

RESOLUTION NO. 3379

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

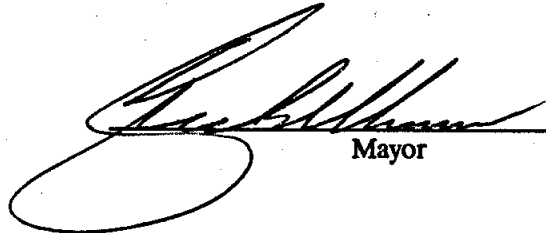
Grantor

Apple River & Co., Collins, and Collins


Purpose

permanent easements over public utilities constructed at  
New Heritage Apartments under Site Improvement  
Permit No. SI-92-13

DATED this 22nd day of June, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of JUNE, 1994, by and between Apple River & Company, a California Limited Partnership, as to an undivided 75% interest; and Joseph P. Collins and Nancy E. Collins, as tenants by the entirety, as to an undivided 25% interest, 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:

TRACT I: A 15-foot wide permanent public utility easement (for a future storm drainage trunk line) across those parcels conveyed to Grantors by deed recorded in Volume 690, Page 79, Linn County Microfilm Deed Records, lying east of the following described line:

Beginning at a point on the east line of Morning Side Tracts in the City of Albany, Oregon, said point being the Northwest corner of Alderwood Park Addition, a subdivision of record in the City of Albany located in the Northwest 1/4 of Section 17, Township 11 South, Range 3 West of the Willamette Base and Meridian in Linn County, Oregon; and running thence northerly, along the east line of said Morning Side Tracts and the northerly extension of said line 443.52 feet to the northwest corner of that parcel conveyed to Bush by deed recorded in Volume 587, Page 845, said deed records, and there terminating.

Containing 0.153 acre, more or less.

TRACT II: A 7-foot wide permanent public easement (for a sidewalk) across those parcels conveyed to Grantors by deed recorded in Volume 690, Page 79, Linn County Microfilm Deed Records, said easement being west of and adjacent to the west line of Geary Street in the City of Albany, Oregon, the east line of this easement is described as follows:

Beginning at the initial corner of Alderwood Park Addition, a subdivision of record in the City of Albany located in the Northwest 1/4 of Section 17, Township 11 South, Range 3 West of the Willamette Base and Meridian, said point being 30 feet from the centerline of Geary Street; and running thence northerly along said Geary Street west line, 30 feet from and parallel to the centerline of Geary Street, 265.32 feet to the north line of Parcel 1 said deed and there terminating.

Containing 0.043 acre, more or less.

TRACT III: A 20-foot wide permanent public utility easement (for an existing sanitary sewer line) across those parcels conveyed to Grantors by deed recorded in Volume 690, Page 79, Linn County Microfilm Deed Records, the centerline of which is described as follows:

Beginning at the Initial Corner of Alderwood Park Addition, a subdivision of record in the northwest 1/4 of the northwest 1/4 of Section 17, Township 11 South, Range 3 West, Willamette Base and Meridian,

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P.O. Box 490, Albany, OR 97321

Linn County, Oregon; thence 90 feet northerly along the west line of Geary Street, thence 367.5 feet westerly, parallel with the north line of said Alderwood Park Addition to the TRUE POINT OF BEGINNING; and running thence northerly, parallel with and 95 feet from the east line of Morning Side Tracts, a subdivision of record in said Linn County, 275 feet; thence easterly, parallel with and 355 feet from the north line of said Alderwood Park Addition, 77 feet; thence northerly, parallel with and 172 feet from the east line of said Morning Side Tracts, 90 feet, more or less, to a point on the north line of that parcel conveyed to Bush by deed recorded in Volume 587, Page 845, said deed records, and there terminating. The sidelines of said 20-foot easement are extended or shortened to meet at angle points and to terminate in the north boundary of Bush.

Excepting therefrom that easement granted to the City of Albany recorded in Volume 648, Page 523, said deed records.

Containing 0.194 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:

H. John Coakley  
 H. John Coakley, General Partner  
 APPLE CLUB COMPANY  
Nancy E. Collins  
 Nancy E. Collins

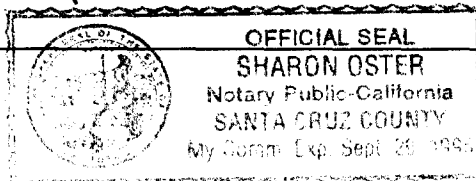
Joseph P. Collins  
 Joseph P. Collins

STATE OF CALIFORNIA     )  
 County of Santa Cruz     ) ss.  
 City of Santa Cruz     )

The foregoing instrument was acknowledged before me this 3rd day of June, 19 94, by H. John Coakley as his voluntary act and deed.

Sharon Oster  
 Notary Public for California     Sharon Oster

My Commission Expires: September 29, 1995

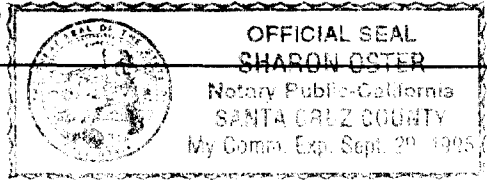


STATE OF CALIFORNIA )  
County of Santa Cruz ) ss.  
City of Santa Cruz )

The foregoing instrument was acknowledged before me this 3rd day of June, 19 94, by Joseph P. Collins as his voluntary act and deed.

Notary Public for California Sharon Oster

My Commission Expires: September 29, 1995

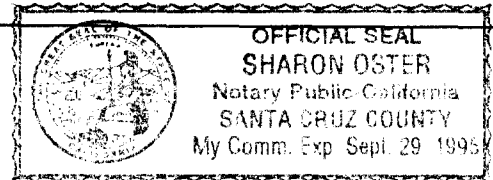


STATE OF CALIFORNIA )  
County of Santa Cruz ) ss.  
City of Santa Cruz )

The foregoing instrument was acknowledged before me this 3rd day of June, 19 94, by Nancy E. Collins as her voluntary act and deed.

Notary Public for California Sharon Oster

My Commission Expires: September 29, 1995



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 3379, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22nd day of July, 19 94.

City Manager

ATTEST:

City Recorder - Deputy



SCALE: 1" = 100'

VOL 0706 PAGE 711

NORTH LINE OF BUSH (MF 587-845)

60'

CASA VILLA

20' SANITARY SEWER EASEMENT

5' N/S x 7' E/W HYDRANT EASEM'T (MF 648-523)

APPLE RIVER & CO.,  
COLLINS, AND COLLINS  
MF 690-79

7' SIDEWALK EASEMENT

Initial Corner Morning Side Tracts

15' STORM DRAIN EASEMENT

443.52'

275'

265.32'

377.5'

TRUE POINT OF BEGINNING (TRACT III)

20' SANITARY SEWER EASEM'T (MF 648-523)

POINT OF BEGINNING (TRACT II)

S 89° 17' 15" W

POINT OF BEGINNING (TRACT I)

ALDERWOOD

Initial Corner Alderwood Park Addition

OAK STREET

MEADOWWOOD ADDITION

23rd AVE

PARK

23rd COURT

MORNING SIDE TRACTS

ADDITION

60'

BOWMAN & DALY  
ADD'N TO  
MORNINGSIDE

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/MAY 1994

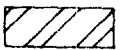
24th AVE

EXHIBIT A:

Public Utility Easements at  
New Heritage Apartments from  
Apple River & Co., Collins, and Collins to  
the City of Albany



EASEMENTS GRANTED HEREIN

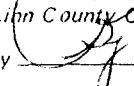


EXISTING EASEMENTS (MF 648-523)

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 , Deputy

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Jul 21 11 21 AM '94 <sup>30</sup>

MF 706  
708  
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Resolution No. 3379

Recorded Document Recorder File No. 2476