

RESOLUTION NO. 3834

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Mildred E. Warner

Purpose

A permanent public utility easement located in the NE¼ of section 12, T11S, R4W, WB & M, Block 60, City of Albany, Linn County, Oregon.


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 8th day of July, 1997, by and between Mildred E. Warner herein called "Grantor," 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 grantor has 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 STRIP OF LAND FOR UTILITY PURPOSES LOCATED IN THE NE 1/4 OF S12, T11S, R 4 W, WB & M, BLOCK 60, CITY OF ALBANY, LINN COUNTY, OREGON.

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 60; THENCE SOUTH 81°45' WEST 132.00 FEET; THENCE NORTH 8°22'22" WEST 111.19 FEET TO THE TRUE POINT OF BEGINNING WHICH IS THE NORTHEAST CORNER OF TAX LOT 1900; THENCE SOUTH 81°45'47" WEST 66.00 FEET; THENCE SOUTH 8°22'22" EAST 15.00 FEET; THENCE NORTH 81°45'47" EAST 66.00 FEET; THENCE NORTH 8°22'22" WEST 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 990 SQUARE FEET OF AREA, MORE OR LESS. (BASIS OF BEARINGS AND DISTANCES CS. 19250).

- 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.

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P.O. Box 490, Albany, OR 97321

- 5. Upon performing any construction, maintenance, evaluation and/or repair the City shall return the site to original or better condition.
- 6. No permanent structure shall be constructed within the limits of this easement.
- 7. With respect to any construction work performed within the limits of this easement related to the sanitary sewer line reconstruction shown on Exhibit "A", the site restoration shall be in accordance with Exhibit "B". The requirements of this paragraph become void at the time the Exhibit "A" work is accepted by the City.

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

GRANTOR:

Mildred E. Warner

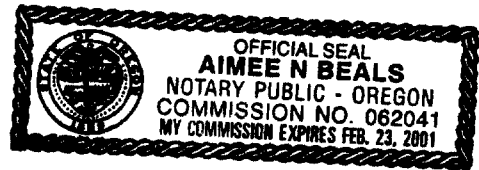
By: Mildred E. Warner

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

The foregoing instrument was acknowledged before me this 8th day of July, 1997, by Mildred E. Warner as her voluntary act and deed.

Aimee N. Beals
 Notary Public for Oregon

My Commission Expires: February 23, 2001



CITY OF ALBANY:

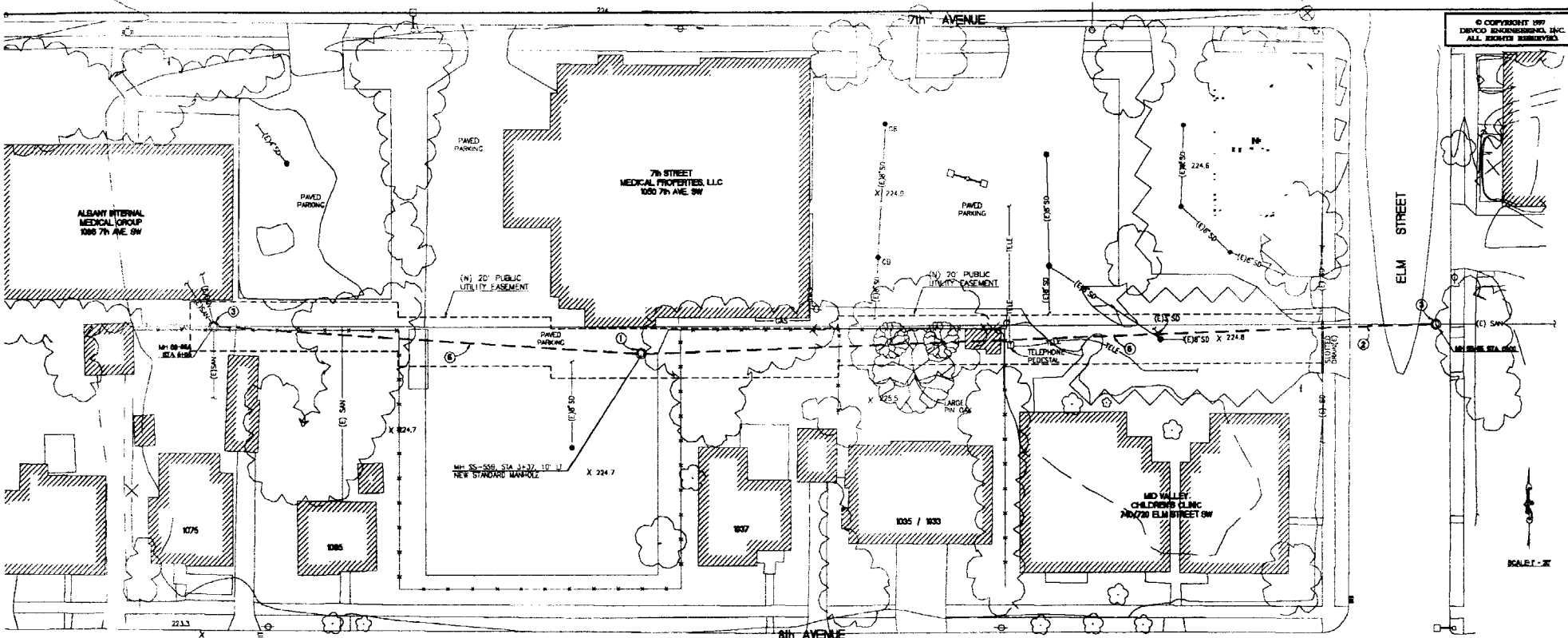
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3834 do hereby accept on behalf of the City of Albany, the above instrument purusant to the terms thereof this 13th day of August, 1997.

Steve Bryant
City Manager

ATTEST:

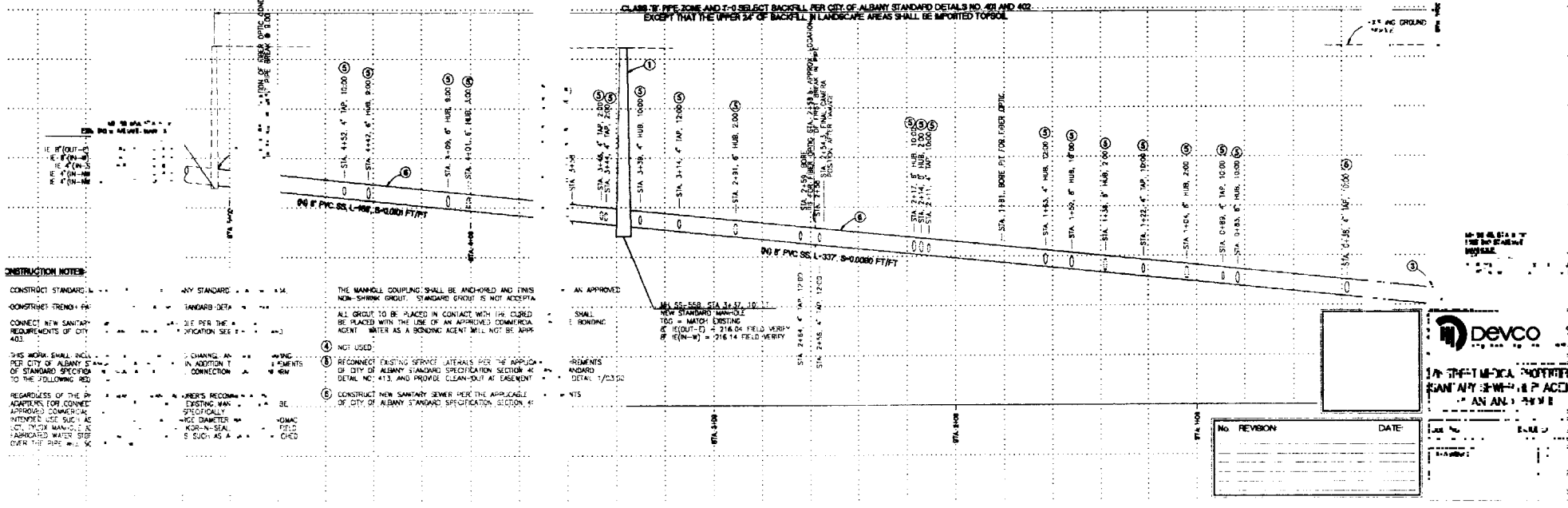
[Signature]
City Recorder



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EXHIBIT "A"

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CLASS B PIPE ZONE AND 7-0 SELECT BACKFILL PER CITY OF ALBANY STANDARD DETAILS NO. 401 AND 402 EXCEPT THAT THE UPPER 34" OF BACKFILL LANDSCAPE AREAS SHALL BE IMPORTED TOPSOIL

CONSTRUCTION NOTES:

- 1. CONSTRUCT STANDARD 15" DIA. SANITARY SEWER PIPE PER CITY OF ALBANY STANDARD SPECIFICATION SECTION 401.
- 2. THIS WORK SHALL INCLUDE THE CITY OF ALBANY STANDARD SPECIFICATION SECTION 401 TO THE FOLLOWING RED LINES.
- 3. REGARDLESS OF THE PIPE ADAPTERS FOR CONNECTING APPROVED COMMERCIAL INTENSIVE USE SUE TO AC CITY TRENCH MANHOLES AS INDICATED WATER STEEL OVER THE PIPE.
- 4. ANY STANDARD.
- 5. STANDARD DATA.
- 6. SEE PER THE SPECIFICATION SEE 401.
- 7. CHANGE AN IN ADDITION TO CONNECTION.
- 8. SEE PER THE SPECIFICATION SEE 401.
- 9. CHANGES IN CONNECTION.
- 10. SEE PER THE SPECIFICATION SEE 401.
- 11. SEE PER THE SPECIFICATION SEE 401.
- 12. SEE PER THE SPECIFICATION SEE 401.
- 13. SEE PER THE SPECIFICATION SEE 401.
- 14. SEE PER THE SPECIFICATION SEE 401.
- 15. SEE PER THE SPECIFICATION SEE 401.
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- 18. SEE PER THE SPECIFICATION SEE 401.
- 19. SEE PER THE SPECIFICATION SEE 401.
- 20. SEE PER THE SPECIFICATION SEE 401.

- 21. THE MANHOLE COUPLING SHALL BE ANCHORED AND FINISH NEW SHANK GROUT. STANDARD GROUT IS NOT ACCEPTABLE.
- 22. ALL GROUT TO BE PLACED IN CONTACT WITH THE CURED PIPE WITH THE USE OF AN APPROVED COMMERCIAL AGENT WATER AS A BONDING AGENT WILL NOT BE APPROVED.
- 23. AN APPROVED BONDING AGENT SHALL BE USED.
- 24. RECONNECT EXISTING SERVICE LATERALS PER THE APPLICABLE CITY OF ALBANY STANDARD SPECIFICATION SECTION 401 DETAIL NO. 413, AND PROVIDE CLEAN-OUT AT EASEMENT.
- 25. CONSTRUCT NEW SANITARY SEWER PER THE APPLICABLE CITY OF ALBANY STANDARD SPECIFICATION SECTION 401.



DEVCO ENGINEERING, INC.
 150 WEST 10TH STREET
 ALBANY, NY 12206
 (518) 486-1111

No.	REVISION	DATE

3/97

3

EXHIBIT "B"
SITE RESTORATION

Landscaping shall be restored by Shadetree Landscape, Inc. as directed by Tom Lundberg, to a condition which is equal to or better than existing, recognizing that the replacement of major trees and shrubs shall be limited in size and availability to local nurseries.

Trenching near major vegetation, such as the existing Pin Oak, shall be supervised by Shadetree Landscape, Inc. in order to minimize any root damage. Any required root pruning and/or repair shall be performed by Shadetree Landscape, Inc. at their discretion.

The existing out-building and fencing shall be temporarily relocated and/or dismantled as required, and replaced and/or assembled in its original location to a condition which is equal to or better than existing. Said determination being made by Tom Lundberg of Shadetree Landscape, Inc.

The attached photographs document the present condition of the site within the general limits of the easement.



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 Sm, Deputy

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