Albany

RESOLUTION NO. 3028

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

Grantor

Oregon Freeze Dry, Inc.

Purpose

15-foot wide permanent utility easement for a waterline across their property located at 770 29th Avenue SW, Albany, Linn County, Oregon.

DATED this 13th day of February, 1991.

  
Approved by Council President

ATTEST:

  
Deputy City Recorder

Resolution No. 3029

Recorded Document Recorder File No. 2031