

RESOLUTION NO. 4490

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

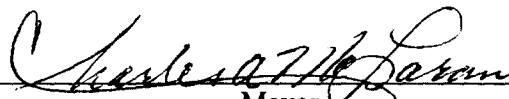
The Kaiser-Callison Family, L.L.C.,
an Oregon Limited Liability Company

Purpose

A 10-foot wide permanent public utility easement
described in attached EXHIBIT A and as shown in
attached EXHIBIT B.

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

DATED THIS 12TH DAY OF SEPTEMBER, 2001.



Mayor

ATTEST:



City Recorder

THIS AGREEMENT, made and entered into this 28 day of AUG, 2001, by and between **The Kaiser-Callison Family, L.L.C., an Oregon Limited Liability Company**, herein called Grantors, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

WITNESSETH:

That the Grantor has this day granted 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 10.0 foot wide permanent public utility easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
2. In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry for construction access to the City, its representatives and to the Contractor, for access to, upon and over our property for planning and construction of a sanitary sewer, service connection, and such appurtenances as are required to make the project complete. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.
3. 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.
4. The City agrees to replace the sanitary sewer service lateral one time only. The purpose of the replacement is to reduce infiltration to the public sanitary sewer system and protect the public health.
5. 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.
6. Upon performing any maintenance, the City shall return the site to original or better condition.
7. The Grantors and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.
8. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure requires the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

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.

GRANTORS:

By: Francis E Kaiser
Title: FRES

By: _____
Title: _____

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

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

The foregoing instrument was acknowledged before me this 28th day of Aug, 2001, by FRANCIS KAISER, (title), of the Kaiser-Callison Family, an Oregon Limited Liability Company, on behalf of the limited liability company.

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by _____, (title), of the Kaiser-Callison Family, an Oregon Limited Liability Company, on behalf of the limited liability company.

Mary L. Long
Notary Public for Oregon

Notary Public for Oregon

My Commission Expires: 3-12-2005

My Commission Expires: _____



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 4490, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of September 2001.

Steve Bryant
City Manager

ATTEST:
Ken Thompson
City Recorder

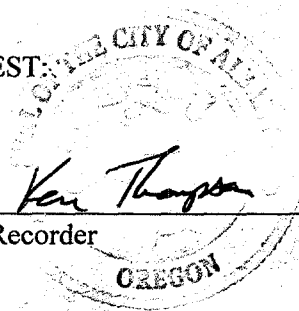


EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to The Kaiser-Callison Family, L.L.C. described in Volume 864, Page 861, Linn County Microfilm Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

A 10.0 foot wide permanent easement parallel, adjacent and south of the line described below and further shown on the attached drawing labeled "EXHIBIT B".

Beginning at the northwest corner of west 1/2 of the southwest 1/4 of Block 53 Hackleman's Second Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County, Oregon; thence easterly, parallel with the southern boundary line of said block, a distance of 132.5 feet, and there terminating.

Containing 0.0304 acres of land, more or less.

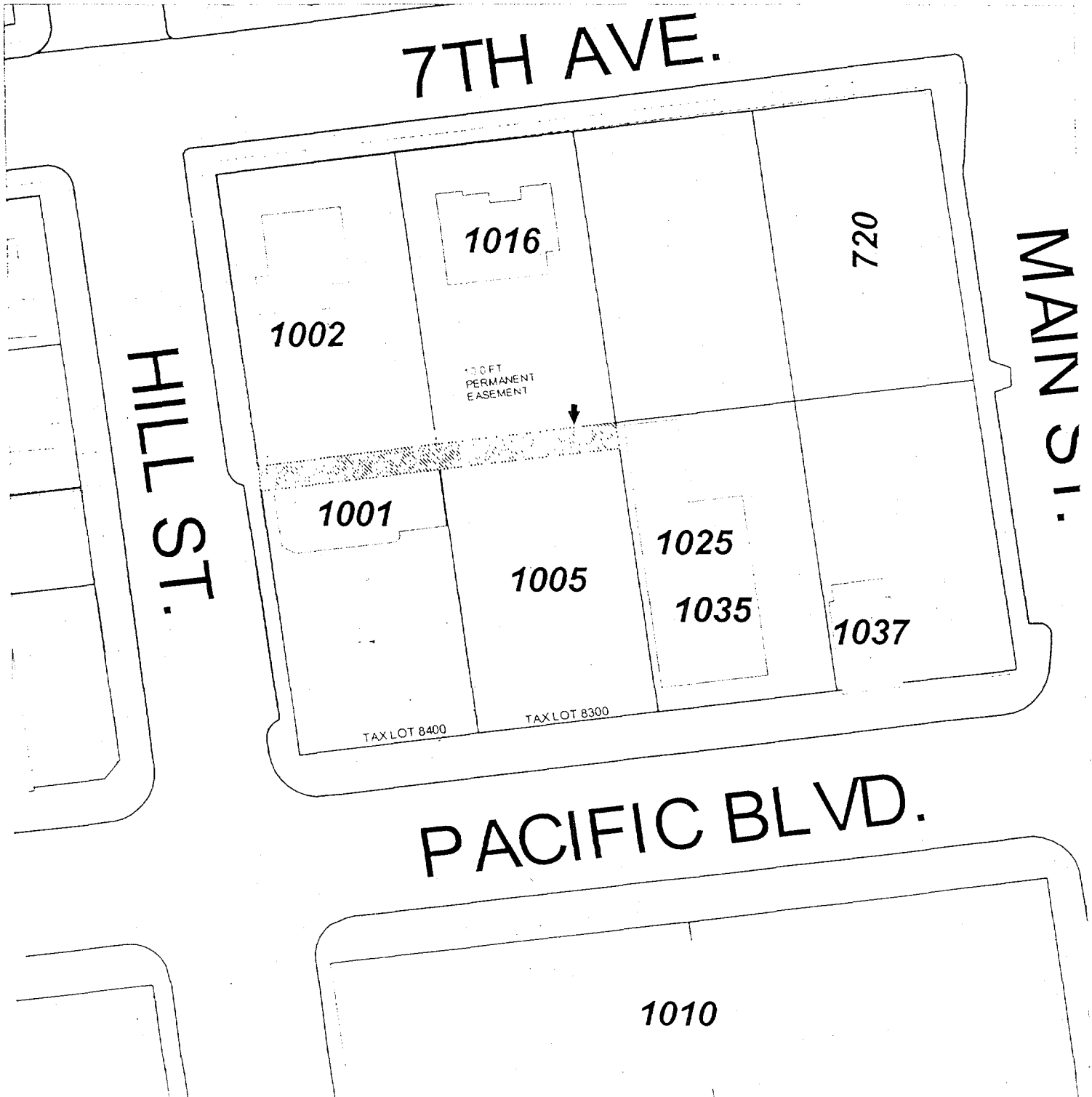


EXHIBIT B

Kaiser-Callison
Public Utility
Easement

HACKLEMANS SECOND EDITION
BLOCK 53

SECT. 07 T. 11S., R.3 W. WILLAMTETTE MERIDIAN, LINN COUNTY, OREGON.





VICINITY MAP



Kaiser-Callison PUE

10' WIDE PUBLIC UTILITY EASEMENT

Kelly Albers

Engineering

angies J:\AV_PROJ\SITE_MAP.APR

Aug. 28, 2001

The City of Albany's Infrastructure records, 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 SR, Deputy

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Recorded Document Recorder File No. 3889