

RESOLUTION NO. 3894

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Synthetec, Inc.

Purpose

A permanent public utility easement 20 feet in even width.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.


DATED THIS 14TH DAY OF JANUARY 1998.


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24 day of December, 1997, by and between Synthetech, Inc., 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 20 foot wide public utility easement located in the Southeasterly portion of Lot 4, Block 1 of Supplemental Plat to Mary B. Industrial Subdivision in the Southwest quarter of Section 7, Township 11 South, Range 3 West of the Willamette Meridian in Linn County Oregon; more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
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. 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.

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

GRANTOR:

Synthetech, Inc.

By: Jay A Bouwens
Title: VP - Manufacturing

By: N/A
Title: _____

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 3894 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of January, 1998.

Steve Bryant
City Manager

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

The foregoing instrument was acknowledged before me this 24th day of December, 1997, by Jay Bouwens, Vice President, and by N/A, of Synthetech, Inc., an Oregon corporation, on behalf of the corporation.

ATTEST:

[Signature]
City Recorder

Charles B. Williams
Notary Public for Oregon
My Commission Expires: _____

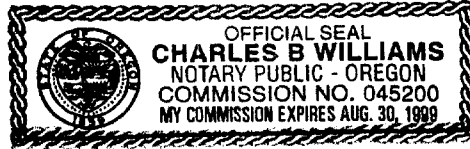




EXHIBIT "A"

20.00 FOOT WIDE PUBLIC UTILITY EASEMENT

A 20' foot wide public utility easement located in the Southeasterly portion of Lot 4, Block 1 of Supplemental Plat to Mary B. Industrial Subdivision in the Southwest quarter of Section 7, Township 11 South, Range 3 West of the Willamette Meridian in Linn County Oregon; more particularly described as follows:

Beginning at the most Southwesterly corner of Lot 4, Block 1 of Supplemental Plat to Mary B. Industrial Subdivision in the Southwest quarter of Section 7, Township 11 South, Range 3 West of the Willamette Meridian in Linn County Oregon;

Thence North 38° 54' 35" East, along the North right-of-way of Industrial Way a distance of 173.31 feet;

Thence Northeasterly along said Right-of Way and a 442.39 foot radius curve left (the long chord of which bears North 32° 48' 37" East 99.45 feet) a distance of 99.66 feet to the True point of Beginning;

Thence North 50° 58' 28" West 65.52 feet to the most Northerly boundary of said easement;

Thence North 39° 01' 32" East 20 feet to Northeasterly boundary of said easement;

Thence South 50° 58' 28" East 60.53 feet to the North Right-of-Way of Industrial Way;

Thence Southwesterly along said Right-of-Way and a 442.39 foot radius curve right (the long chord of which bears South 25° 01' 19" West 20.61 feet) a distance of 20.61 feet to the True point of Beginning.

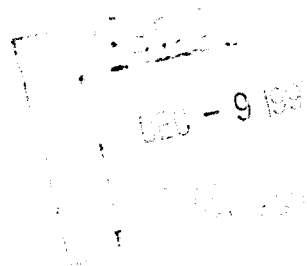
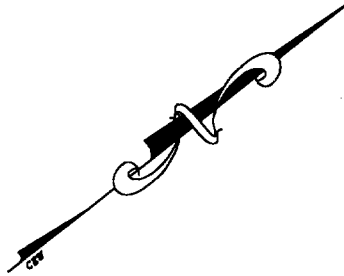
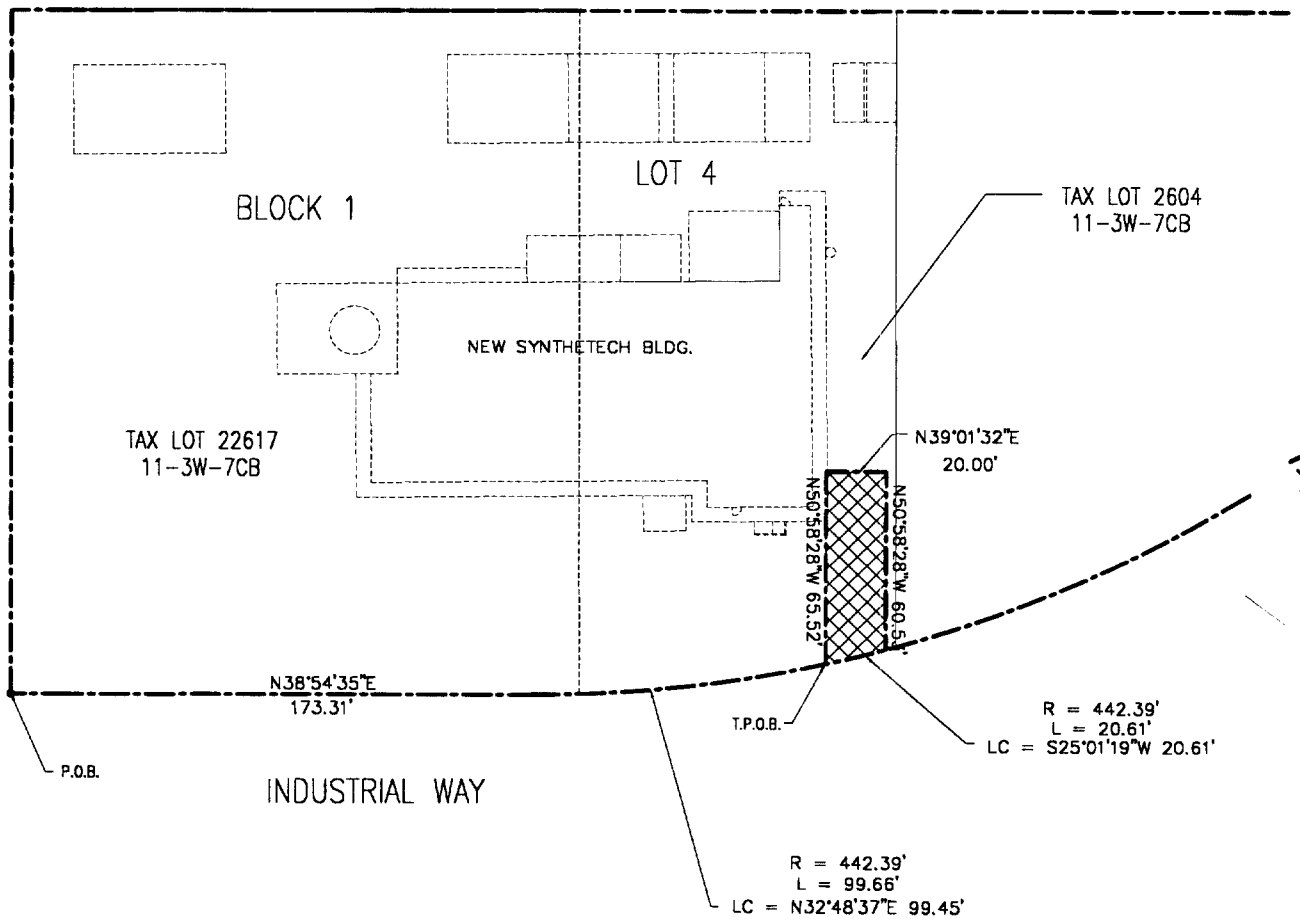


EXHIBIT "B"



SCALE 1" = 60'



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 MF 919

By PA, Deputy PAGE 622

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CEI
CE/Western Engineering Inc.
Consulting Engineers

1025 Bain Street SE Ph. 503 - 928 - 5040
Albany, Oregon 97321 Fax 503 - 928 - 4846

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Recorded Document Recorder File No. 3096