

RESOLUTION NO. 3786

**A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:**

**Grantor**

Albany Retirement Properties, L.L.C.

**Purpose**


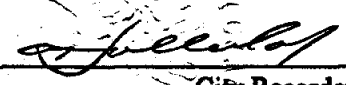
A permanent public utility easement fifteen-foot in even width to the City of Albany.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 14TH DAY OF MAY 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10<sup>th</sup> day of April, 1997, by and between Albany Retirement Properties, L.L.C., 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 utility easement across that property located in the Westerly portion of lots 4 and 21 of block 18, lots 4 and 5 of block 20, of Rodgersdale Addition located in Section 17, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, County of Linn, State of Oregon and a portion of vacated 35th Avenue; more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of lot 4, block 18 of Rodgersdale Addition in Section 17, Township 11 South, Range 3 West of the Willamette Meridian in Linn County Oregon;  
 Thence South  $01^{\circ} 32' 45''$  East a distance of 7 feet along the West lot line of said lot 4 to the South line of the 7 foot dedicated Right-of-Way (34th Avenue);  
 Thence North  $88^{\circ} 57' 14''$  East along said Right-of-Way line a distance 5.00 feet to the True Point of Beginning;  
 Thence South  $01^{\circ} 32' 45''$  East paralleling the West property lines of lots 4 and 21 of block 18, and lot 4 of block 20, a distance of 351.16 feet to the boundary of said easement;  
 Thence North  $90^{\circ} 00' 00''$  East a distance of 52.35 feet to the easement boundary;  
 Thence South  $01^{\circ} 34' 56''$  East a distance of 21.62 feet to South boundary of said easement;  
 Thence North  $90^{\circ} 00' 00''$  East a distance of 30.00 feet to East boundary of said easement;  
 Thence North  $01^{\circ} 32' 45''$  West paralleling West boundary of said easement a distance of 36.63 feet to the boundary of said easement;  
 Thence North  $90^{\circ} 00' 00''$  East paralleling South boundary of said easement a distance of 67.34 feet to boundary of said easement;  
 Thence North  $01^{\circ} 32' 45''$  West paralleling West boundary of said easement a distance of 336.43 to South line of 7 foot Dedicated Right-of-Way (34th Avenue);  
 Thence South  $88^{\circ} 57' 14''$  West a distance 15.00 feet along said Dedicated Right-of-Way to the True 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 Retirement Properties, L.L.C.

By: *[Signature]*  
John A. Sleutel  
 Title: Managing Member

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

WASHINGTON )  
 STATE OF OREGON )  
 County of ~~Linn~~ KING ) ss.  
 City of Albany )

The foregoing instrument was acknowledged before me this 23rd day of April, 19 97, by John A. Sleutel, Title Managing Member, of \_\_\_\_\_, of Albany Retirement Properties, L.L.C., a Limited Liability Company on behalf of the corporation. ~~xxxx~~ Limited Liability Company

Liability

*Sally I. Dunn*  
 Notary Public for State of Washington, County of King  
 My Commission Expires: 2/1/2001

CAMLU.MB

**SALLY I. DUNN**  
**NOTARY PUBLIC**  
**STATE OF WASHINGTON**  
**MY COMMISSION EXPIRES**  
**FEB 1 2001**

**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 3786, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of May, 19 97.

*[Signature]*  
 City Manager

ATTEST



City Recorder

P.O.B.

S88°57'14"W 15.00'

7' TO CITY PER

MF 3/774

3

5

6

T. P.O.B.

15' PUBLIC UTILITY EASEMENT



SCALE: 1" = 40'

16' UTILITY EASEMENT

18

BLOCK

TAX LOT 2602  
11 3W 17CC

S01°32'45"E 351.16

N01°32'45"W 336.43

22

20

19

VACATED 35TH AVENUE - CITY RETAINS EASEMENT RIGHTS FOR PUBLIC UTILITIES

24

5

6

20

BLOCK

N90°00'00"E

67.34

N90°00'00"E

52.35

S01°34'56"E

21.62

N01°34'56"W

36.63

N90°00'00"E

30.00



**CE/Western Engineering Inc.**  
Consulting Engineers

1025 Bain Street SE  
Albany, Oregon 97321

Ph. 503 - 928 - 5040  
Fax 503 - 928 - 4846

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

M  
R 15  
S 70  
A  
O

MF 870

PAGE 908

25  
May 22 2 25 PM '97

Resolution No. 3786

Recorded Document Recorder File No. 2969