

RESOLUTION NO. 3816

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

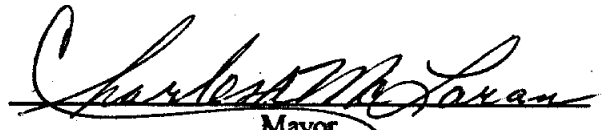
The Southland Corporation

Purpose

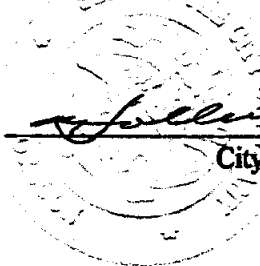
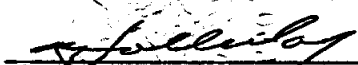
A permanent public utility easement and right-of-way across that property conveyed to Grantor as referenced in Exhibit "A," attached.

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

DATED THIS 9TH DAY OF JULY 1997.


Mayor

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9 day of July, 1997, by and between The Southland Corporation, 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:

Starting at the 5/8" rod set at the north-angle point at the southwest corner of tax lot 2600, Quarter Section 24, Township 11 South, Range 3 West, Willamette Meridian, Map 8CA, thence 8 feet North bearing S 1° 35' E, thence 5 feet East bearing S 88° 34.45' E, thence 12.5' South bearing S 1° 35' E, to meet with the existing property line. See Exhibit A attached hereto.

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, receipt of which is acknowledged by the Grantor, 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. Prior to construction of any structure upon the easement, the grantor will reconstruct such portions of the existing public utilities as required by the City. The grantor shall bear the full cost of such reconstruction. The reconstructed public utilities shall be inspected and approved by the City prior to construction of any structure upon the easement.

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

GRANTOR:

The Southland Corporation

By: _____
President Mgr. Corporate Real Estate
Attorney-in-Fact

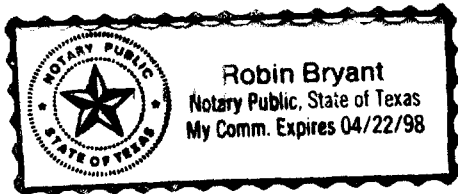
By: _____
Asst. Secretary

STATE OF TEXAS)
County of DALLAS) ss.
City of DALLAS)

The foregoing instrument was acknowledged before me this 10th day of June, 1997, by David Holland, Attorney-in-Fact, president, and by Gary Fullington, Assistant, secretary, of The Southland Corporation, a Texas corporation, on behalf of the corporation.

Robin Bryant
Notary Public for Texas
My Commission Expires: 4/22/98

File: ST-96-5
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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 3816 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of July, 1997.

Steve Bryant
City Manager

ATTEST:

Gary Fullington
City Recorder

EXHIBIT "A"

Lots 5, 6, 7, and 8, Block 9, FAIR DALE ADDITION TO ALBANY, Linn County, Oregon; plus the West one-half of Chicago Street adjacent to Lot 5 as vacated in Ordinance No. 4031, recorded in Deed 168, Page 534, Records for Linn County, Oregon. EXCEPT the portions of the above described property deeded to the City of Albany, for road purposes by instrument recorded July 20, 1973, in Microfilm Volume 67, Page 520, and instrument recorded June 7, 1974, in Microfilm Volume 77, Page 719, Linn County Records. ~~Being more particularly described as follows:~~ A portion of the above property specifically described as follows:

Beginning at the Northeast corner of Lot 5, Block 9, FAIR DALE ADDITION TO THE CITY OF ALBANY, Oregon; thence along the extension of the North line of Lot 5, South $88^{\circ}34'45''$ East 30.00 feet to a 5/8 inch iron rod in the center of vacated Chicago Street; thence along the centerline of Chicago Street South $1^{\circ}32'00''$ East 90.15 feet to a tack set in lead on the North right-of-way line of Queen Avenue; thence along the North right-of-way line of Queen Avenue South $88^{\circ}30'00''$ West 204.20 feet to a tack set in lead; thence North $46^{\circ}34'08''$ West 21.23 feet to a 5/8 inch iron rod on the East right-of-way line of Geary Street; ~~thence North $1^{\circ}38'15''$ West 75.45 feet along the East right-of-way line of Geary Street to a 5/8 inch iron rod on the North line of Lot 8, Block 9; thence South $88^{\circ}34'45''$ East 189.36 feet to the point of beginning.~~ the starting point for this Easement, thence 8 feet North bearing $S1^{\circ}35'15''$ W, thence 5 feet East bearing $S 88^{\circ}34.45'$ E, thence 12.5' South bearing $S1^{\circ}35'$ E to meet with the existing property line.

L. BURKHART
D.L.L. NO. 50

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Exhibit A'



ST.

GEARY ST.

17th ST.

ST.

CHILAGO ST.

S.E. COR.
A. HALLKLEMAN
D.L.L. NO. 62

N.E. COR.
L.D. BURKHART
D.L.L. NO. 52

BOAT SPIKE

EASEMENT REQUEST

QUEEN

A

NOTE:

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 RW, Deputy

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Recorded Document Recorder File No. 2993