

RESOLUTION NO. 4234

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

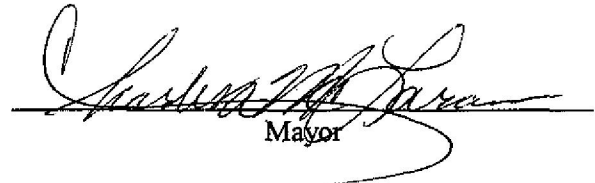
**OSU Federal Credit Union**

Purpose

A triangular piece of land at the northwest corner of Clay Street and 14<sup>th</sup> Avenue for sidewalk and public utility easement purposes, more particularly described in attached EXHIBIT "A," shown in the attached EXHIBIT "B," and located in attached vicinity map.

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

DATED THIS 8TH DAY OF MARCH 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 3rd day of DECEMBER, 1999, by and between OSU Federal Credit Union, herein called Grantors, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

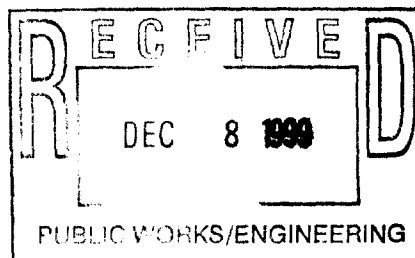
WITNESSETH:

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:  
  
See attached legal description labeled EXHIBIT A and 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 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 430, Albany, OR 97321



IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

By: Joanne Kersey  
President

By: Carl Roy  
VICE PRESIDENT Secretary

STATE OF Oregon )  
County of Benton )  
City of Corvallis )

The foregoing instrument was acknowledged before me this 3rd-day of Dec, 1999 by Joanne Kersey, president, and Carl Roy, secretary, or OSU Federal Credit Union, an Oregon corporation, on behalf of the corporation.

VICE PRESIDENT

Johnna Deski  
Notary Public for OSU FCU  
My Commission Expires: 6-7-02

CITY OF ALBANY:

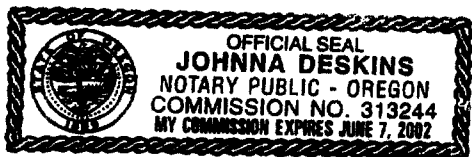
STATE OF OREGON )  
County of Linn )  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4234, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of March, 2000.

Steve Bryant  
City Manager

ATTEST:

Betty Louquell  
City Recorder clerk



K &amp; D ENGINEERING, Inc.

*Engineers • Planners • Surveyors***EXHIBIT "A"**

(Description of Public Utility and Sidewalk Easement)

An easement over a portion of that OSU Credit Union Tract described by deed recorded in Microfilm Volume 836, Page 26 of the Linn County Deed Records on November 8, 1996 that is more particularly described as follows:

Beginning at the southeast corner of Lot 1 of "HERITAGE MALL", a subdivision of record in Linn County, Oregon; thence North 89°23'41" West, along the south line of said lot, a distance of 19.00 feet; thence North 53°21'00" East 23.10 feet to a point on the east line of said lot; thence South 01°53'31" East 14.00 feet to the Point of Beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*

OREGON  
JULY 14 1978  
JACK R. BURRELL  
1630

RENEWAL DATE 12/31/90

November 18, 1999  
EXHIBIT "A"  
OSU CREDIT UNION TRACT  
(99-90-C) JRB:ls  
File: nm\legal\99-90c osu credit tract

# EXHIBIT "B"

## SIDEWALK + PUBLIC UTILITY EASEMENT

FOR

## CITY OF ALBANY

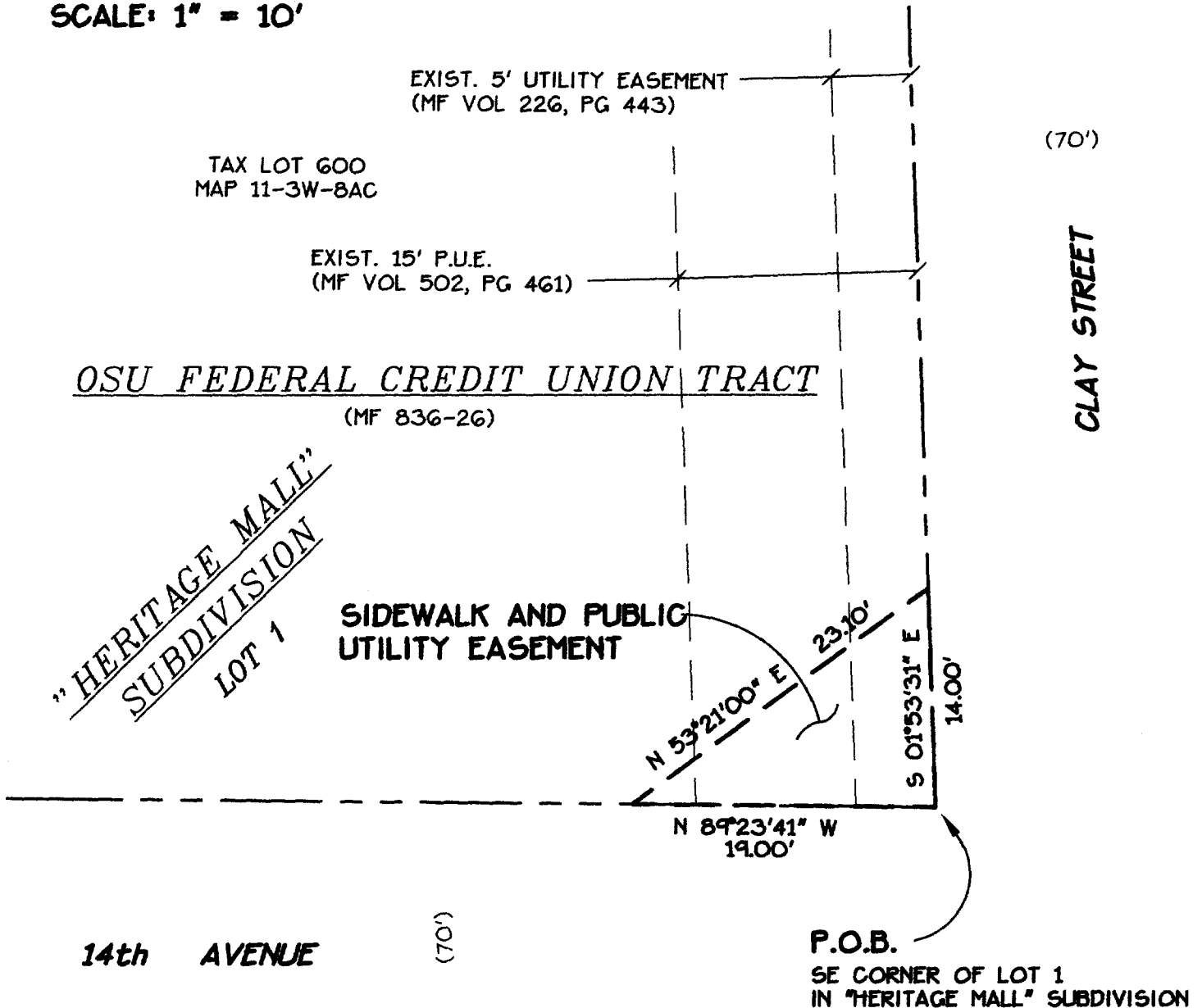
LOCATED IN

SEC. 8, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

NOVEMBER 17, 1999

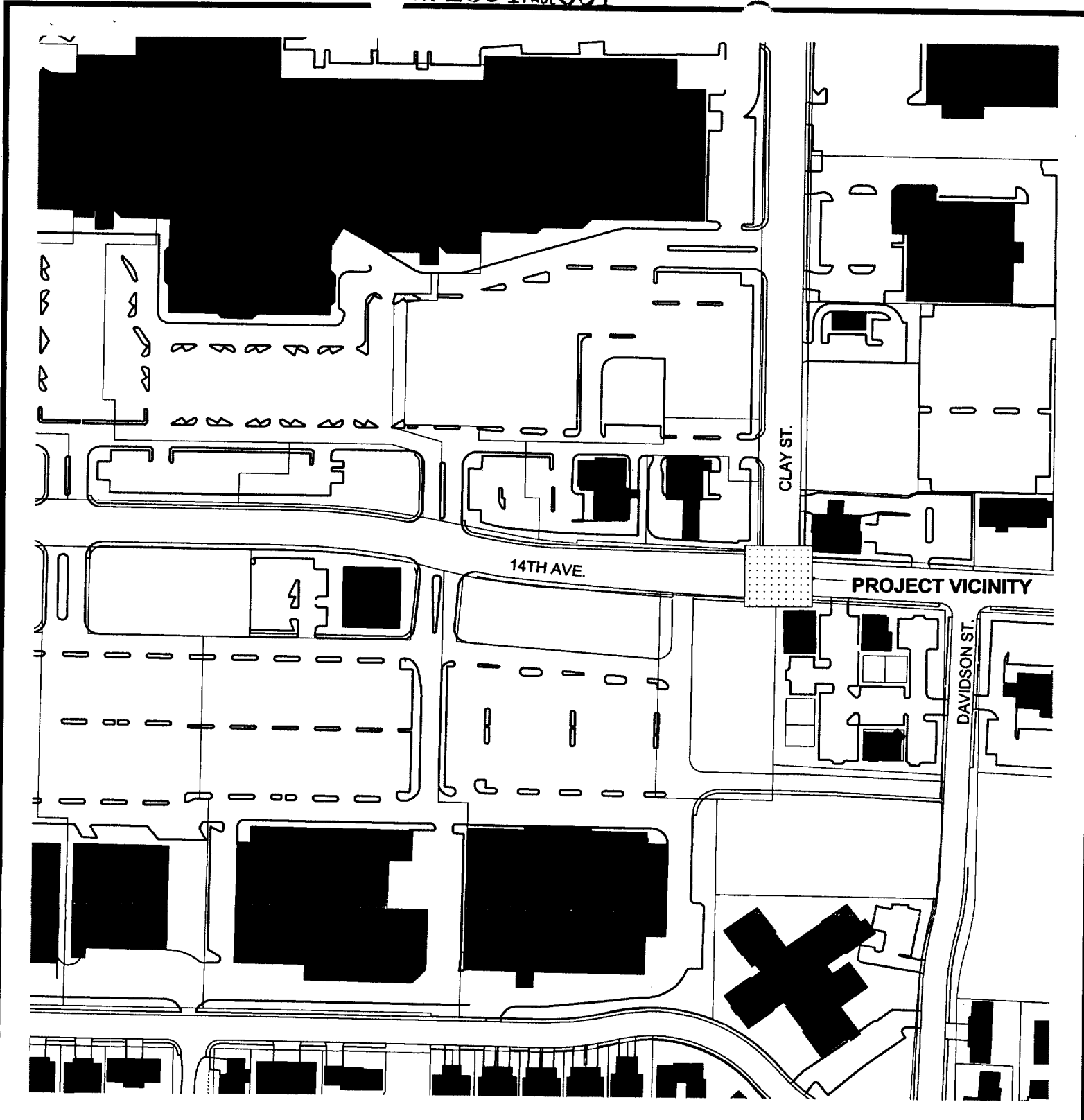


SCALE: 1" = 10'



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

Date: 11/18/1999 Time: 7:59  
 View: PLOT Scale: 1=10  
 File: Dwg\99-90-C\9990-ex2.dwg (cpu#21 (meh))



### Vicinity Map



0  200 Feet

Oct 15, 1999

The City of Albany's infrastructure reports, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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 SD, Deputy

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MAR 10 3 25 PM '00

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Recorded Document Recorder File No. 3565