

RESOLUTION NO. 2993

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Truax Corporation,
an Oregon Corporation

Purpose

10-foot wide permanent utility easement for an existing sanitary sewer line along the south line of their property located at 1128 Pacific Boulevard SE, City of Albany, Linn County, Oregon.

DATED this 10th day of October, 1990.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17 day of Sept., 1990, by and between Truax Corporation, an Oregon Corporation, 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 10-foot wide permanent utility easement across that parcel conveyed to Truax Corporation in Volume MF 503, Page 376 Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached drawing labeled EXHIBIT A:

A 10-foot wide strip of land over said Truax Corporation parcel, said strip of land being parallel, adjacent, and north of the south line of said Truax Corporation parcel, in the northeast quarter of Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

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 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.
- 7. Existing structure is allowed to remain in its current condition and position upon said easement.

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

Truax Corporation

By: John W. Truax
President

By: Herbert Rowley
Secretary

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 17 day of September, 1990, by John W. Truax, president, and by Herbert Rowley, secretary, of Truax Corporation, an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2993 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of October, 1990.

Richard M. Polux
Notary Public for Oregon
My Commission Expires: 12/21/93

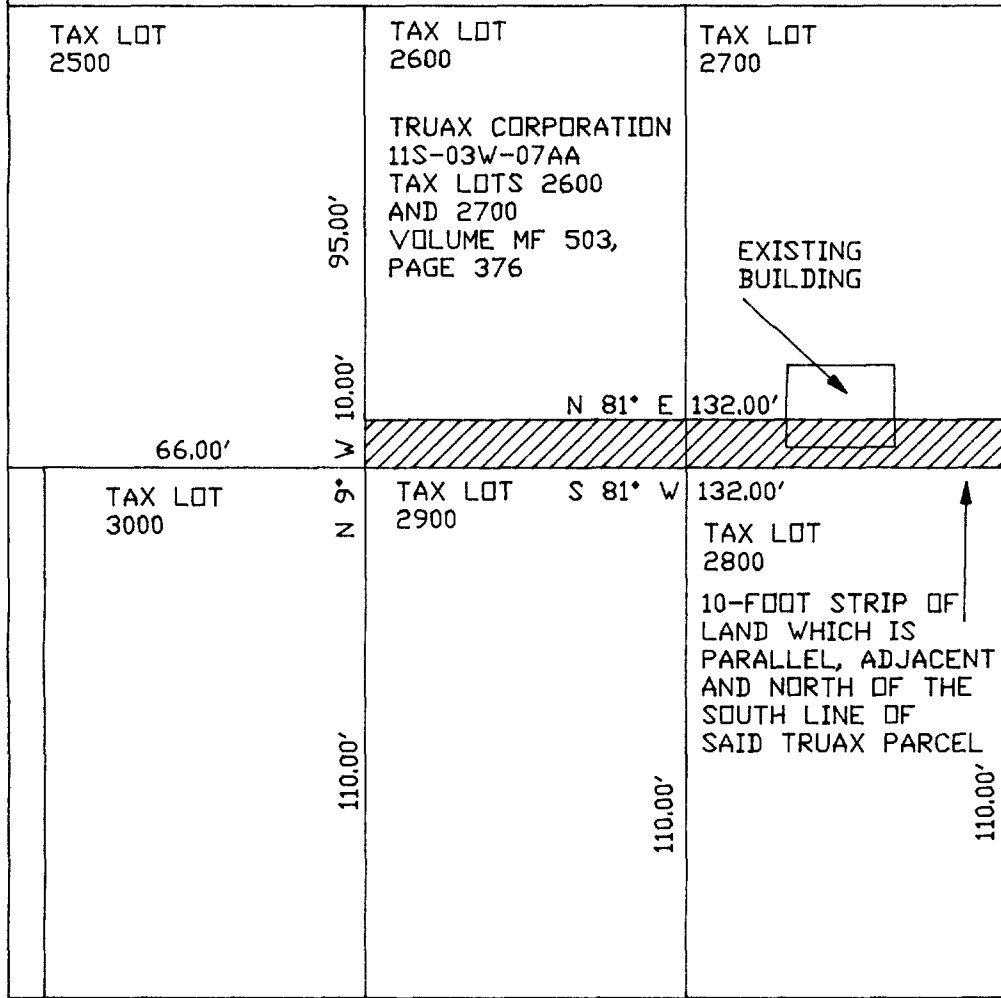
CITY OF ALBANY, OREGON
Steve Bryant
City Manager

Herbert Rowley
City Recorder



PACIFIC BOULEVARD

SCALE 1" = 40'



CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

10-FOOT PERMANENT UTILITY EASEMENT FROM TRUAX CORPORATION TO THE CITY OF ALBANY LOCATED IN THE NE 1/4 OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN.

ENTERED OCT 19 1990

At 8:30 O'clock a.m. 25

STEVE DRUCKENMILLER
Linn County Clerk

STATE OF OREGON
County of Linn

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

Volume: MF 545 Page: 376

By *[Signature]*, Deputy

City of Albany
Box 490
Albany

Resolution No. 2993

Recorded Document Recorder File No. 1984