

RESOLUTION NO. 4125

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Harold W. and Dona L. Bates

Purpose

A permanent public water line easement 15-feet in even width, as described in attached Exhibit "A" and shown on attached Exhibit "B".

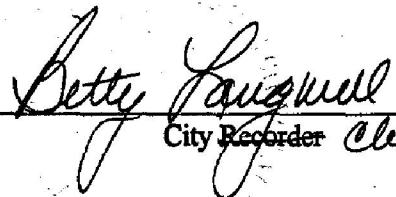
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 9TH DAY OF JUNE 1999.



Mayor

ATTEST:



City Recorder Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of May, 1999, by and between Harold W. and Dona L. Bates, 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 permanent public water line easement, 15-feet in even width, as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled 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.

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:

CITY OF ALBANY:

Harold W. Bates
Harold W. Bates

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

Dona L. Bates
Dona L. Bates

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4125, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of June, 1999.

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

The foregoing instrument was acknowledged before me this 13th day of May, _____ by their voluntary act and deed.

Steve Bryant
City Manager

ATTEST:

Ursula Gentner
Notary Public for Oregon
My Commission Expires: June 2 2000

Betty Langwell
City Recorder Clerk

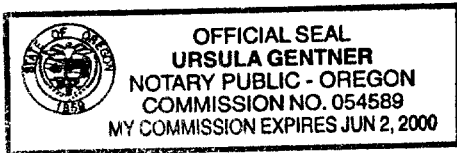


EXHIBIT "A"BLUE OX WATERLINE EASEMENT

A 15 foot-wide strip of land for Public Waterline Easement proposes located in that Bates Tract described by deed recorded in Volume MF 948, Page 314 of the Linn County Deed Records on June 2, 1998, the centerline of said 15 foot wide strip being more particularly described as follows:

Commencing at the southwest corner of the Hugh Nickerson Donation Land Claim No. 39 Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence NORTH, along west line of said Claim, 687.54 feet; thence WEST, 20.00 feet to a point on the west right-of-way line of Goldfish Farm Road which point being the TRUE POINT OF BEGINNING of the herein described strip; thence North 89°51'32" West, parallel with the south line of said Bates Tract, 746.00 feet to the westerly terminus of the herein described strip. The west right-of-way line is the easterly terminus of the herein described strip.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

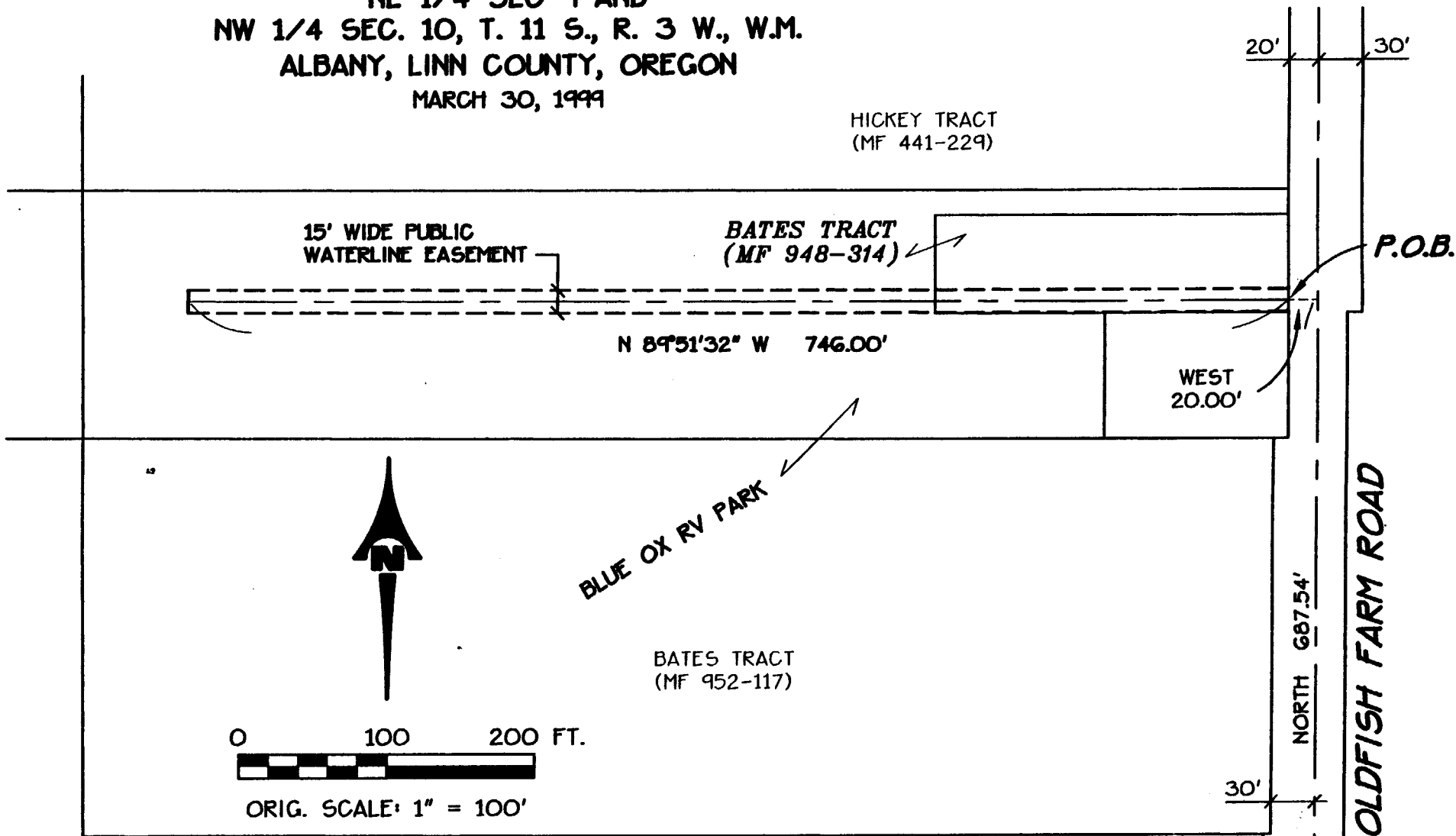
Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

EXPIRATION DATE: 12/31/99

March 30, 1999
BLUE OX
WATERLINE EASEMENT
(99-55) JRB:nm
File: nm\legal\9955 h2o ease.doc

PUBLIC WATERLINE EASEMENT
FOR
BLUE OX RV PARK
 LOCATED IN
NE 1/4 SEC 9 AND
NW 1/4 SEC. 10, T. 11 S., R. 3 W., W.M.
ALBANY, LINN COUNTY, OREGON
MARCH 30, 1999

EXHIBIT "B"



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Date: 3/30/1999 Time: 10:09
 View: PLOT Scale: 1=100
 File: DWG\99-55\9955-EA3.dwg (cpu#13 RJR)



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

SW COR
 HUGH NICKERSON
 D.L.C. No. 39

VICINITY MAP BLUE OX EXPANSION



NOT TO SCALE



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STATE OF OREGON
County of Linn

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R 76 JUN 17 3 02 PM '99
S

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

A
O

STEVE DRUCKENMILLER
Linn County Clerk

MF 1042

By PA, Deputy

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Recorded Document Recorder File No. 3399