

RESOLUTION NO. 4183

A RESOLUTION AUTHORIZING THE GRANTING OF A UTILITY EASEMENT ON ALBANY MUNICIPAL AIRPORT PROPERTY TO THE PUBLIC AND ACCEPTING THE FOLLOWING DEDICATION:

WHEREAS, The City of Albany does own the property upon which is located the Albany Municipal Airport; and

WHEREAS, A public utility easement is needed along portions of the west boundary of the airport property in order to facilitate the extension of electrical power to new hangars being privately constructed at the airport.

NOW THEREFORE, BE IT RESOLVED that the Albany City Council, acting as the property owner, does hereby authorize the dedication of an easement on Albany Municipal Airport property for public utilities as described on the attached easement dedication's legal description form; and

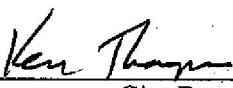
BE IT FURTHER RESOLVED by the Albany City Council that it does hereby accept this dedication of a public utility easement.

DATED THIS 13TH DAY OF OCTOBER 1999.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of October, 1999, by and between **CITY OF ALBANY**, a Municipal Corporation, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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 10-foot wide public utility easement for public utility purposes. The easement is 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 by Grantor on this easement.

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

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

GRANTOR:

CITY OF ALBANY:

CITY OF ALBANY

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

By: Ken Thompson
City Recorder

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 4183 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of October 1999.

The foregoing instrument was acknowledged before me this 13th day of October 1999, by Ken Thompson, City Recorder, of the City of Albany, an Oregon Municipality, on behalf of the municipality.

Steve Bryant
City Manager

ATTEST:

Margaret Langwell
Notary Public for Oregon
My Commission Expires Sept. 2, 2000

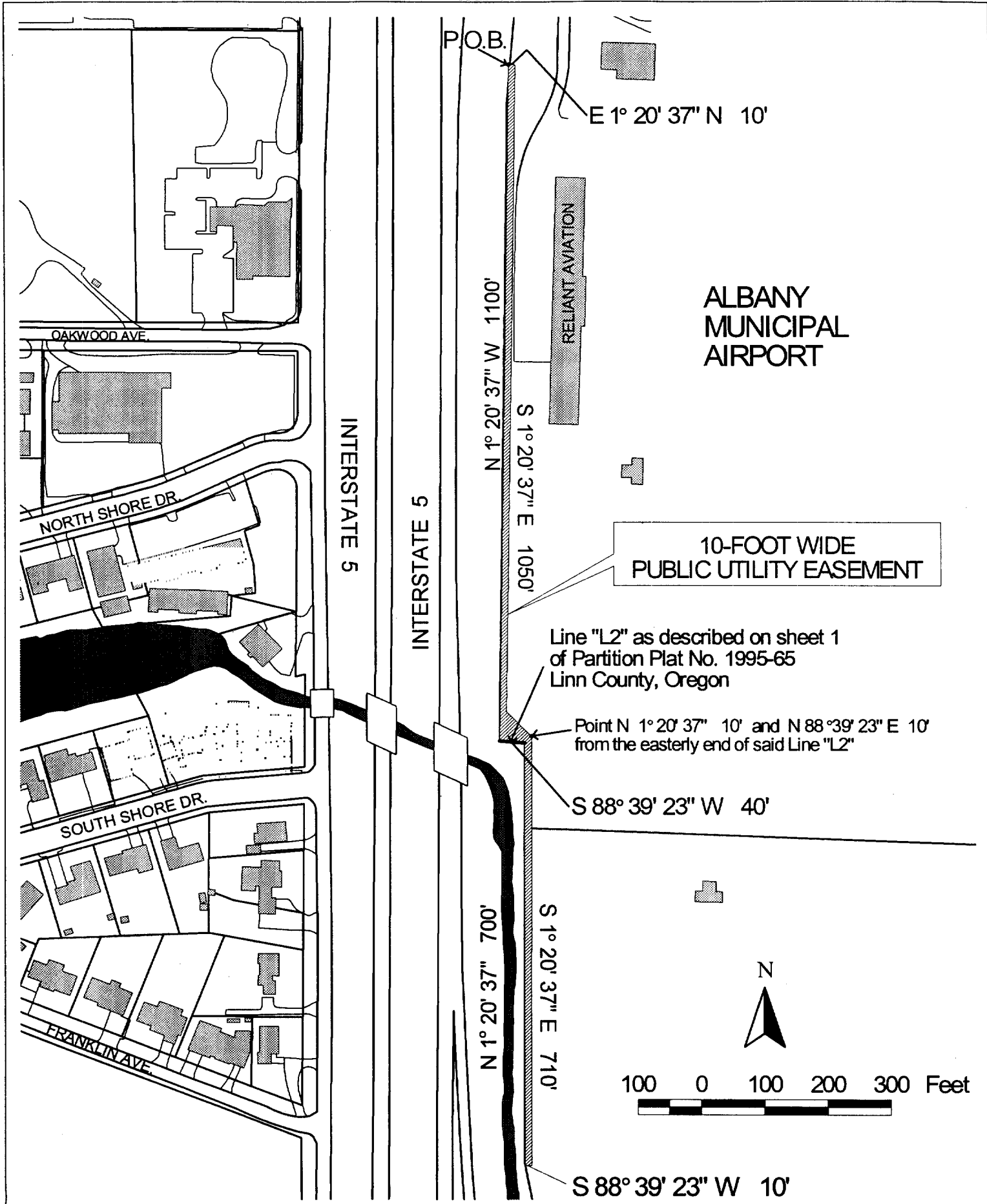
Ken Thompson
City Recorder



EXHIBIT A**ALBANY MUNICIPAL AIRPORT
PUBLIC UTILITY EASEMENT DESCRIPTION**

Beginning at a point on the east RW line of Interstate Highway 5 (I-5), adjacent to the Albany Municipal Airport, said point being 1100 feet, N 1° 20' 37" W, of the westerly end of the line "L2" as described on sheet 1 of Partition Plat No. 1995-65, Linn County, Oregon; thence E 1° 20' 37" N, 10 feet; thence S 1° 20' 37" E, 1050 feet parallel to the east RW line of I-5; thence southeasterly to a point, said point being 10 feet, N 1° 20' 37" and 10 feet, N 88° 39' 23" E, from the easterly end of said line "L2"; thence S 1° 20' 37" E, 710 feet parallel to the east RW line of I-5; thence S 88° 39' 23" W, 10 feet to a point on the easterly RW of I-5; thence N 1° 20' 37" W, 700 feet more or less along the east RW line of I-5 to the easterly end of said line "L2"; thence S 88° 39' 23" W, 40 feet; thence N 1° 20' 37" W, 1100 feet along the east RW line of I-5 to the point of beginning. See attached drawing EXHIBIT B.

EXHIBIT B



30

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 PA, Deputy

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Nov 22 1 42 PM '99

Resolution No. 4183

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