

RESOLUTION NO. 3609

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

Grantor

Albany Properties, LTD, A California Limited Partnership and General Partners, L.L.M. Partners, L.P.

Purpose

A permanent public utility easement over an existing public storm sewer main on the Brookshore Apartments property in Albany, Oregon.

DATED this 28th day of February 1996.





Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27th day of FEBRUARY, 1996, by and between **Albany Properties, LTD, A California Limited Partnership and General Partners, LCM Partners, L.P.**, 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:

An easement for the purpose of maintaining a storm sewer line on that portion of Brookshore, in Section 8, Township 11 South, Range 4 West, Willamette Base and Meridian, Linn County, Oregon, described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the most northerly northeast corner of Brookshore, which point is also the northwest corner of an easement conveyed to the City of Albany, the instrument recorded in MF Volume 66, Page 270, Linn County Microfilm Records, which point is 563.63 feet North 0°27'56" West, 239.93 feet South 89°45'52" West, 340.16 feet North 0°26'24" West (North 0°27'56" West 339.66 feet), 200.31 feet South 89°51'34" West (South 89°48'36" West 200.16 feet), 594.61 feet North 0°27'28" West (North 0°30'14" West 595.19 feet), and 680.65 feet North 0°31'58" West (North 0°27'25" West 680.57 feet) from the Southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Linn county, Oregon; thence South 0°31'58" East along the east line of said Brookshore 26.01 feet to the southwest corner of said City of Albany's easement; thence South 73°57'30" West parallel with the north line of said Brookshore 0.96 feet to the west line of said Brookshore; thence along the lines of said Brookshore North 4°3'01" West 25.61 feet, and North 73°25'30" East 2.59 feet to the point of beginning.

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:

Albany Properties, LTD, A California Limited Partnership and
General Partners, LCM Partners, L.P.

By: Charles V. Mihaylo
Charles V. Mihaylo, Managing Partner

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 3609 do hereby accept on
behalf of the City of Albany, the above instrument pursuant to
the terms thereof this 28th day of
February, 19 96.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

STATE OF OREGON)
County of MULTNOMAH) ss.
City of PORTLAND)

The foregoing instrument was acknowledged before me this 27th
day of FEBRUARY 19 96, by Charles V. Mihaylo,
managing partner of Albany Properties, LTD, A California
Limited Partnership and General Partners, LCM Partners,
L.P.

Beverly C. Scott
Notary Public for FW

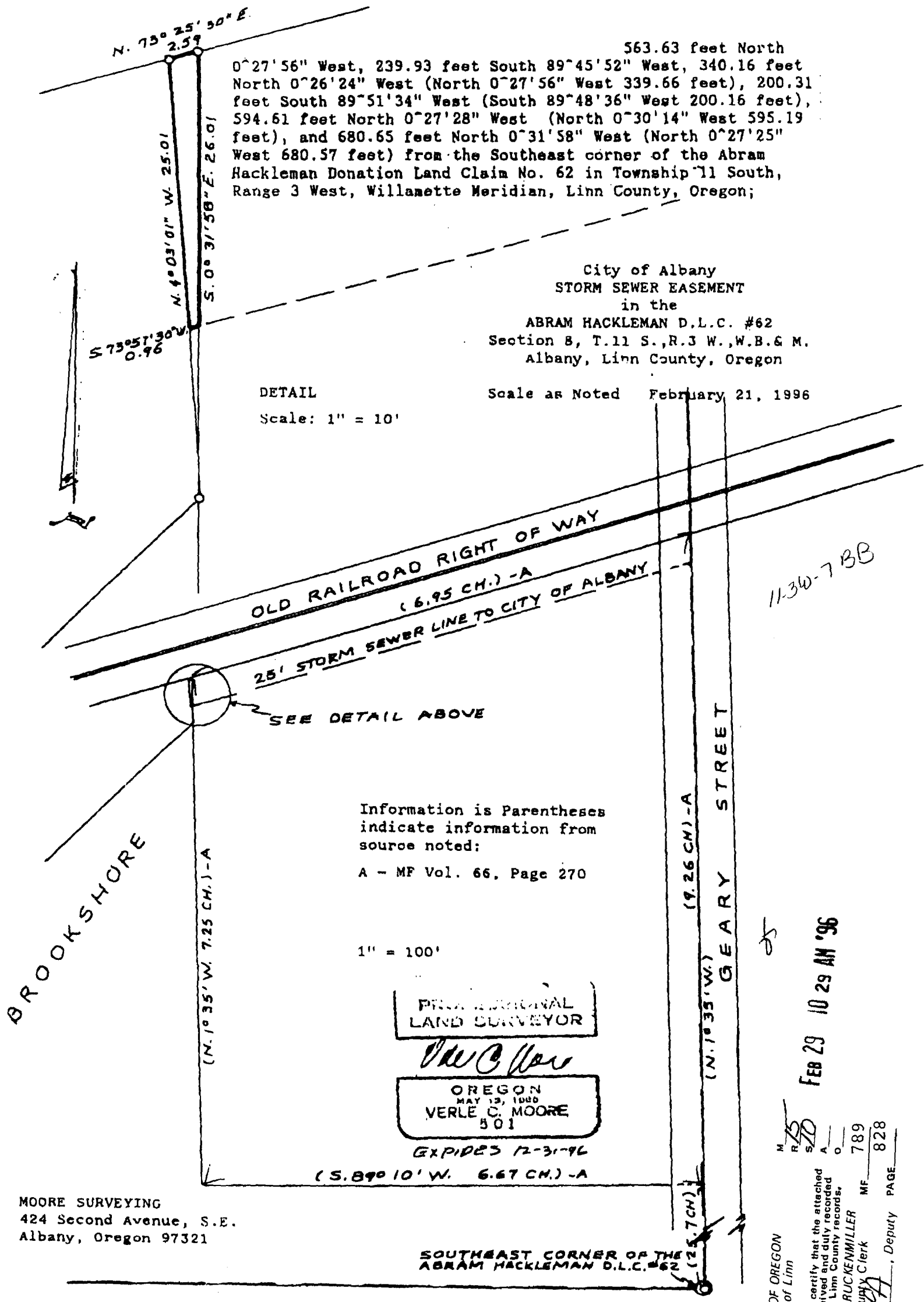
My Commission Expires: 8.21.98

mihaylogr.oes

File:



EXHIBIT A



11-30-7 BB

FEB 29 10 29 AM '96

PROFESSIONAL
 LAND SURVEYOR

Verle C. Moore

OREGON
 MAY 13, 1988
 VERLE C. MOORE
 501

EXPIRES 12-31-96

(S. 89° 10' W. 6.67 CH.) - A

MOORE SURVEYING
 424 Second Avenue, S.E.
 Albany, Oregon 97321

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 MF 789
 Linn County Clerk

By *PA*, Deputy PAGE 828

Resolution No. 3609

Recorded Document Recorder File No. 2709