

RESOLUTION NO. 3647

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

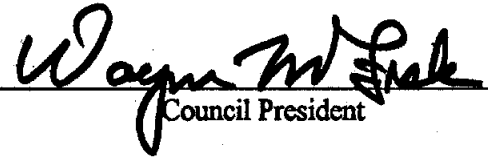
Grantor

Clem H. Reding & Leroy Mary

Purpose

A permanent public utility easement 15 feet in width across that property conveyed Grantors Linn County Deed reference MF Volume 755, Page 662.

DATED THIS 22ND DAY OF MAY 1996.



Council President

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of May, 1996, by and between **Clem H. Reding and Leroy Mary**, 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 permanent public utility easement across the tract conveyed to Grantors by deed recorded in Volume 755, Page 662, Linn County Microfilm Deed Records, said easement more particularly describe as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the east line of said MF 755, Page 662, said point being South 88° 30' 30" West 206.00 feet to a 5/8-inch iron rod, North 30° 06' 14" East 35.50 feet to a 1/2-inch iron rod, South 64° 55' 48" East 347.84 feet to a 1/2-inch iron rod which is 10 feet westerly of the Westerly right-of-way line of the Albany-Santiam Canal, and South 08° 58' 30" East 13.08 feet, from the Northeast corner of the South half of Lot 6, John Millard's Plat in Section 12, Township 11 South, Range 4 West, and Section 7, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; said point being the TRUE POINT OF BEGINNING; thence continuing South 08°58'48" East 18.11 feet; thence North 64°53'40" West 79.55 feet; thence North 25°06'20" East 15.00 feet; thence South 64°53'40" East 69.40 feet to the TRUE POINT OF BEGINNING.

Containing 1,117 square feet, 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:

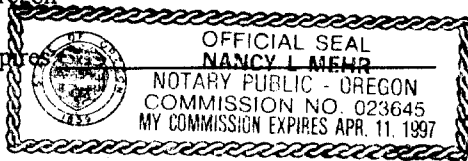
Clem H. Reding
Clem H. Reding
Leroy Mary
Leroy Mary

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

The foregoing instrument was acknowledged before me this 14 day of May, 1996 by Clem H. Reding and Leroy Mary as his/her/their voluntary act and deed.

Nancy L. Meier
Notary Public for Oregon

My Commission Expires



RED&MARY.***

SI-95-35

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 3647, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22nd day of May, 1996.

Steve Bryant
City Manager

ATTEST:

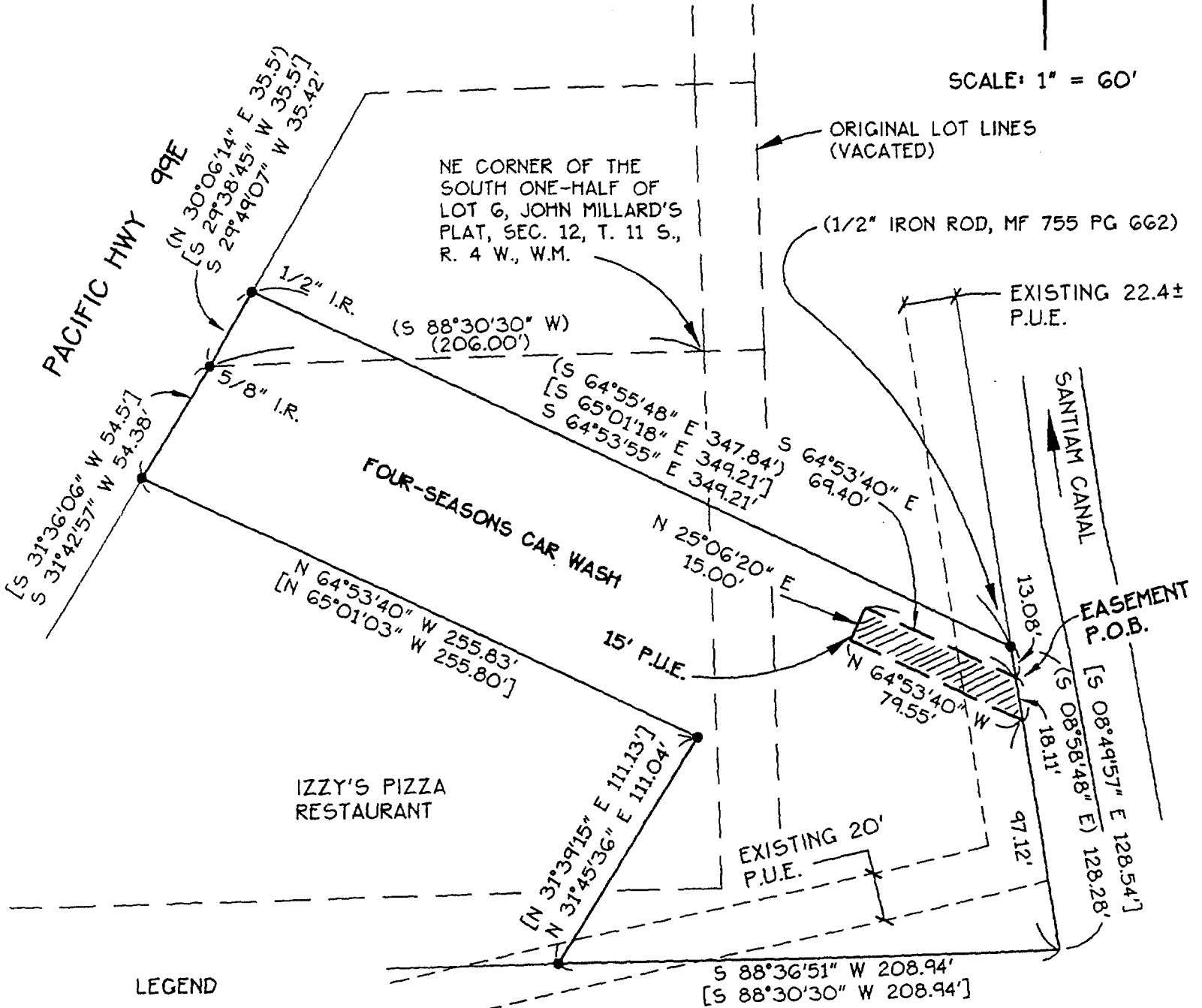
[Signature]
City Recorder



EASEMENT FOR PUBLIC UTILITY
(FOUR-SEASONS CAR WASH)
 SEC. 7, T. 11 S., R. 3 W., W.M.
 SEC. 12, T. 11 S., R. 4 W., W.M.
 LINN COUNTY, ALBANY, OREGON
 APRIL 24, 1996



SCALE: 1" = 60'



LEGEND

- () BEARINGS AND DISTANCES AS PER LINN COUNTY DEED RECORDS MF 755 PAGE 662
- [] BEARINGS AND DISTANCES AS PER LINN COUNTY SURVEY C.S. 19029
- P.O.B. POINT OF BEGINNING
- I.R. IRON ROD

115-04W-1200

FILE: 9637A-EA.DWG 4/26/96
 DCA PROJ. 95-21 R.J.R.



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

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

M
R 75
S 70
A
O

May 24 3 10 PM '96 ²⁵

MF 805

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Recorded Document Recorder File No. 2759