

RESOLUTION NO. 3937

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Keller Development Company, Inc.

Purpose

A permanent public sanitary sewer easement.

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

DATED THIS 22ND DAY OF APRIL 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9<sup>th</sup> day of April, 1998, by and between Keller Development Company, Inc., 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 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 permanent public sanitary sewer easement across those properties conveyed to Keller Development Company by deed recorded in MF219-159 and MF362-481, Linn County Deed Records, said properties also known as Chase Orchards Planned Community Development -Phase Three, said easement being more particularly described in the attached legal description and as shown on the attached map labeled Exhibit A:

Containing 25,140 square feet, more or less.

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.

GRANTOR:

Keller Development Company, Inc.

By: Rodney Keller  
Vice-President

By: Stanley Keller  
Secretary

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

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 3937 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23 day of April, 1998.

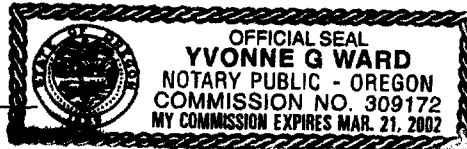
Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

The foregoing instrument was acknowledged before me this 23 day of April, 1998, by Rodney Keller, Vice-President, and by Stanley Keller, Secretary, of Keller Development Company, an Oregon corporation, on behalf of the corporation.

Yvonne G Ward  
Notary Public for Oregon  
My Commission Expires: 3/21/02



**MOORE SURVEYING**

Verle C. Moore  
*Professional Land Surveyor*

October 29, 1997

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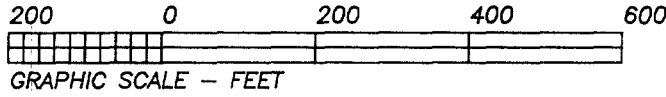
Section 13, T.11 S., R.4 W. W.B. & M.  
Description for Keller Development Co. Inc.

Sanitary Sewer Phase III

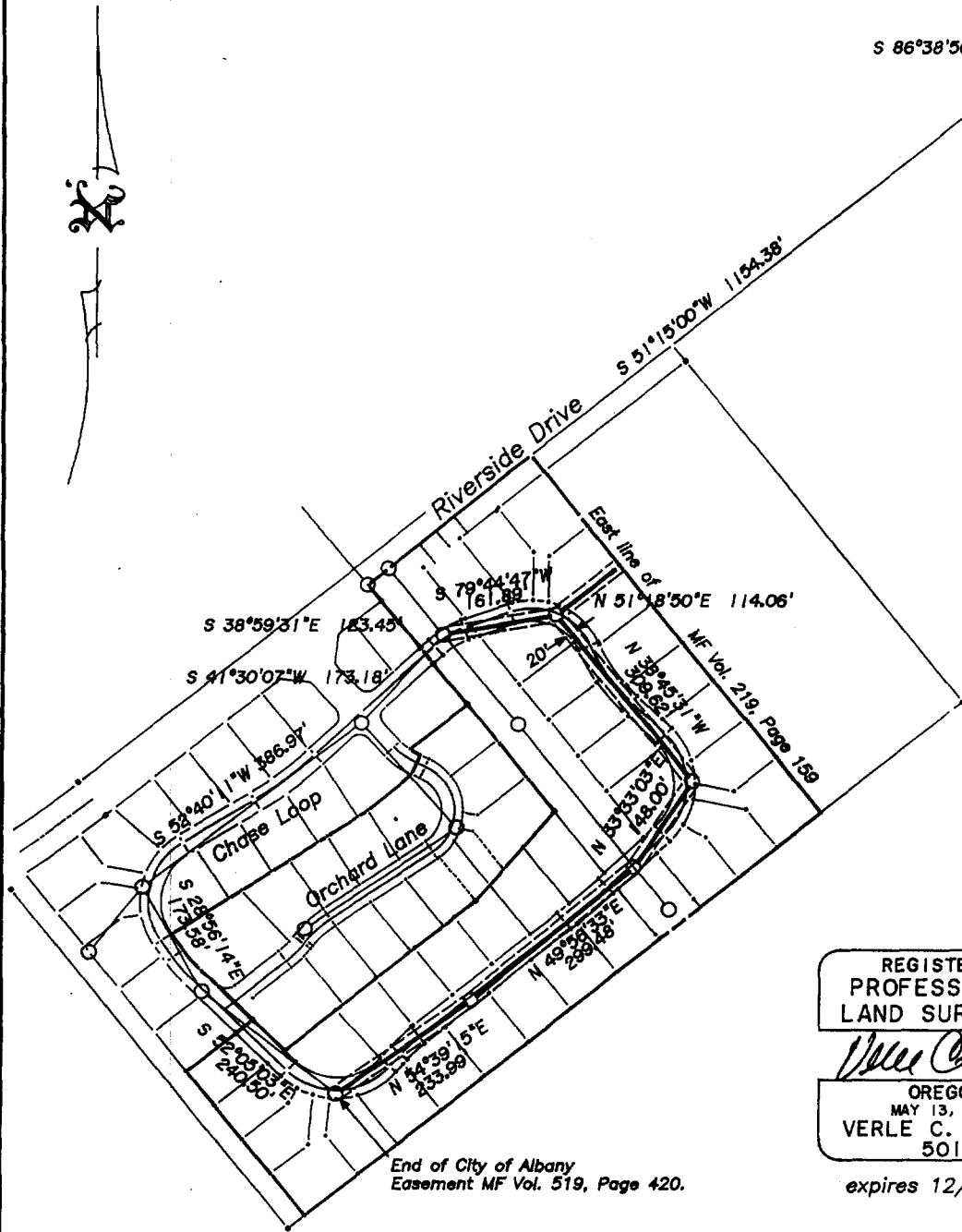
an easement for the purpose of installing and maintaining a sanitary sewer line, being 20 feet in width, and 10 feet on each side of the following described line: Beginning at a point in the center of that easement conveyed to the City of Albany by instrument recorded in MF Volume 519, Page 420, Linn County Microfilm Records, which point is 66.95 feet South 86°38'56" West, 1154.38 feet South 51°15' West, 123.45 feet South 38°59'31" East, 173.18 feet South 41°30'07" West, 386.97 feet South 52°40'11" West, 173.58 feet South 28°56'14" East, and 240.50 feet South 52°05'03" East of the southwest corner of the Walter Monteith Donation Land Claim Number 55, Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 54°39'15" East 233.99 feet; thence North 49°56'33" East 299.48 feet; thence North 33°33'03" East 148 feet; thence North 38°45'31" West 309.62 feet; thence South 79°44'47" West 161.89 feet, and there terminating.

ALSO an easement for the purpose of installing and maintaining a sanitary sewer line, being 20 feet in width, and 10 feet on each side of the following described line: Beginning at a point on the above described center line which point is 66.95 feet South 86°38'56" West, 1154.38 feet South 51°15' west, 123.45 feet South 38°59'31" East, 173.18 feet South 41°30'07" West, 386.97 feet South 52°40'11" West, 173.58 feet, South 28°56'14" East, 240.50 feet South 52°05'03" East, 233.99 feet North 54°39'15" East, 299.48 feet North 49°56'33" East, 148 feet North 33°33'03" East, and 309.62 feet North 38°45'31" West of the southwest corner of the Walter Monteith Donation Land Claim Number 55, Township 11 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 51°18'50" East 114.06 feet to the east line of that parcel conveyed to Keller Development Co. Inc., a corporation by deed recorded in MF Volume 219, Page 159, and there terminating.

Exhibit A  
Sanitary Sewer Easement  
Drawing



Southwest Corner of the  
Walter Montleith  
Donation Land Claim No. 55  
S 86°38'56"W 66.95'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Verle C. Moore*  
OREGON  
MAY 13, 1960  
VERLE C. MOORE  
501

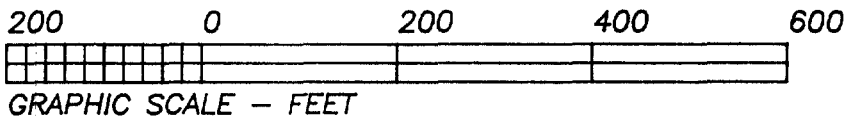
expires 12/31/98

**MOORE SURVEYING**  
~424 2ND AVE. S.E.~  
ALBANY, OR 97321 (541)928-3878

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APR 24 1 54 PM '98

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 MF 938  
Linn County Clerk  
By *PA*, Deputy PAGE 998

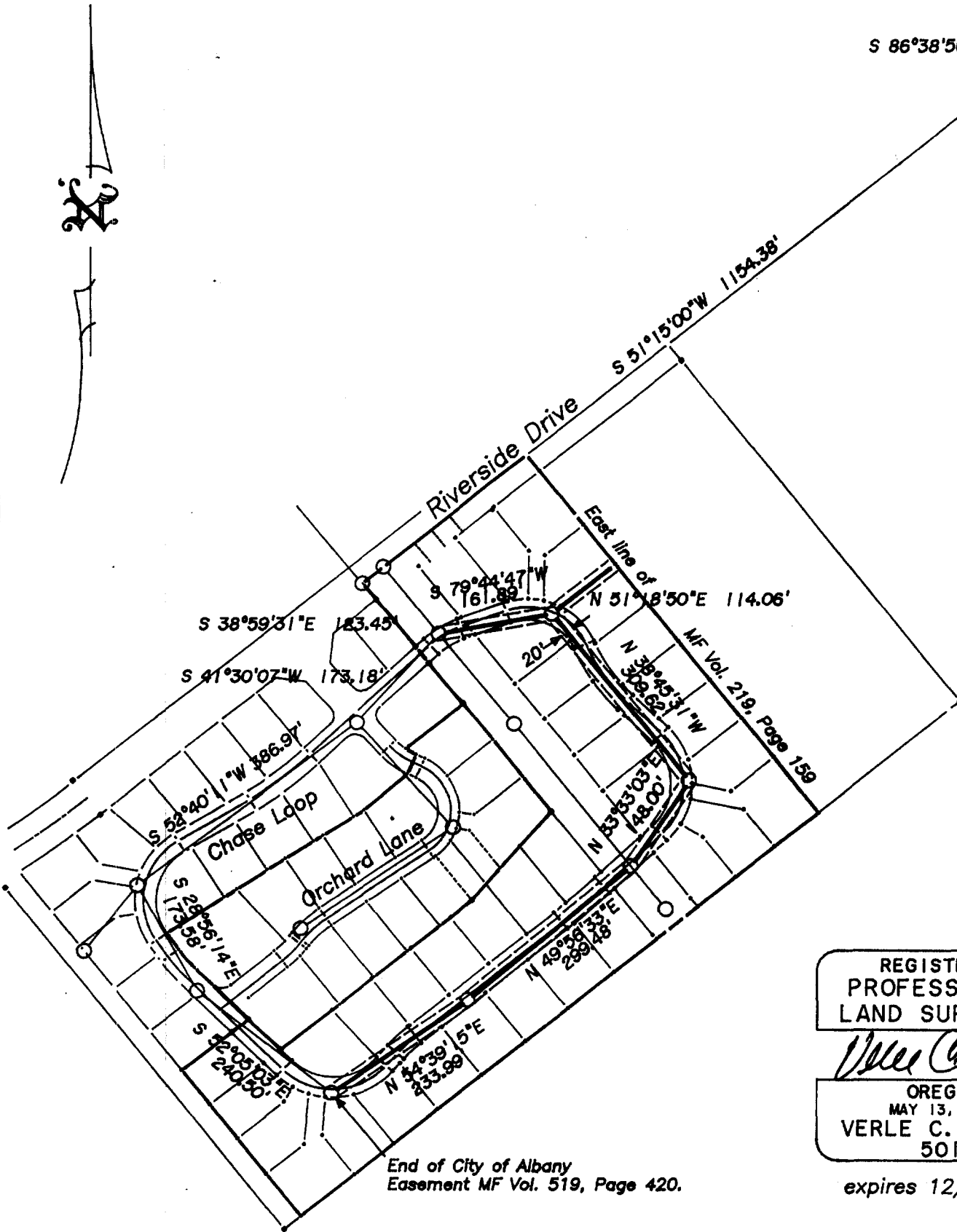
Exhibit A  
Sanitary Sewer Easement  
Drawing



GRAPHIC SCALE - FEET

Southwest Corner of the  
Walter Monteith  
Donation Land Claim No. 55

S 86°38'56"W 66.95'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Verle C. Moore*

OREGON  
MAY 13, 1960  
VERLE C. MOORE  
501

expires 12/31/98

End of City of Albany  
Easement MF Vol. 519, Page 420.

**MOORE SURVEYING**  
~424 2ND AVE. S.E.~  
ALBANY, OR 97321 (541)928-3878

Resolution No. 3937

Recorded Document Recorder File No. 3147