

RESOLUTION NO. 3102

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

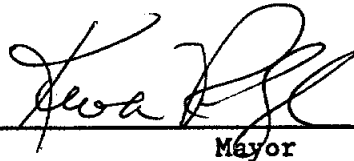
Grantor

Stanley L. Sayles  
Elizabeth M. Sayles  
John Lees  
Linda K. Lees

Purpose

15-foot wide permanent utility easement for a waterline across their properties located at 1345 and 1456 Broadway Street, NW, Albany, Oregon in Tax Lots 700 and 800, 10-4-36DC and Tax Lot 900, 10-4-36CA in the City of Albany, Benton County, Oregon.

DATED this 23rd day of October, 1991.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

M-141360-91

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30<sup>th</sup> day of September, 1991, by and between Stanley L. Sayles and Elizabeth M. Sayles, 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 permanent utility easement across that parcel of land conveyed to Stanley L. Sayles and Elizabeth M. Sayles, husband and wife, in M-49707 Benton County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of the John Q. Thornton Donation Land Claim Number 37, in Section 2, Township 10 South, Range 4 West, Willamette Meridian; thence on the north line of said Donation Land Claim, North 89° 56' 30" East 2,658.48 feet; thence leaving said Donation Land Claim line, South 00° 08' 30" East 779.68 feet to a 5/8-inch iron rod as shown on County Survey Number 5388, Benton County Surveyor's Office, said point being the northwest corner of that parcel of land described in M-30645, Benton County Deed Records; thence South 00° 09' 00" East 12.00 feet, more or less, to the easterly northeast corner of that parcel of land described in M-49707 Benton County Deed Records, said point being the TRUE POINT OF BEGINNING; thence on that parcel line and the westerly extension thereof described in M-49707, Benton County Deed Records, West 16.00 feet; thence South 15.00 feet; thence East 6.00 feet; thence South 11.00 feet; thence East 10.00 feet, more or less, to the east line of said parcel of land; thence on said east line, North 26.00 feet, more or less, to the True Point of Beginning.

Containing 350 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.
7. Relocation of the waterline due to the construction, grading or excavation of a road, driveway or other improvement shall be the responsibility of the owner or developer. The relocated waterline shall have 12-inches of sand pipe bedding and have a minimum of 30-inches of total cover. The City shall be notified in writing prior to construction.

IN WITNESS, WHEREOF, the Grantors have hereunto affixed their signatures this 30 day of Sept, 1991.

Stanley L. Sayles  
Stanley L. Sayles  
Elizabeth M. Sayles  
Elizabeth M. Sayles

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

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of September, 1991, by Stanley L. Sayles as his voluntary act and deed.

Notary Public for Oregon  
Vici Runninghawk  
My Commission Expires: 6-19-93

Vici Runninghawk  
VICI RUNNINGHAWK  
NOTARY PUBLIC - OREGON  
My Commission Expires 6-19-93

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

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of September, 1991, by Elizabeth M. Sayles as her voluntary act and deed.

Notary Public for Oregon  
Vici Runninghawk  
My Commission Expires: 6-19-93

Vici Runninghawk  
VICI RUNNINGHAWK  
NOTARY PUBLIC - OREGON  
My Commission Expires 6-19-93

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 3102 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of October, 1991.

CITY OF ALBANY, OREGON  
Steve Bryant  
City Manager

[Signature]  
City Recorder

N 89° 30" E  
2,650.48'

*Gibson Hill Road NW*

Northwest Corner of DLC  
Number 37, in Section 36  
T. 10 S., R. 4 W. W.M.  
Point of Beginning

10-4-36DB  
Tax Lot 600

10-4-36DB  
Tax Lot 500

S 00° 08' 30" E  
779.68'

*Broadway Street NW*  
Private Road

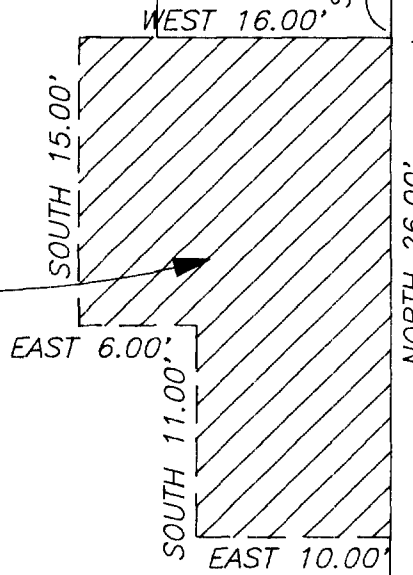
Stanley L. Sayles  
Elizabeth M. Sayles  
M-49707 BCDR

10-4-36CA  
Tax Lot 900

S 00° 09' 00" E  
12.00'

True Point of Beginning

Easement for 2"  
PVC Waterline  
Containing 350 Sq. Ft.



John Lees  
Linda K. Lees  
M-30645 BCDR  
10-4-36DC  
Tax Lot 700



Scale 1" = 10'

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION Sept. 1991

Easement for a 2" PVC  
Waterline from Sayles to  
the City of Albany in the  
SW 1/4 Section 36 in  
T. 10 S., R. 4 W. W.M.

*Exhibit A*

City of Albany  
P.O. Box 490  
Albany, OK 97321

STATE OF OREGON { ss. **130662**  
County of Benton {

I hereby certify that the within  
instrument was received for record

'91 NOV 12 AM 10 59


and assigned N<sup>o</sup> **141360** 1991

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK

DIRECTOR OF RECORDS & ELECTIONS

By  DEPUTY

M-141361-91  
M-142581-91

This document is being re-recorded to delete map and add correct map.

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3<sup>rd</sup> day of October, 1991, by and between John Lees and Linda K. Lees, husband and wife, as tenants by the entirety, 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 across that parcel of land conveyed to John Lees and Linda K. Lees, husband and wife, as tenants by the entirety, in M-30645, Benton County Deed Records, 7.5-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 Northwest corner of the John Q. Thornton Donation Land Claim Number 37, in Section 2, Township 10 South, Range 4 West, Willamette Meridian; thence on the north line of said Donation Land Claim, North 89° 56' 30 East 2,658.48 feet; thence leaving said north line of said Donation Land Claim, South 00° 08' 30" East 779.68 feet to a 5/8-inch iron rod as shown on County Survey Number 5388, Benton County Surveyor's Office, said point being the Northwest corner of that parcel of land described in M-30645, Benton County Deed Records; thence on the west line of said parcel, South 00° 09' 00" East 12.00 feet to the TRUE POINT OF BEGINNING; thence South 00° 09' 00" East 21.36 feet; thence South 31° 57' 40" East 20.81 feet; thence South 04° 53' 40" East 316.65 feet; thence South 05° 13' 07" East 183.92 feet; thence South 40° 32' 56" East 130.55 feet, more or less, to the south line of said parcel, said point being South 89° 58' 12" East 138.02 feet from the southwest corner of said parcel, said point also being the terminating point of this description.

Containing 0.228 acres of land, 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.
7. Relocation of the waterline due to the construction, grading or excavation of a road, driveway or other improvement shall be the responsibility of the owner or developer. The relocated waterline shall have a tracer wire, 12-inches of sand pipe bedding and have a minimum cover of 30-inches. The City shall be notified in writing prior to construction.



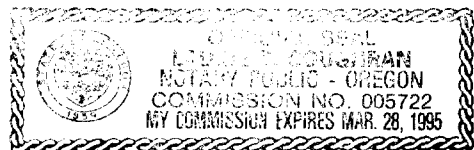
IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 3rd day of October, 1991.

John Lees  
John Lees  
Linda K. Lees  
Linda K. Lees

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

The foregoing instrument was acknowledged before me this 3rd day of October, 1991, by John Lees as his voluntary act and deed.

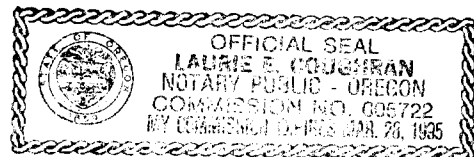
Notary Public for Oregon  
Laurie E. Coughran  
My Commission Expires: 03-28-95



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

The foregoing instrument was acknowledged before me this 3rd day of October, 1991, by Linda K. Lees as her voluntary act and deed.

Notary Public for Oregon  
Laurie E. Coughran  
My Commission Expires: 03-28-95

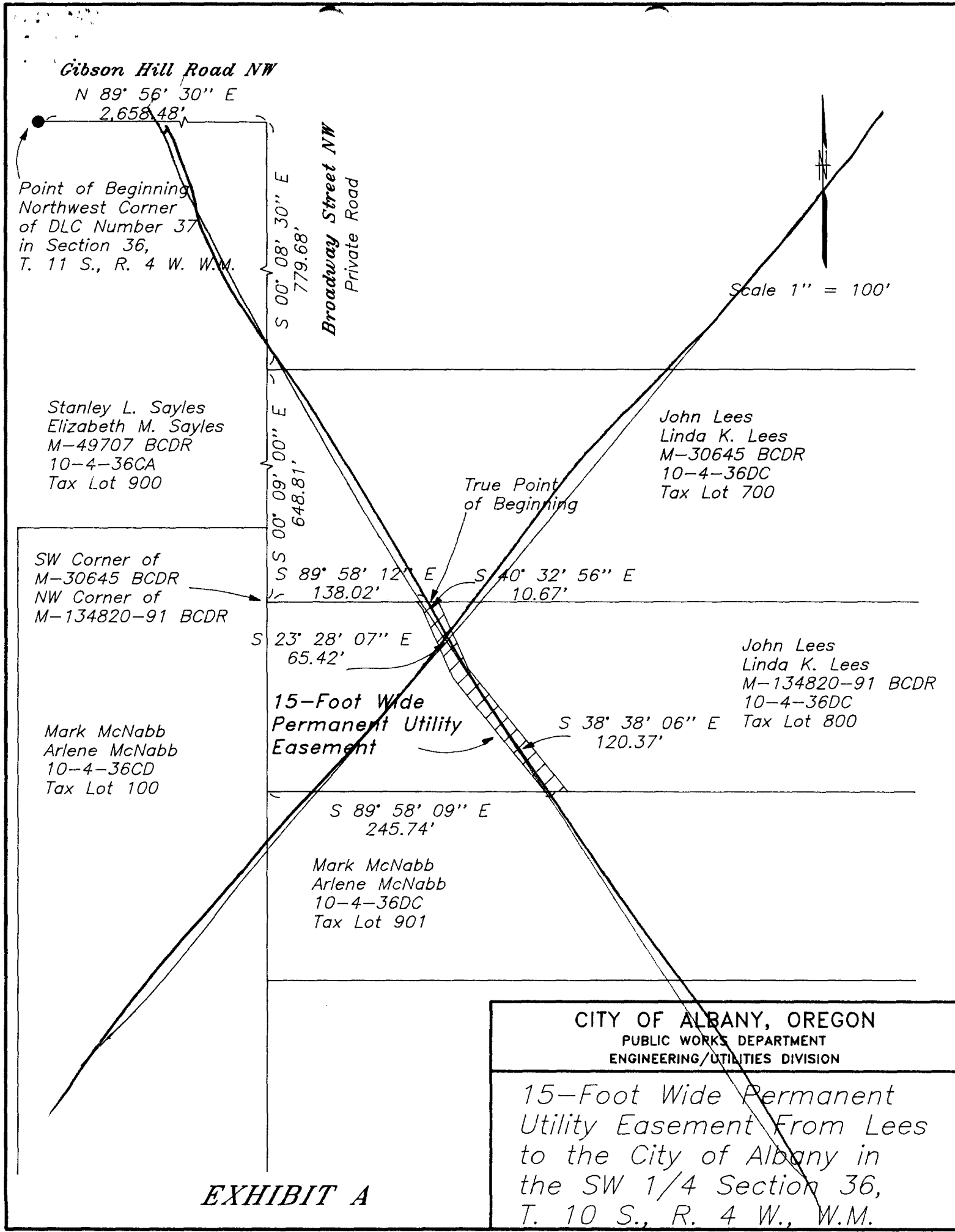


STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

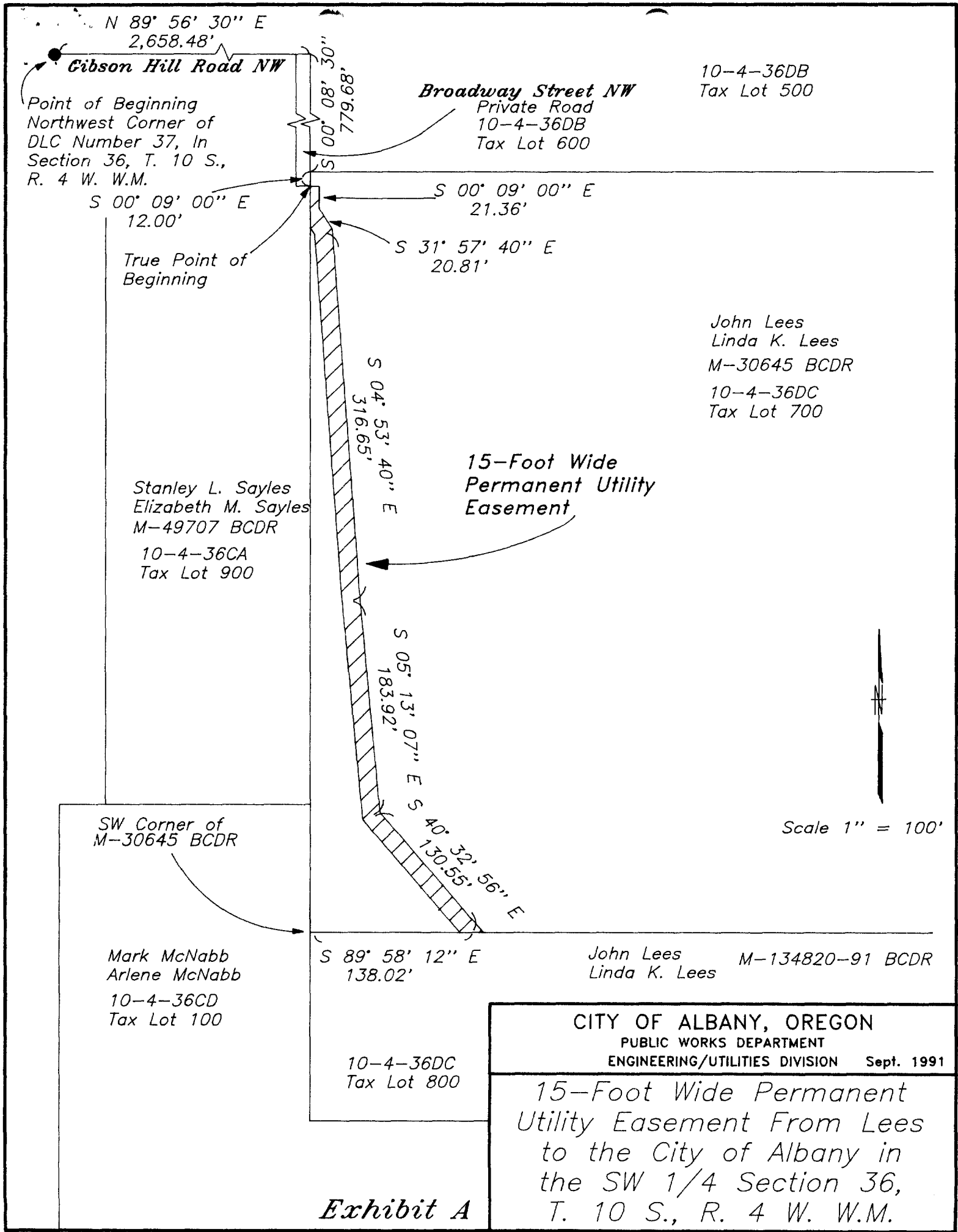
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3102 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of October, 1991.

CITY OF ALBANY, OREGON  
Steve Bryant  
City Manager

[Signature]  
City Recorder



**EXHIBIT A**



N 89° 56' 30" E  
2,658.48'

**Gibson Hill Road NW**

Point of Beginning  
Northwest Corner of  
DLC Number 37, In  
Section 36, T. 10 S.,  
R. 4 W. W.M.

S 00° 09' 00" E  
12.00'

True Point of  
Beginning

Stanley L. Sayles  
Elizabeth M. Sayles  
M-49707 BCDR  
10-4-36CA  
Tax Lot 900

SW Corner of  
M-30645 BCDR

Mark McNabb  
Arlene McNabb  
10-4-36CD  
Tax Lot 100

**Broadway Street NW**  
Private Road  
10-4-36DB  
Tax Lot 600

10-4-36DB  
Tax Lot 500

S 00° 08' 30" E  
779.68'

S 00° 09' 00" E  
21.36'

S 31° 57' 40" E  
20.81'

S 04° 53' 40" E  
316.65'

**15-Foot Wide  
Permanent Utility  
Easement**

S 05° 13' 07" E  
183.92'

S 40° 32' 56" E  
130.55'

S 89° 58' 12" E  
138.02'

10-4-36DC  
Tax Lot 800

John Lees  
Linda K. Lees  
M-134820-91 BCDR

John Lees  
Linda K. Lees  
M-30645 BCDR  
10-4-36DC  
Tax Lot 700



Scale 1" = 100'

**CITY OF ALBANY, OREGON**  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION    Sept. 1991

*15-Foot Wide Permanent  
Utility Easement From Lees  
to the City of Albany in  
the SW 1/4 Section 36,  
T. 10 S., R. 4 W. W.M.*

**Exhibit A**

City of Albany  
PO Box 490  
Albany, OR 97321

STATE OF OREGON }  
County of Benton { ss. **131826**

I hereby certify that the within  
instrument was received for record

'91 DEC 19 AM 10 23

and assigned N<sup>o</sup> 142581 1991

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK

DIRECTOR OF RECORDS & EXCEPTIONS

By *Daniel G. Burk*  
DEPUTY

STATE OF OREGON }  
County of Benton { ss. **130663**

I hereby certify that the within  
instrument was received for record

'91 NOV 12 AM 10 59

and assigned N<sup>o</sup> 141361 1991

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK

DIRECTOR OF RECORDS & EXCEPTIONS

By *Daniel G. Burk*  
DEPUTY

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3<sup>rd</sup> day of October, 1991, by and between John Lees and Linda K. Lees, 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 15-foot wide permanent utility easement across that parcel of land conveyed to John Lees and Linda K. Lees, husband and wife, in M-134820-91, Benton County Deed Records, 7,5-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 Northwest corner of the John Q. Thornton Donation Land Claim Number 37, in Section 36, Township 10 South, Range 4 West, Willamette Meridian; thence on the north line of said Donation Land Claim, North 89° 56' 30" East 2,658.48 feet; thence leaving said north line of said Donation Land Claim, South 00° 08' 30" East 779.68 feet to a 5/8-inch iron rod as shown on County Survey Number 5388, Benton County Surveyor's Office, said point being the northwest corner of that parcel of land described in M-30645, Benton County Deed Records; thence on the west line of said parcel, South 00° 09' 00" East 648.81 feet, more or less, to the southwest corner of said parcel of land, said point also being the northwest corner of that parcel of land described in M-134820-91, Benton County Deed Records; thence on the north line of said parcel, South 89° 58' 12" East 138.02 feet to the TRUE POINT OF BEGINNING; thence South 40° 32' 56" East 10.67 feet; thence South 23° 28' 07" East 65.42 feet; thence South 38° 38' 06" East 120.37 feet, more or less, to the south line of said parcel, said point being South 89° 58' 09" East 245.74 feet from the southwest corner of said parcel, said point also being the terminating point of this description.

Containing 0.068 acres of land, 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.
7. Relocation of the waterline due to the construction, grading or excavation of a road, driveway or other improvement shall be the responsibility of the owner or developer. The relocated waterline shall have a tracer wire, 12-inches of sand pipe bedding and have a minimum cover of 30-inches. The City shall be notified in writing prior to construction.

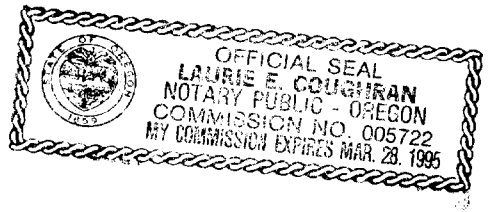
IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 3rd day of October, 1991.

John Lees  
John Lees  
Linda K. Lees  
Linda K. Lees

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

The foregoing instrument was acknowledged before me this 3rd day of October, 1991, by John Lees as his voluntary act and deed.

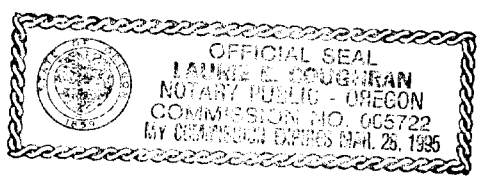
Notary Public for Oregon  
Laurie E. Coughran  
My Commission Expires: 03-28-95



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

The foregoing instrument was acknowledged before me this 3rd day of October, 1991, by Linda K. Lees as her voluntary act and deed.

Notary Public for Oregon  
Laurie E. Coughran  
My Commission Expires: 03-28-95



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 3102 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of October, 1991

CITY OF ALBANY, OREGON  
Steve Bryant  
City Manager

[Signature]  
City Recorder

*Gibson Hill Road NW*

N 89° 56' 30" E  
2,658.48'

Point of Beginning  
Northwest Corner  
of DLC Number 37  
in Section 36,  
T. 11 S., R. 4 W. W.M.

*Broadway Street NW*  
Private Road

S 00° 08' 30" E  
779.68'

S 00° 09' 00" E  
648.81'

Stanley L. Sayles  
Elizabeth M. Sayles  
M-49707 BCDR  
10-4-36CA  
Tax Lot 900

John Lees  
Linda K. Lees  
M-30645 BCDR  
10-4-36DC  
Tax Lot 700

SW Corner of  
M-30645 BCDR  
NW Corner of  
M-134820-91 BCDR

S 89° 58' 12" E  
138.02'

True Point  
of Beginning

S 40° 32' 56" E  
10.67'

S 23° 28' 07" E  
65.42'

15-Foot Wide  
Permanent Utility  
Easement

S 38° 38' 06" E  
120.37'

John Lees  
Linda K. Lees  
M-134820-91 BCDR  
10-4-36DC  
Tax Lot 800

Mark McNabb  
Arlene McNabb  
10-4-36CD  
Tax Lot 100

S 89° 58' 09" E  
245.74'

Mark McNabb  
Arlene McNabb  
10-4-36DC  
Tax Lot 901

Scale 1" = 100'

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

15-Foot Wide Permanent  
Utility Easement From Lees  
to the City of Albany in  
the SW 1/4 Section 36,  
T. 10 S., R. 4 W., W.M.

EXHIBIT A



City of Albany

STATE OF OREGON {  
County of Benton { ss 131827

I hereby certify that the within instrument was received for record

'91 DEC 19 AM 10 23

and assigned N<sup>o</sup> 142582 1991

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK

DIRECTOR OF RECORDS & EXCEPTIONS

By *M. J. ...*  
DEPUTY

Resolution No. 3102

Recorded Documents Recorder Files No.

2121 - Sayles

2122 - Lees