

RESOLUTION NO. 3086

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


Grantor

United Pentecostal Church of
Albany, Oregon

Purpose

A 10-foot wide permanent utility easement
over the existing sanitary sewer line
located in tax lots 1400, 1500, 1600 and
1700, 11-03W-05CC, 230 Pine Street, City
of Albany, Linn County, Oregon.

DATED this 11th day of September, 1991.



Council President

ATTEST:



City Recorder

RECEIVED
AUG 22 1991
CITY OF ALBANY

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 21st day of August, 1991, by and between United Pentecostal Church of Albany, Oregon, an Oregon non-profit corporation, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

SP-40-91
CU-14-91
VR-14-91

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 five-foot wide permanent utility easement over that parcel of land conveyed to United Pentecostal Church of Albany, Oregon, in Book 239, Page 510, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A five-foot wide strip of land over said United Pentecostal Church of Albany, Oregon parcel, said strip of land being parallel, adjacent, and south of the north property line, in Lot 4, Block 17, Hacklemans Third Addition, in Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 330 square feet, more or less.

TRACT II

A five-foot wide permanent utility easement over that parcel of land conveyed to United Pentecostal Church of Albany, Oregon, in Book 314, Page 852, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A five-foot wide strip of land over said United Pentecostal Church of Albany, Oregon parcel, said strip of land being parallel, adjacent, and north of the south property line, in Lot 4, Block 17, Hacklemans Third Addition, in Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 330 square feet, more or less.

TRACT III

A five-foot wide permanent utility easement over that parcel of land conveyed to United Pentecostal Church of Albany, Oregon, in Volume MF 391, Page 833, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A five-foot wide strip of land over said United Pentecostal Church of Albany, Oregon parcel, said strip of land being parallel, adjacent, and south of the north property line, in Lot 3, Block 17, Hacklemans Third Addition, in Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 330 square feet, more or less.

TRACT IV

A five-foot wide permanent utility easement over that parcel of land conveyed to United Pentecostal Church of Albany, Oregon, in Volume MF 401, Page 049, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A five-foot wide strip of land over said United Pentecostal Church of Albany, Oregon parcel, said strip of land being parallel, adjacent, and north of the south property line, in Lot 3, Block 17, Hacklemans Third Addition, in Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 280 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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
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.

United Pentecostal Church of Albany, Oregon

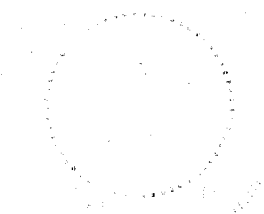
By: M. David Johnson
President

By: Anita J Sargeant
Secretary

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

The foregoing instrument was acknowledged before me this 21st day of August, 19 91, by M.D. Johnson, president, of United Pentecostal Church of Albany, Oregon, an Oregon non-profit corporation, on behalf of the corporation.

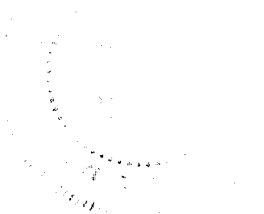
Notary Public for Oregon
Lucille Deem
My Commission Expires: 1-11-94



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

The foregoing instrument was acknowledged before me this 21st day of August, 19 91, by Anita Sargeant, secretary, of United Pentecostal Church of Albany, Oregon, an Oregon non-profit corporation, on behalf of the corporation.

Notary Public for Oregon
Lucille Deem
My Commission Expires: 1-11-94

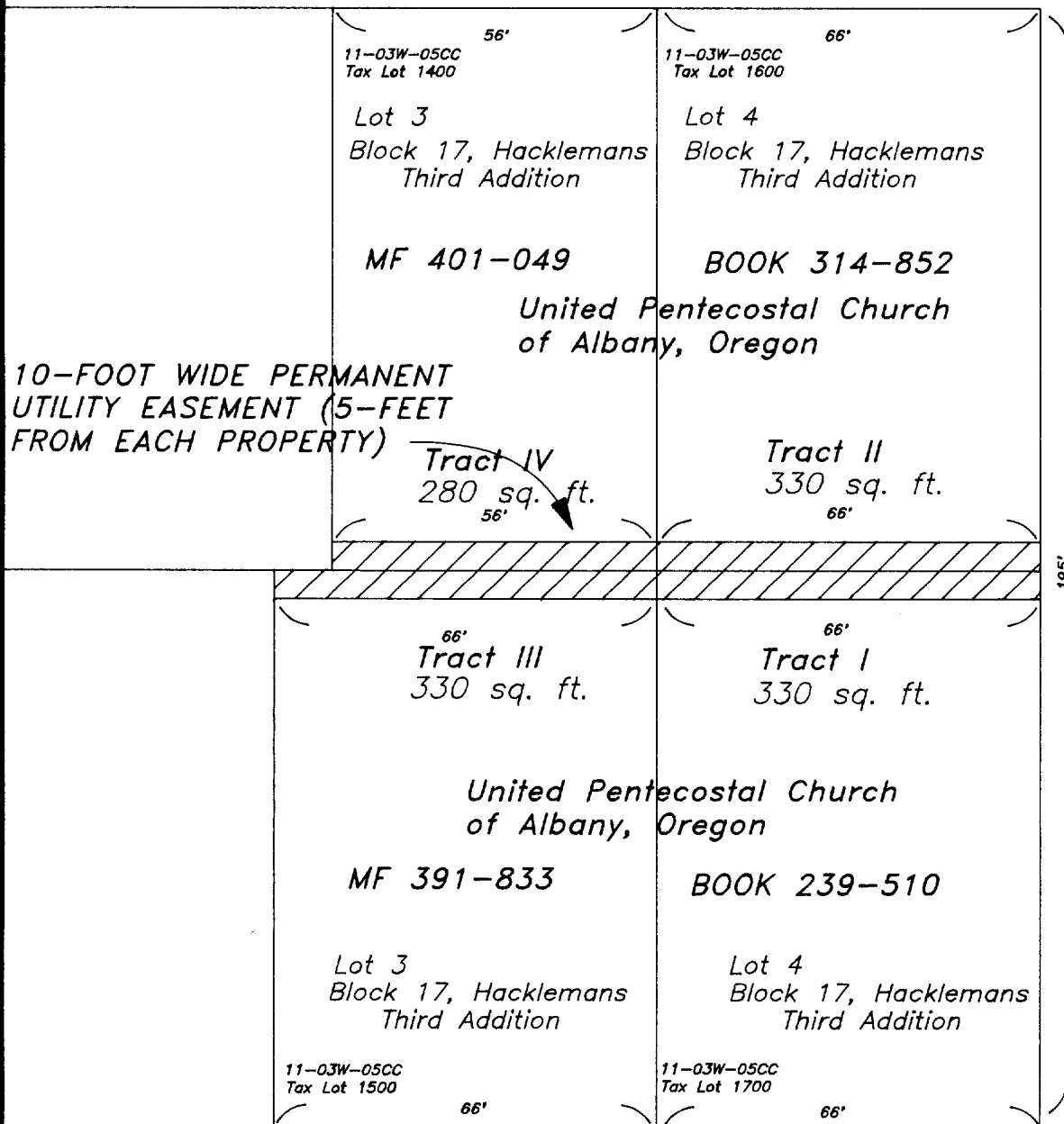


STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3086 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of September, 19 91

CITY OF ALBANY, OREGON
Steve Bryant
City Manager

[Signature]
City Recorder



10-FOOT WIDE PERMANENT UTILITY EASEMENT (5- FEET FROM EACH PROPERTY)

Pine Street

195'

Scale 1" = 30'
August 5th, 1991

Salem Avenue

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

10-foot wide permanent utility easement from the United Pentecostal Church of Albany, Oregon, to the City of Albany

EXHIBIT A

35

SEP 27 11 09 AM '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 576 Page: 978

STEVE DRUCKENMILLER
Linn County Clerk

By UW, Deputy
Attn: Norm
CITY OF ALBANY
POB 490, ALBANY 97321

Resolution No. 3086

Recorded Document Recorder File No. 2104