

RESOLUTION NO. 3276

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

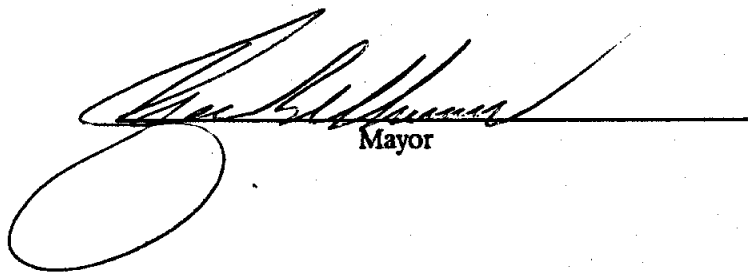
Grantor

Neighborhood Fellowship

Purpose


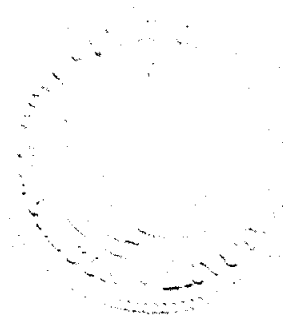
A 15-foot wide permanent easement for the future construction of a parallel 60-inch storm drain trunk line in proximity to the existing 54-inch line which is adjacent to the west line of this parcel located at 1910 Geary Street SE.

DATED this 14 day of July, 1993.



Mayor

ATTEST:


Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22ND day of JUNE, 1993, by and between **Neighborhood Fellowship**, 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 fifteen-foot wide permanent public utility easement, for a storm drain, across that tract conveyed to Neighborhood Fellowship by deed recorded in Volume 628, Page 833, Linn County Microfilm Deed Records, said fifteen-foot wide easement being a strip of land parallel with, adjacent to, and east of the following described line:

Beginning at the southwest corner of that tract conveyed to Neighborhood Fellowship in Volume 628, Page 833, Linn County Deed Records, said point lying South 88° 49' 53" West 297.06 feet, South 01° 40' 32" East 828.80 feet, and South 88° 49' 53" West 30.00 feet from the Northeast Corner of the C. D. Burkhardt DLC No. 52 in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence along the west line North 01° 12' 00" West 100.00 feet to the northwest corner of said tract and there terminating. The sideline of this 15-foot easement is to be shortened and lengthened to terminate in the north and south boundary of said Neighborhood Fellowship tract.

Containing 1500 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.

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

GRANTOR:

Neighborhood Fellowship

By: [Signature]
President GARNER L. POOL

By: [Signature]
Secretary GERTRUDE A. FRIBERG



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

The foregoing instrument was acknowledged before me this 22ND day of JUNE, 1993, by Garner L. Pool, president, and by Gertrude A. Friberg, secretary, of Neighborhood Fellowship, an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon

My Commission Expires: 10/17/1993

CITY OF ALBANY:

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 3276 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of July, 1993.

[Signature]
City Manager

ATTEST:

[Signature]
Deputy City Recorder

QUEEN AVENUE

S 88° 49' 53" W

30.00'

NE CORNER
C D BURKHART
DLC No.52

OAK STREET

828.80'

S 01° 40' 32" E

N 88° 49' 53" E
296.21'

15' WIDE
PERMANENT
EASEMENT
(NO STRUCTURES
PERMITTED)

NEIGHBORHOOD FELLOWSHIP
MF 628-833, LCDR

GEARY STREET SE

N 01° 12' 00" W
100.00'

POINT OF
BEGINNING

S 88° 49' 53" W
297.06'

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

EXHIBIT A:

15' WIDE PERMANENT PUBLIC UTILITY
EASEMENT FOR STORM DRAINAGE
FROM NEIGHBORHOOD FELLOWSHIP
TO THE CITY OF ALBANY

SCALE: 1" = 50'

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

By [Signature], Deputy

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MF 649

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Recorded Document Recorder File No. 2328