

RESOLUTION NO. 4046

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Kampfer Family Limited Partnership

Purpose


A permanent storm drain easement, 15 feet in width, as shown in attached "Exhibit A" and described in attached "Exhibit B."

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

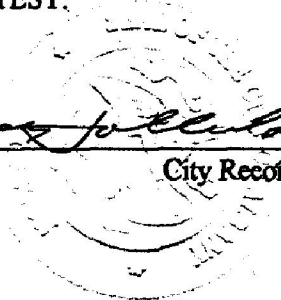
DATED THIS 16TH DAY OF DECEMBER 1998.


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30 day of November 1998, by and between **Kampfer Family Limited Partnership**, hereinafter 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 does 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 15 foot wide permanent storm drain easement more particularly shown in attached EXHIBIT A and described 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 Grantor does 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.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Kampfer Family Limited Partnership

By: Lynn Kampfer
Lynn Kampfer

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

The foregoing instrument was acknowledged before me this 30 day of Nov, 1998, by Lynn Kampfer as his voluntary act and deed.

Barbara Holmes
Notary Public for Oregon
My Commission Expires: 3/18/00



Kampfer Family Limited Partnership

By: Arnold Kampfer
Arnold Kampfer

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



The foregoing instrument was acknowledged before me this 30 day of Nov, 1998, by Arnold Kampfer as his voluntary act and deed.

Barbara Holmes
Notary Public for Oregon
My Commission Expires: 3/18/00

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 4046 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 17 day of December, 1998.

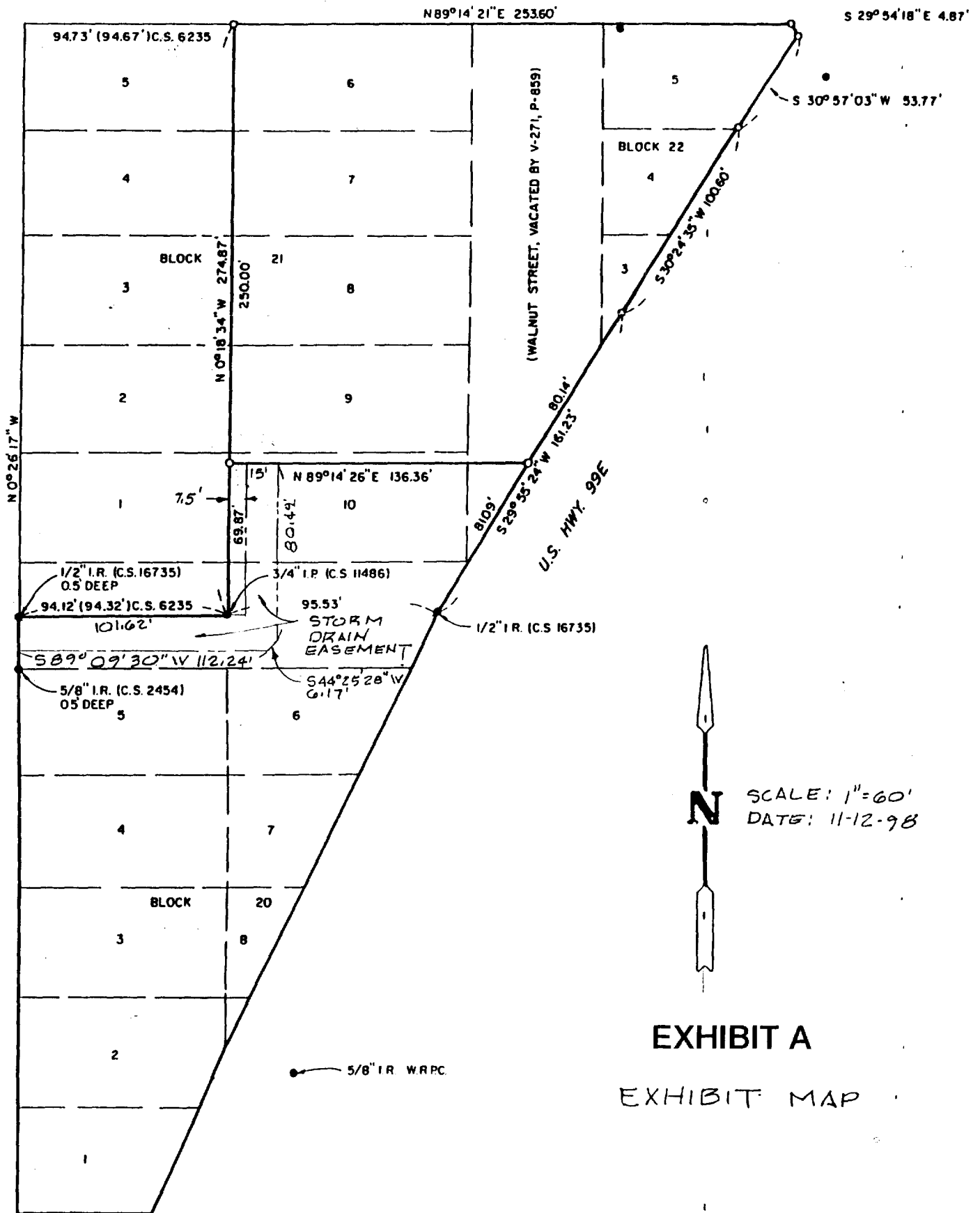
Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



SOUTH ELM STREET



SCALE: 1"=60'
 DATE: 11-12-98

EXHIBIT A
 EXHIBIT MAP



EXHIBIT B

Description for Citizens Bank
November 6, 1998

A 15.00 foot wide storm drain easement described as follows:

Beginning at a point on the East right-of-way line of South Elm Street at its intersection with the centerline of vacated 23rd Street, which point is 25.00 feet northerly of the North line of Lot 5, Block 20, SOUTH ALBANY ADDITION to the City of Albany and being situated in the Northeast Quarter of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon;

thence North 89°09'30" East along the centerline of said vacated 23rd Street, a distance of 101.62 feet; **thence** North 0°18'34" West parallel with the East line of Lot 1, Block 21, of said subdivision, a distance of 69.86 feet; **thence** North 89°14'26" East 15.00 feet to a point which is 22.50 feet easterly of the West line of Lot 10 of said Block 21; **thence** South 0°18'34" East parallel with said West line, a distance of 80.49 feet; **thence** South 44°25'28" West 6.17 feet; **thence** South 89°09'30" West 112.24 feet; **thence** North 0°26'17" West 15.00 feet to the point of beginning.

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 *[Signature]*, Deputy

³⁰
DEC 23 9 34 AM '98

MF 997
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LAND SURVEYORS

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Resolution No. 4046

Recorded Document Recorder File No. 3313