

RESOLUTION NO. 4128

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

William S. Wilt

Purpose

A 15-foot wide permanent easement for a public water line, more particularly described in attached EXHIBIT "A" and shown in 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 25 day of MAY, 1999, by and between William S. Wilt, 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 water line easement within Edgewood Manufactured Home Park, Expansion I, 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 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:

William S. Wilt  
William S. Wilt

CITY OF ALBANY:

STATE OF OREGON )  
County of Linn ) ss.  
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 4128 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of June, 1999.

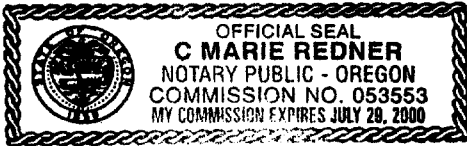
The foregoing instrument was acknowledged before me this 25th day of May, 1999, by William S. Wilt as his voluntary act and deed.

Steve Bryant  
City Manager

C. Marie Redner  
Notary Public for Oregon  
My Commission Expires: July 29, 2000

ATTEST:

Betty Langwell  
City Recorder



**EXHIBIT 'A'**

**15.00' WATERLINE AND MAINTENANCE EASEMENT DESCRIPTION  
( TO ACCOMPANY ATTACHED EXHIBIT MAP 'B' )**

3/25/99

A 15.00 FOOT WIDE EASEMENT FOR WATERLINE AND MAINTENANCE IN EDGEWOOD MANUFACTURED HOME PARK, EXPANSION I IN THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SOUTH MOUNTAIN VIEW DRIVE AS DEEDED TO THE CITY OF ALBANY, SAID POINT BEING 316.91 FEET, NORTH 44°57'40" EAST OF THE NORTHEAST CORNER OF LOT 1, BLOCK 6 OF EDGEWOOD ESTATES SUBDIVISION, LINN COUNTY PLAT RECORDS; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 00°31'09" EAST, 7.50 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ALONG THE ARC OF A 345.00 FOOT RADIUS CURVE TO THE RIGHT ( LONG CHORD BEARS 7.50 FEET, NORTH 01°08'31" EAST ) A DISTANCE OF 7.50 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 89°28'51" EAST, 93.83 FEET; THENCE SOUTH 34°21'35" EAST, 83.68 FEET; THENCE ALONG THE ARC OF A 90.00 FOOT RADIUS CURVE TO THE LEFT ( LONG CHORD BEARS 15.09 FEET, SOUTH 49°26'57" WEST ) A DISTANCE OF 15.11 FEET; THENCE NORTH 34°21'35" WEST, 77.48 FEET; THENCE NORTH 89°28'51" WEST, 86.09 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE OF SAID SOUTH MOUNTAIN VIEW DRIVE AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS COUNTY SURVEY OF RECORD NUMBER 22012.

FILE  
CG ON SERV (J)  
TEXT  
STA 4  
97-3EH2O  
3/25/99



Resolution No. 4128

Recorded Document Recorder File No. 3402