

RESOLUTION NO. 3223

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

Grantor

Gerald Gene Thompson and Ora Jean Thompson

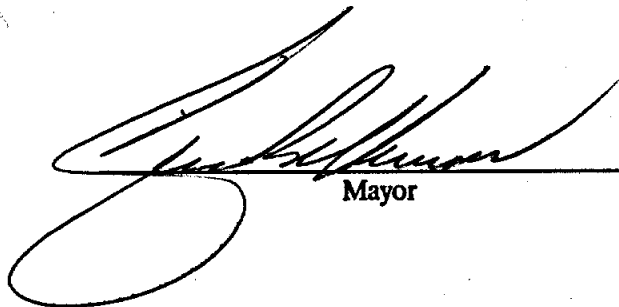
Purpose

Two (2) Permanent Public Utility Easements across that parcel known as 2220 Broadway St. SW: a 7-foot wide easement along Broadway for sidewalks and a 50-foot wide easement along the existing BPA easement for a sanitary sewer line and for a storm drain line. Both easements were conditions of the City's Partitioning Application Case PA-06-92.

DATED this 13th day of January, 1993.

ATTEST:


[Signature]
City Recorder



Mayor

EASEMENTS FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5th day of January, 1993, by and between Gerald Gene Thompson and Ora Jean Thompson, 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, two easements and rights-of-ways, 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, undergrowth, 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 permanent public utility easements hereby granted consist of:

A 7-foot wide easement for the purpose of installing and maintaining public utilities and a public sidewalk, the east line of which is described as follows: Beginning at the intersection of the west line of that parcel conveyed to Linn County by deed recorded in Book 123, Page 56, Linn County Deed Records, with the north line of that parcel conveyed to Charles H. Leland et ux by deed recorded in Book 228, Page 60, said deed records; which point is 781.59 feet North 89°40'19" West, 875.46 feet North 10°48' East, and 30.53 feet North 89°53'19" West of the southeast corner of the George Cline Donation Land Claim Number 84, Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 10°48' East along the west line of said Linn County parcel to the north line of that parcel conveyed to Gerald Gene Thompson et ux by deed recorded in Book 267, Page 142, said deed records and there terminating. The side line of said 7-foot easement is to be extended or shortened to terminate in the north boundaries of said Leland and Thompson parcels.

Containing 0.058 acres, more or less.

A 50-foot wide easement for the purpose of installing and maintaining a sanitary sewer and storm drain line, being 25 feet on each side of the following described line: Beginning at the intersection of the west line of that parcel conveyed to Linn County deed recorded in Book 123, Page 56, Linn County Deed Records, with the center line of that certain easement conveyed to the United States of America by deed recorded in Volume 209, Page 293, said deed records; which point is 781.59 feet North 89°40'19" West, 936.02 feet North 10°48' East, and 37.94 feet North 41°17'58" West of the southeast corner of the George Cline Donation Land Claim Number 84, Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 41°17'58" West along the center of said United States of America easement 345.10 feet to the north line of that parcel conveyed to Gerald Gene Thompson et ux by deed recorded in Book 267, Page 142, said deed records and there terminating. The side lines of said 50-foot easement are to be extended or shortened to terminate in the west boundary of said Linn County parcel (B123-56) and in the north boundary of said Thompson parcel (B267-142).

Containing 3.268 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.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

- 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.

GRANTORS

Gerald Gene Thompson
Gerald Gene Thompson

Ora Jean Thompson
Ora Jean Thompson

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

CITY OF ALBANY

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

The foregoing instrument was acknowledged before me this 5th day of January, 1993, by Grantors as their voluntary act and deed.

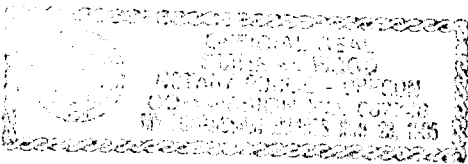
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3223 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 of January, 1993.

Diane M Wood
Notary Public for Oregon

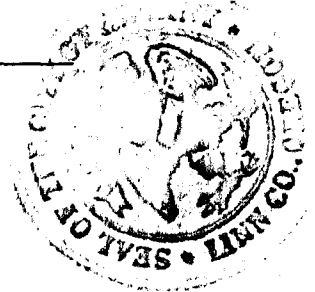
CITY OF ALBANY, OREGON

Steve Bryant
City Manager

My Commission Expires: 6-23-95








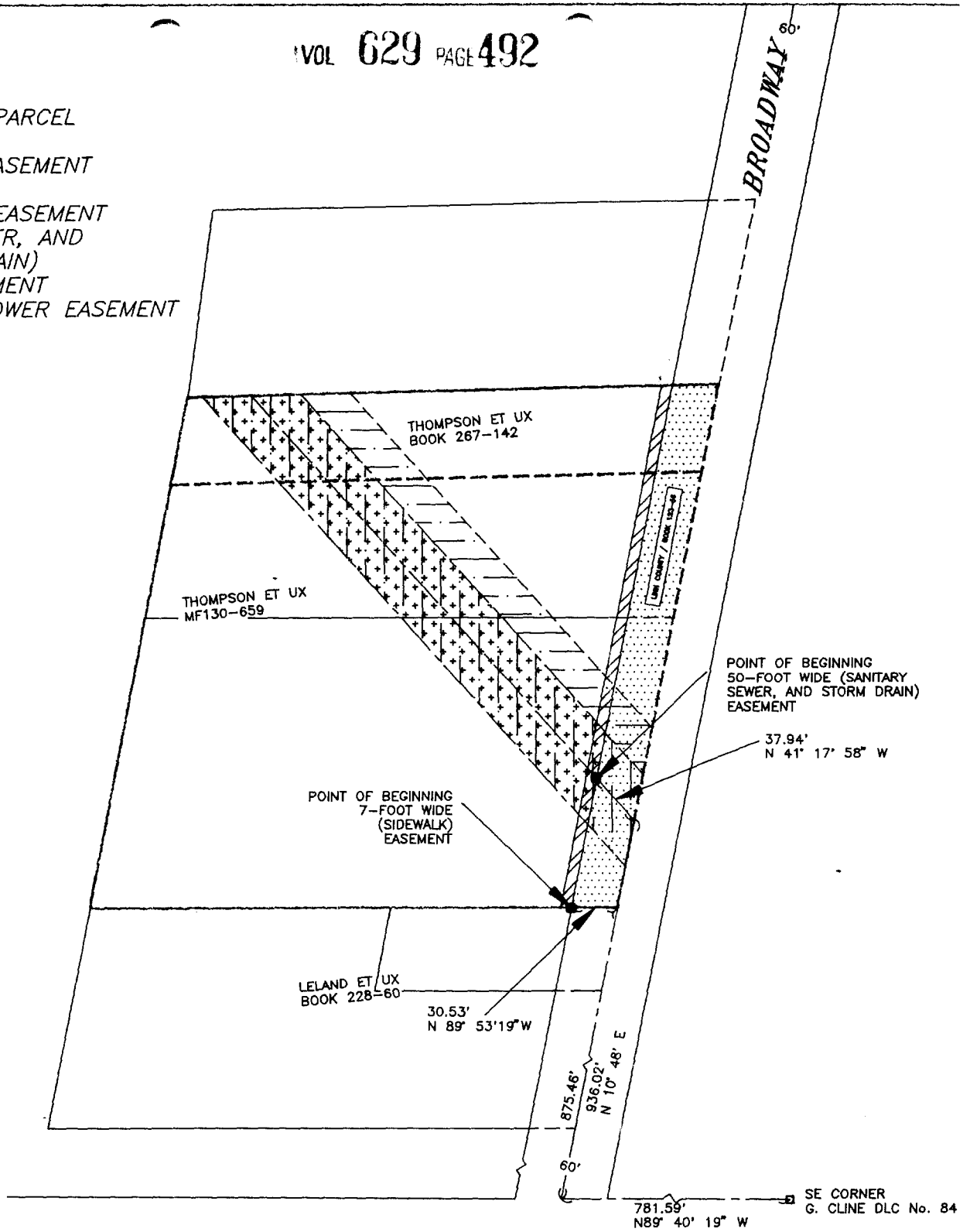
W. J. Kelly
City Recorder



15379
6-0-93
Bryant, Steve
City of Albany - Recorder

LEGEND:

-  LINN CO. PARCEL (B123-56)
-  7' WIDE EASEMENT (SIDEWALK)
-  50' WIDE EASEMENT (SAN SEWER, AND STORM DRAIN)
-  BPA EASEMENT
-  PACIFIC POWER EASEMENT



25

FEB 9 11 25 AM '93

STATE OF OREGON
 County of Linn
 I hereby certify that the attached was received and duly recorded by me in Linn County records.
 STEVE DRUCKENMILLER
 Linn County Clerk
 MF 629
 PA
 Deputy
 PAGE 490

CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION/JANUARY 1993

PUBLIC UTILITY EASEMENTS
 (7' SIDEWALK AND 50' SEWER)
 FROM THE THOMPSONS
 TO THE CITY OF ALBANY

SCALE: 1" = 100'

Resolution No. 3223

Recorded Document Recorder File No. 2267