

RESOLUTION NO. 3480

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

Grantor

Golden West Homes, Inc.

Purpose

a permanent public utility easement (over an existing sanitary sewer) across property located at 2445 Pacific Blvd. SW

DATED this 22nd day of February, 1995.



Charles McLean

Mayor

Norm C. Withrow

Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of Feb, 1995, by and between Golden West Homes, Inc., 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 across that tract conveyed to Golden West Homes, Inc. by deed recorded in Volume 561, Page 078, Linn County Microfilm Deed Records, the west line of said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is 625.00 feet South 00° 48' East and 239.50 feet North 88° 52' 15" East and 621.01 feet North 00° 18' 26" East from the southwest corner of Block 19, Vacated, South Albany Addition to Albany in Section 13, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, said point also being on the south line of said tract described in Volume 561, Page 078; and running thence North 00° 18' 26" East 446.46 feet to a point on the north line of said tract described in Volume 561, Page 078 and the terminus of the herein described west line.

Containing 0.154 acre 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.
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.

City of Albany)
 County of Linn) ss.
 State of Oregon)

Norman Withrow, the duly appointed, qualified and acting Deputy Recorder of the City of Albany, Linn County, Oregon, do hereby certify that all foregoing copies are true and correct copies of the originals thereof.

Norman C. Withrow
 Deputy Recorder

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

GRANTOR:

Golden West Homes, Inc.

By:

[Signature]
Division Manager

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 3480 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 21st day of FEB., 19 95.

[Signature]
City Manager

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

ATTEST:

The foregoing is a true and correct copy of the original as the same appears in the records of the County of Linn, Oregon.

STATE OF OREGON,

County of Linn) ss. On this 9 day of Feb, 19 95
before me, the undersigned, a notary public in and for said county and state, personally appeared the within named Bruce Stoyer

known to me to be the identical individual I described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
Notary Public for Oregon
My commission expires Oct 17 1998

COM-61 (4-93)

[Signature]
CITY RECORDER - VS DITU



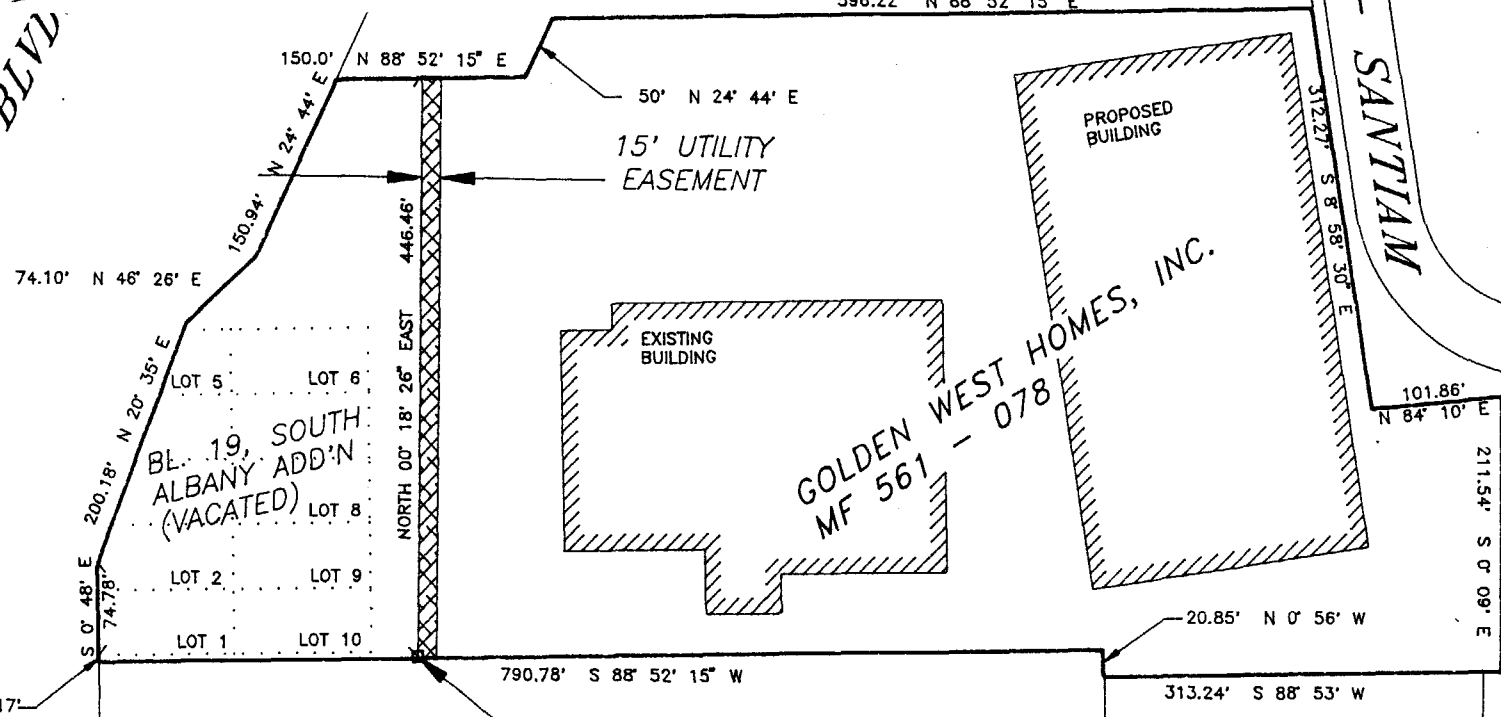
I hereby certify that the attached was received and duly recorded by me in Linn County records.

STATE OF OREGON County of Linn

MAR 14 1995

8:30 O'clock a.m.

PACIFIC BLVD



POINT OF BEGINNING

625.00' S 00° 48' E,
 239.50' N 88° 52' 15" E, AND
 621.01' N 00° 18' 26" E FROM THE
 SW CORNER OF BLOCK 19,
 SOUTH ALBANY ADDITION
 (VACATED)

CANAL

S. P. R. R.

WALNUT ST.

SCALE: 1" = 150'

CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION/FEBRUARY 1995

EXHIBIT A:
 PUBLIC UTILITY EASEMENT FROM
 GOLDEN WEST HOMES, INC. TO THE
 CITY OF ALBANY, OREGON
 (SEC. 13, T. 11 S., R. 4 W., W. M.)

Resolution No. 3480

Recorded Document Recorder File No. 2588