

RESOLUTION NO. 3036

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

Grantor

Lyon Associates, a Washington
Limited Partnership

Purpose

Four 15-foot wide utility easements for a newly constructed waterline which is located at 2000 Queen Ave SE, City of Albany, Linn County, Oregon. Easements are next to Shop 'n' Kart food store.

DATED this 27th day of February, 1991.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of JANUARY, 1991, by and between Lyon Associates, a Washington Limited Partnership, 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:

TRACT I

A 15-00 foot wide permanent utility easement across that property conveyed to Lyon Associates, in Volume MF 540, Page 702, Linn County Microfilm Deed Records and across that property conveyed to Warren W. Cooley and Gordon H. Cooley in Volume MF 434, Page 829, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map label EXHIBIT A:

Beginning at the southeast corner of the Abram Hackleman Donation Land Claim Number 62, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Queen Avenue North $88^{\circ} 56' 58''$ East 809.44 feet; thence South $01^{\circ} 47' 24''$ East 36.50 feet, to the south right-of-way line of Queen Ave, said point being the TRUE POINT OF BEGINNING; thence South $01^{\circ} 47' 24''$ East 391.00 feet to a 1/2" iron rod; thence South $88^{\circ} 56' 58''$ West 15.00 feet; thence North $01^{\circ} 47' 24''$ West 391.00 feet to the south right-of-way line of Queen Avenue; thence on said right-of-way line, North $88^{\circ} 56' 58''$ East 15.00 feet, to the True Point of Beginning.

Containing 0.1346 acres, more or less.

TRACT II

A 15.00-foot wide permanent utility easement across that property conveyed to Lyon Associates, in Volume MF 540, Page 702, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at the southeast corner of the Abram Hackleman Donation Land Claim Number 62, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Queen Avenue North 88° 56' 58" East 488.10 feet; thence South 36.50 feet to the south right-of-way line of Queen Avenue, said point being the TRUE POINT OF BEGINNING; thence on the south right of way line of Queen Avenue, North 88° 56' 58" East 15.00 feet; South 11.00 feet; thence South 88° 56' 58" West 15.00 feet; thence North 11.00 feet to the True Point of Beginning.

Containing 165 square feet, more or less.

TRACT III

A 15.00-foot wide permanent utility easement across that property conveyed to Lyon Associates, in Volume MF 540, Page 702, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at the southeast corner of the Abram Hackleman Donation Land Claim Number 62, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Queen Avenue North 88° 56' 58" East 488.10 feet; thence South 36.50 feet to the south right-of-way line of Queen Avenue, said point being the TRUE POINT OF BEGINNING; thence on the south right of way line of Queen Avenue, North 88° 56' 58" East 15.00 feet; South 10.00 feet; thence South 88° 56' 58" West 15.00 feet; thence North 10.00 feet to the True Point of Beginning.

Containing 150 Square feet, more or less.

TRACT IV

A 15.00-foot wide permanent utility easement across that property conveyed to Lyon Associates, in Volume MF 540, Page 702, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT C:

Beginning at the southeast corner of the Abram Hackleman Donation Land Claim Number 62, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Queen Avenue North 88° 56' 58" East 53.01 feet; thence South 01° 39' 41" East 42.01 feet to the south right-of-way line of Queen Avenue, said point being the TRUE POINT OF BEGINNING; thence on said south right-of-way line, North 88° 56' 58" East 170.00 feet; thence South 15.00 feet; thence parallel to the said south right-of-way South 88° 56' 58" West 182.67 feet to the east right-of-way line of Geary Street; thence on the said east right-of-way line, North 01° 31' 47" West 1.78 feet; thence North 43° 23' 03" East 18.51 feet to the True Point of Beginning.

Containing 0.0629 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.
- 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.

Lyon Associates, a Washington Limited Partnership
 By: *Gilbert A. Thomas*
 Vice President, Secretary, & Treasurer

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

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

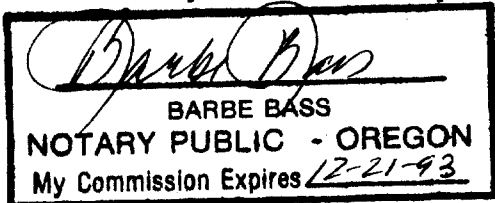
The foregoing instrument was acknowledged before me this 29th day of JANUARY, 1991, by Gilbert A. Thomas, vice president, secretary, and treasurer of Lyon Associates, a Washington Limited Partnership, an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3036 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of February, 1991.

CITY OF ALBANY, OREGON

Steve Bryant
 City Manager

 Notary Public for Oregon
 My Commission Expires: _____



Debbie Andrews
 Deputy City Recorder

Queen Ave.

Centerline of Quee. Ave.

S 01° 47' 24" E
36.50'

N 88° 56' 58" E
809.44'

True Point of Beginning

N 88° 56' 58" E
15.00'

SE Cor. of Abram
Hackleman DLC 62,
T. 11 S., R. 3 W., W.M.
P.O.B. of this description.

Lyon Associates, a
Washington Limited
Partnership
Volume MF 540-702
11S-03W-08CD
Tax Lot 200

Periwinkle Creek

Centerline of Geary St.
Geary St.

N 01° 47' 24" W 391.00'
S 01° 47' 24" E 391.00'

Note:

This easement description extends 71.00 feet south of the south line of Lyon Associates property. Lyon Associates is in the process of purchasing a 71.00 foot wide strip of land from the Cooley's. The lot-line adjustment for this property was approved and signed by the City of Albany, on Jan. 2nd, 1991.



Scale 1" = 50'

Warren W. Cooley
Gordon H. Cooley
Volume MF 434-829

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

15-Foot wide utility
easement from Lyon
Associates to the
City of Albany

S 88° 56' 58" W
15.00'

East Line of Lyon Assoc.
Property

EXHIBIT A:
Tract I

SE Cor. of Abram
Hackleman DLC 62
T. 11 S., R. 3 W., W.M.
P.O.B. of this description

Queen Ave.

N 88° 56' 58" E 753.85'

Centerline of Queen Ave.

488.10'

See Detail A

South 36.50'

See Detail B

True Point
of Beginning

True Point
of Beginning

East line of
Lyon Associates
Property

Lyon Associates, a
Washington Limited
Partnership
Volume MF 540-702
11S-03W-08CD
Tax Lot 200

Shop 'n' Kart
Building

Tract II

Tract III

True Point
of Beginning

Detail A

True Point
of Beginning

Detail B

N 88° 56' 58" E

N 88° 56' 58" E

15.00'

15.00'

South
11.00'

South
11.00'

South
10.00'

South
10.00'

S 88° 56' 58" W

S 88° 56' 58" W

15.00'

15.00'

Geary St.

Centerline of Geary St.

Periwinkle Creek

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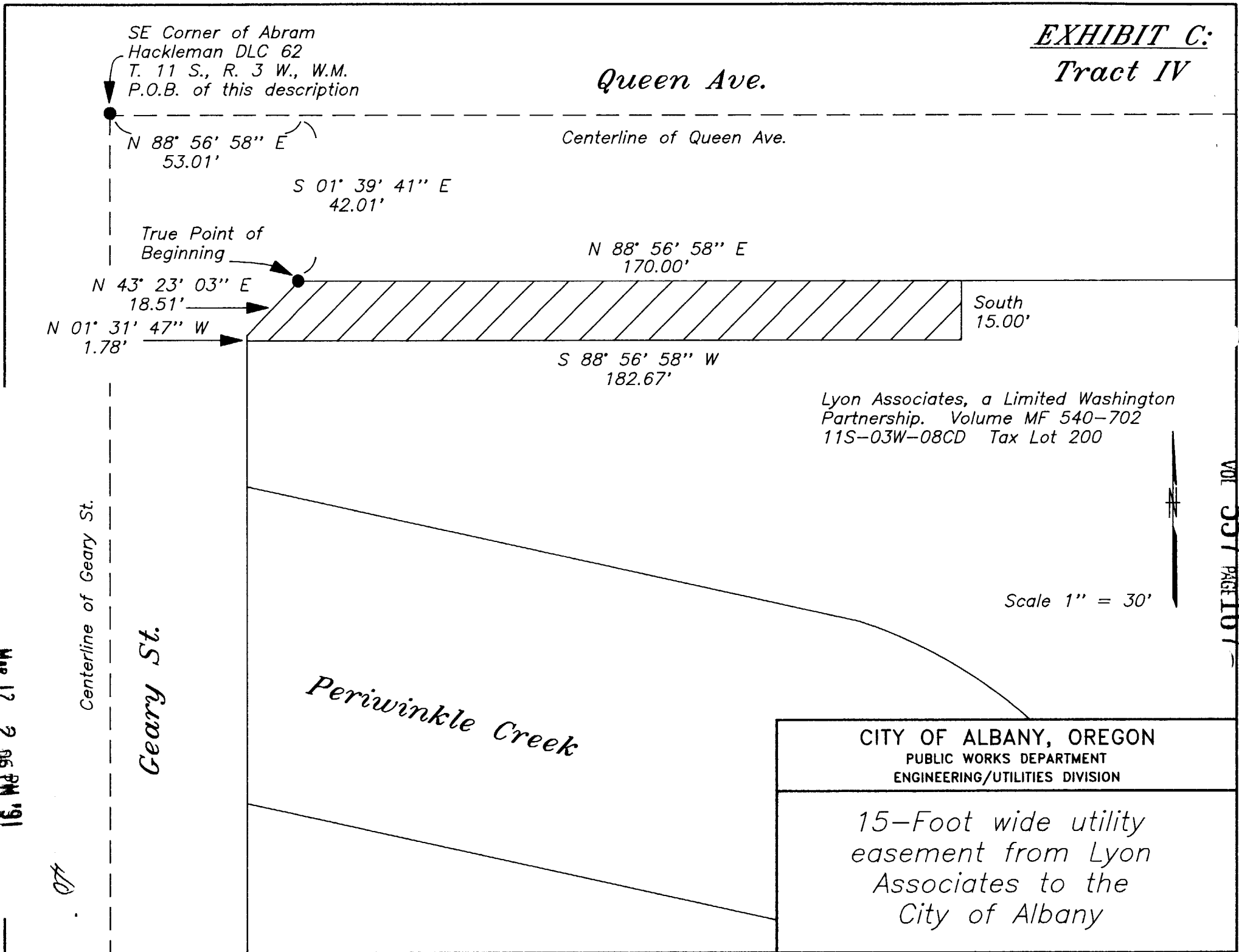
CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

15-Foot wide utility
easements for Fire Hydrants
from Lyon Associates
to the City of Albany

EXHIBIT B:

Scale 1" = 100'

EXHIBIT C:
Tract IV



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: 162

MAR 12 2 06 PM '91

STEVE DRUCKENMILLER
Linn County Clerk

BY *[Signature]* Deputy
City of Albany

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Resolution No. 3036

Recorded Document Recorder File No. 2029