

RESOLUTION NO. 3586

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

Grantor

Golden West Homes, Inc.

Purpose

Permanent public utility easements across that property in Linn County deed reference MF Volume 44, Page 236.

DATED THIS 10TH DAY OF JANUARY 1996.



Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of Dec., 1995, by and between Golden West Homes, Inc., herein called Grantor, 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 A

A 20.00 FOOT WIDE STRIP OF LAND FOR THE PURPOSES OF A SANITARY SEWER EASEMENT LOCATED IN THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 11, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 50° 16' 01" WEST 680.32 FEET FROM THE INTERSECTION OF THE CENTERLINES OF 24TH AVENUE (VACATED) AND VINE STREET (VACATED); THENCE NORTH 85° 26' 12" EAST 372.24 FEET.

CONTAINING 0.17 ACRES (7,361 SQUARE FEET) OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 20937.

TRACT B

A 15.00 FOOT WIDE STRIP OF LAND FOR THE PURPOSES OF A WATERLINE EASEMENT LOCATED IN THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 88° 53' 36" EAST 229.01 FEET FROM THE INTERSECTION OF THE CENTERLINES OF 24TH AVENUE (VACATED) AND VINE STREET (VACATED); SAID POINT ALSO BEING ON THE NORTH LINE OF "TRACT C" RECORDED IN LINN COUNTY RECORDS VOLUME 44, PAGE 236; THENCE NORTH 1° 38' 36" EAST 130.59 FEET; THENCE NORTH

Golden West Homes, Inc. Easement

Return to City of Albany Recorder
PO Box 490 Albany OR 97321

9° 18' 40" EAST 76.20 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF THE ALBANY-SANTIAM CANAL.

CONTAINING 0.07 ACRES (3,102 SQUARE FEET) OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 20937.

- 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 repair or maintenance, the City shall return the site to original or better condition.
- 6. No permanent structure shall be constructed within the limits of this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR: GOLDEN WEST HOMES, INC.

Bruce W. Stoyer
 Signature
Bruce W. Stoyer
 Name (Printed)
Vice President
 Title

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

The foregoing instrument was acknowledged before me this 12 day of December, 1995, by Bruce W. Stoyer (name), Vice President (title), of Golden West Homes, Inc., a corporation of the State of California, on behalf of the corporation.

Notary Public for the State of Oregon Cynthia D Ramey
 My Commission Expires: 7/13/96

Golden West Homes, Inc. Easement



GRANTOR: GOLDEN WEST HOMES, Inc.

[Signature]
Signature

DAVID B. MCKENZIE
Name (Printed)

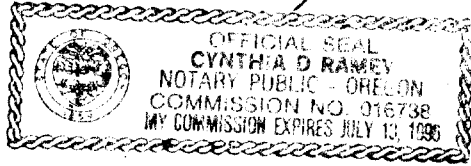
V.P. MANUFACTURING
Title

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

The foregoing instrument was acknowledged before me this 12 day of December, 1995, by David B McKenzie (name), Vice President (title), of Golden West Homes, Inc., a corporation of the State of California, on behalf of the corporation.

Notary Public for Oregon Oregon
My Commission Expires: 7/13/96

Cynthia D Ramsey



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 3586, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of January, 1996.

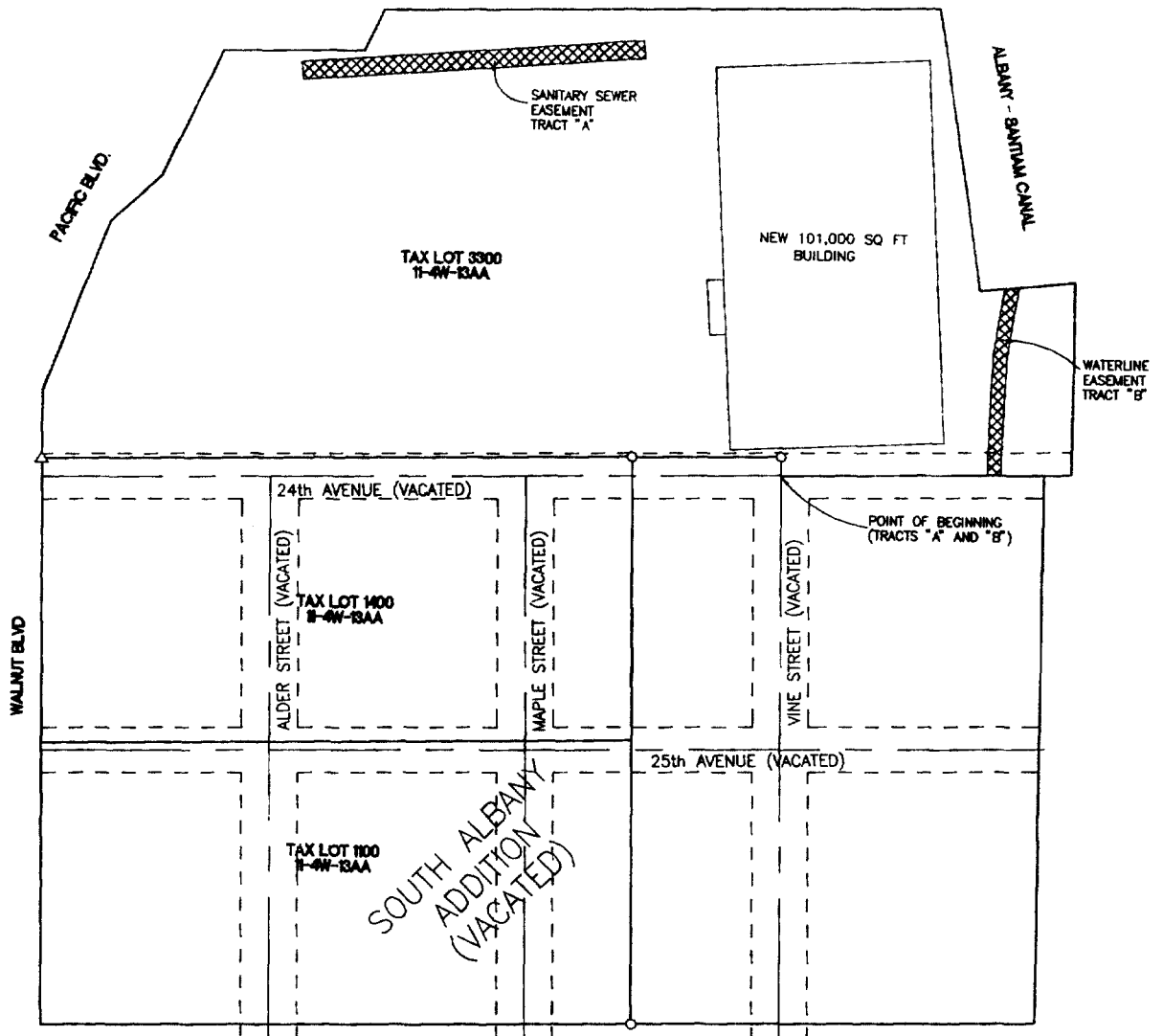
[Signature]
City Manager

ATTEST:

[Signature]

City Recorder

Golden West Homes, Inc. Easement



SCALE: 1"=200'

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

EXHIBIT A:
 PUBLIC UTILITY EASEMENTS
 FROM GOLDEN WEST HOMES INC.
 TO THE CITY OF ALBANY

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 PA, Deputy

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MF 783

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