

RESOLUTION NO. 3320

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

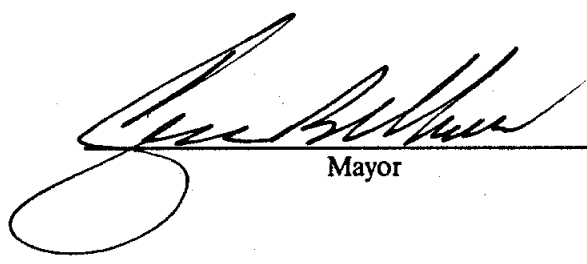
Grantor

Julie Sanford

Purpose

permanent public utility easements over water and sewer lines constructed as Phase II under a Site Improvement Permit across a portion of that parcel developed as Rosewood Estates

DATED this 12 day of January, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
*Deputy* City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27 day of December, 1993, by and between Julie Sanford, 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, 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 right-of-way hereby granted consists of:

TRACT 1: A 15-foot wide permanent public utility easement, centered over an existing waterline, across that parcel conveyed to Julie Sanford by deed recorded as MF Volume 616, Page 679, Linn County Microfilm Deed Records, being 7.5 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is North 104.99 feet and East 323.09 feet from the Southwest Corner of Block 8 of the First Addition to Timber Linn Addition in the Southeast quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point being a point on the centerline of Tract 1 of that easement granted to the City of Albany by instrument recorded as MF Volume 636, Page 298, said Deed Records; and running thence North 00° 02' 54" East 562 feet and there terminating.

ALSO Beginning at a point which is South 89° 57' 06" East 10.50 feet from the above Point of Beginning, said point being a point of terminus of Tract 1 of that easement granted to the City of Albany by instrument recorded as MF Volume 636, Page 298, said Deed Records; and running thence South 89° 57' 06" East 186.50 feet and there terminating.

Containing 0.258 acre, more or less.

TRACT 11: A 20-foot wide permanent public utility easement, centered over an existing sanitary sewer line, across that parcel conveyed to Julie Sanford by deed recorded as MF Volume 616, Page 679, Linn County Microfilm Deed Records, being 10 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is North 134.98 feet and East 325.11 feet from the

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P.O. Box 490, Albany, OR 97321

Southwest Corner of Block 8 of the First Addition to Timber Linn Addition in the Southeast quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point being a point on the centerline of Tract 11 of that easement granted to the City of Albany by instrument recorded as MF Volume 636, Page 298, said Deed Records; and running thence South 89° 57' 06" East 209 feet; thence North 00° 02' 54" East 475 feet and there terminating.

Containing 0.314 acre, 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.

GRANTOR:

*Julie Sanford*  
\_\_\_\_\_  
Julie Sanford

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

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of Dec, 1993, by Julie Sanford as her voluntary act and deed.

*Diane M Wood*  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: 6-23-95





CITY OF ALBANY:

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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 3320, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of January, 19 94.

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder - Deputy



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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