

RESOLUTION NO. 3659

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

Grantor

K. Clair Anderson, Monty R. Ellison and James H. Jordan, as trustees of the Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust, and Monty R. Ellison and James H. Jordan, Trustees of the Monty R. Ellison M.D., P.C. Profit Sharing Trust

Purpose

A permanent public utility easement 15.0 feet in even width across that property in Linn County Deed Records, Volume 98, Page 463.

DATED THIS 26TH DAY OF JUNE 1996.

ATTEST:



[Handwritten signature]

City Recorder

[Handwritten signature]
Mayer

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of June, 1996, by and between **K. Clair Anderson, Monty R. Ellison and James H. Jordan**, as trustees of the **Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust** and **Monty R. Ellison and James H. Jordan**, Trustees of the **Monty R. Ellison M.D., P.C. Profit Sharing Trust**, 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, undergrowth, 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 15.00-foot wide permanent utility easement across that property conveyed to **K. Clair Anderson, Monty R. Ellison and James H. Jordan**, as trustees of the **Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust** and **Monty R. Ellison and James H. Jordan**, Trustees of the **Monty R. Ellison M.D., P.C. Profit Sharing Trust** in Volume 98, Page 463, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a 5/8-inch iron rod that is South 0°22' 30" West 230.0 feet and North 89°34' West 295.60 feet from a point which is North 89°34' West 39.08 feet and North 0°55' West 1,711.04 feet from the Northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; and running thence South 0°22'30" West 346.43 feet to a 5/8" iron rod; thence South 89°34' East 15.00 feet; thence North 0°22'30" East 346.43 feet; thence North 89°34' West 15.00 feet to the point of beginning, and containing 0.120 acre, more or less, the above described 15.0 foot wide strip being within "Parcel F": as shown on Survey No. 13952 as recorded in the Office of the Linn County Surveyor.

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.

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

- 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:

Mid-Valley Orthopedic Clinic P.C. Profit Sharing Trust

K. Clair Anderson
K. Clair Anderson, Trustee

Monty R. Ellison
Monty R. Ellison, Trustee

James H. Jordan
James H. Jordan, Trustee

Monty R. Ellison M.D., P.C. Profit Sharing Trust

Monty R. Ellison
Monty R. Ellison, Trustee

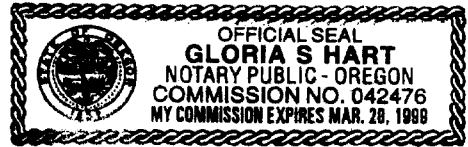
James H. Jordan
James H. Jordan, Trustee

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

The foregoing instrument was acknowledged before me this 7th day of June, 1996, by Monty R. Ellison as his voluntary act and deed.

Gloria S Hart
Notary Public for Oregon

My Commission Expires: March 20, 1999



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

The foregoing instrument was acknowledged before me this 29th day of May, 1996, by K. Clair Anderson as his voluntary act and deed.

Suzanne Clark - Comm # 053929
Notary Public for Oregon

My Commission Expires: May 8, 2000



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

The foregoing instrument was acknowledged before me this 7th day of May, 1996, by James H. Jordan as his voluntary act and deed.

Gayla K. Austin
Notary Public for Oregon

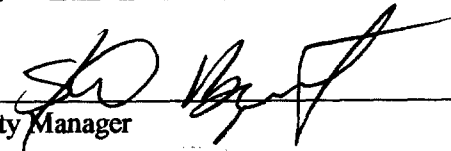
My Commission Expires: 7/9/99



CITY OF ALBANY:

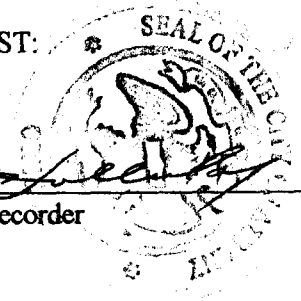
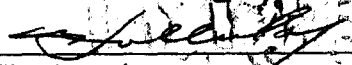
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3659, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of June, 19 96.



City Manager

ATTEST:

City Recorder

kclair.eas
wl-95-4

29TH AVENUE

HWY 99E

N 89° 34' W
295.60'

S 00° 22' 30" W
230'

PERMANENT MAINTENANCE EASEMENT, MF406-908 5'

DEEDED TO CITY MF90-268 10'

PERMANENT HWY EASEMENT
HWY R.O.W.
OLD HWY R.O.W.
N 00° 55' W
1711.04'

POINT OF BEGINNING

N 89° 34' W
39.08'

INITIAL REFERENCE POINT
NORTHWEST CORNER OF
TRUETT DAVIS D.L.C. 38

15' PUBLIC UTILITY EASEMENT

11-4W-13AC, T.L. 403
MID-VALLEY ORTHOPEDIC CLINIC P.C.
PROFIT SHARING TRUST
MONTY R. ELLISON, M.D., P.C.
PROFIT SHARING TRUST
MF98-463



SCALE: 1" = 100'
BASIS OF BEARINGS = C.S. 13952

- ① S 00° 22' 30" W, 346.43'
- ② S 89° 34' E, 15.00'
- ③ N 00° 22' 30" E, 346.43
- ④ N 89° 34' W, 15.00'

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

EXHIBIT A:
15' PUBLIC UTILITY EASEMENT
FROM MID-VALLEY ORTHOPEDIC CLINIC
TO THE CITY OF ALBANY, OREGON

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 RV, Deputy

M
R 26
S 70

A
O

MF 813

PAGE 331

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JUL 8 2 40 PM '96

Resolution No. 3659

Recorded Document Recorder File No. 2797