

RESOLUTION NO. 3828

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Linn County

Purpose

Permanent public utility easements across the Linn County Fairgrounds property.


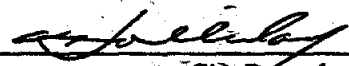
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 13TH DAY OF AUGUST 1997.



Council President

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of June, 1997, by and between Linn County, 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, easements and rights-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 rights-of-way hereby granted consists of:

Permanent public utility easements across Parcel 2 of Partition Plat 1995-65 as recorded in Linn County, Oregon, said easements being more particularly described as follows and as shown on the attached maps labeled Exhibits A and B:

See attached Legal Descriptions.

2. The permanent easements described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easements at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easements granted are 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. No permanent structures shall be constructed on these easements.

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

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

GRANTOR:

Linn County

By: David R. Schmidt
Title: COMMISSIONER

By: [Signature]
Title: COMMISSIONER

By: Catherine Skiens
Title: COMMISSIONER

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

The foregoing instrument was acknowledged before me
this 25th day of June, 1997,
by: David R. Schmidt
title: Commissioner
and by: Larry J. Johnson
title: Commissioner
and by: Catherine Skiens
title: Commissioner
of Linn County, an Oregon corporation, on behalf of the
corporation.

Sharon R. Wilson
Notary Public for Oregon
My Commission Expires: 05/10/99

File: SI-95-9
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CITY OF ALBANY:

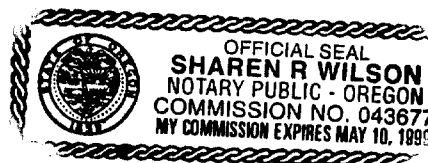
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany,
Oregon, pursuant to Resolution Number 3828 do
hereby accept on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this 13th
day of August, 1997.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



Legal Descriptions**Centerline of a 15 foot wide waterline easement "A"**

Beginning at a point on the north line of and South 89° 57' 05" East, 387.00 feet from the Northwest corner of Parcel 2 of partition plat 1995-65 as recorded in Linn County, Oregon; thence South 00° 06' 11" West 13.75 feet.

Centerline of a 20 foot wide waterline easement "B"

Beginning at a point which bears South 89° 57' 05" East, 387.00 feet and South 00° 06' 11" West, 292.96 feet from the Northwest corner of Parcel 2 of partition plat 1995-65 as recorded in Linn County, Oregon; thence North 89° 53' 49" West, 267.90 feet.

Centerline of a 15 foot wide waterline easement "C"

Beginning at a point which bears South 89° 57' 05" East, 126.05 feet and South 00° 00' 08" East, 638.24 feet from the Northwest corner of Parcel 2 of partition plat 1995-65 as recorded in Linn County, Oregon; thence East 30.00 feet.

Centerline of a 20 foot wide waterline easement "D"

Beginning at a point which bears South 89° 57' 05" East, 739.72 feet and South 00° 10' 38" West, 192.30 feet from the Northwest corner of Parcel 2 of partition plat 1995-65 as recorded in Linn County, Oregon; thence West 24.00 feet.

Centerline of a 30 foot wide waterline easement "E"

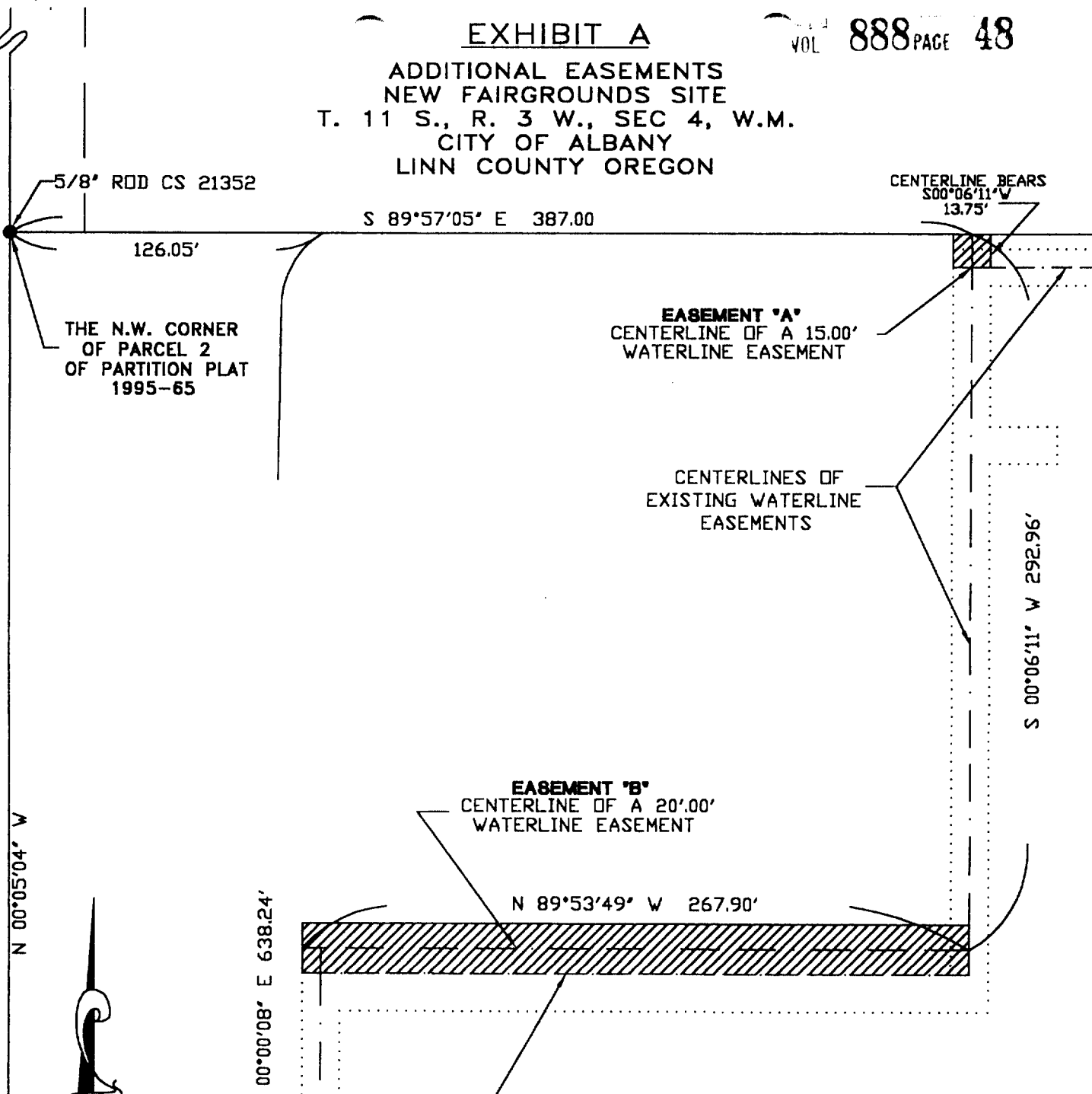
Beginning at a point which bears South 89° 57' 05" East, 739.72 feet and South 00° 10' 38" West, 232.53 feet and West, 8.75 feet and South 00° 10' 40" West, 618.32 feet from the Northwest corner of Parcel 2 of partition plat 1995-65 as recorded in Linn County, Oregon; thence West, 41.00 feet.

Centerline of a 15 foot wide waterline easement "F"

Beginning at a point which bears South 89° 57' 05" East, 739.72 feet and South 00° 10' 38" West, 232.53 feet and West, 8.75 feet and South 00° 10' 40" West, 1003.67 feet from the Northwest corner of Parcel 2 of partition plat 1995-65 as recorded in Linn County, Oregon; thence West, 31.00 feet

EXHIBIT A

ADDITIONAL EASEMENTS
NEW FAIRGROUNDS SITE
T. 11 S., R. 3 W., SEC 4, W.M.
CITY OF ALBANY
LINN COUNTY OREGON



5/8" ROD CS 21352

S 89°57'05" E 387.00

CENTERLINE BEARS
S 00°06'11" W
13.75'

126.05'

THE N.W. CORNER
OF PARCEL 2
OF PARTITION PLAT
1995-65

EASEMENT "A"
CENTERLINE OF A 15.00'
WATERLINE EASEMENT

CENTERLINES OF
EXISTING WATERLINE
EASEMENTS

S 00°06'11" W 292.96'

EASEMENT "B"
CENTERLINE OF A 20'.00'
WATERLINE EASEMENT

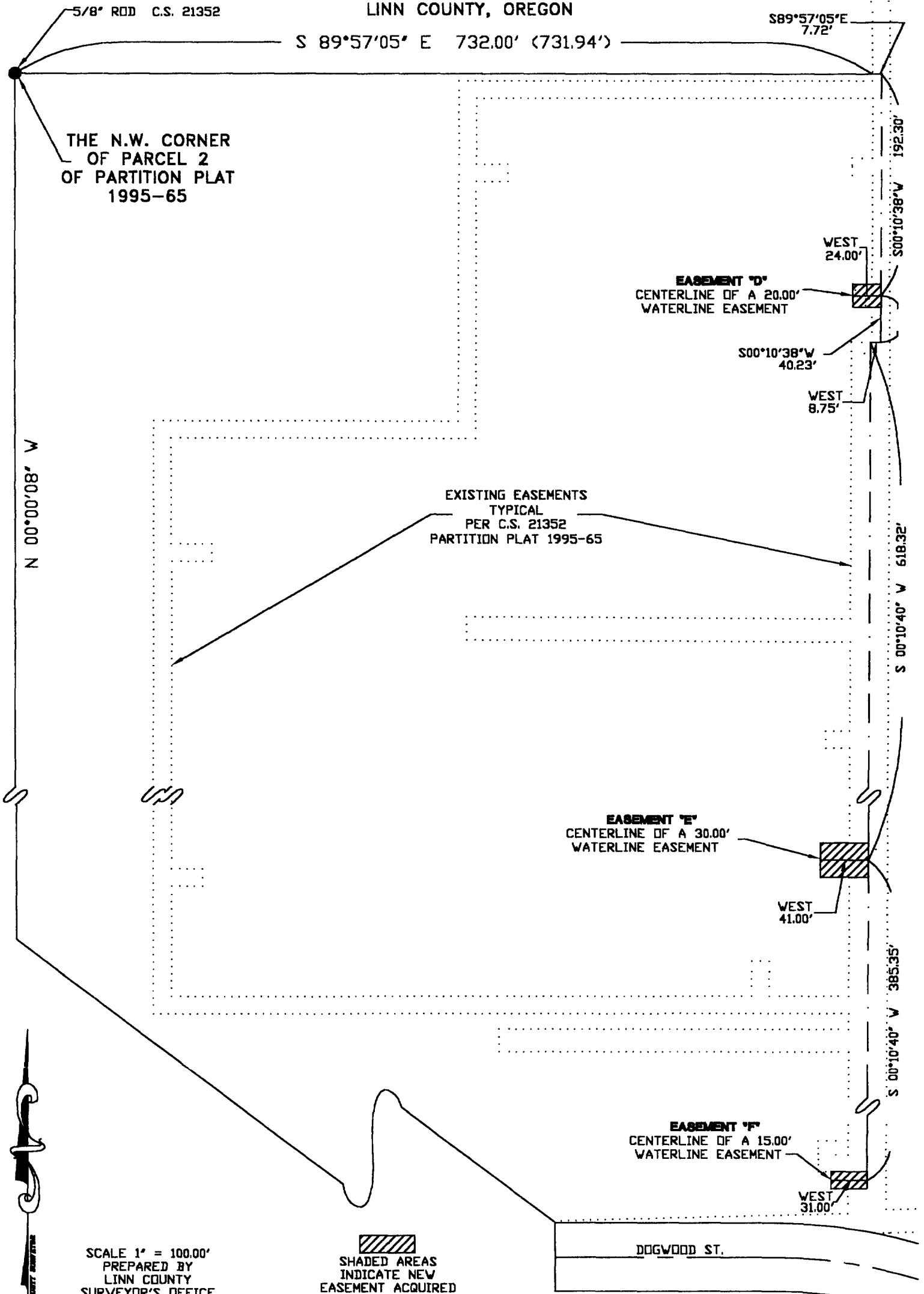
N 89°53'49" W 267.90'

N 00°05'04" W

00°00'08" E 638.24'



EXHIBIT B
ADDITIONAL EASEMENTS
NEW FAIRGROUNDS SITE
T. 11 S., R. 3 W., SEC 4, W.M.
CITY OF ALBANY
LINN COUNTY, OREGON



SCALE 1" = 100.00'
PREPARED BY
LINN COUNTY
SURVEYOR'S OFFICE


SHADED AREAS
INDICATE NEW
EASEMENT ACQUIRED
BY THIS DOCUMENT



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STATE OF OREGON
County of Linn

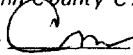
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~~S/D~~
S/D
A
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AUG 19 3 13 PM '97

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF 888

By  Deputy

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Recorded Document Recorder File No. 3006