RESOLUTION NO. __3198__

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

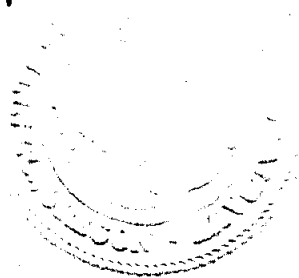| Grantor	Purpose
Donald Dingman	a ten-foot wide permanent public utility easement along the existing sanitary sewer line across that property located at 1833 First Avenue NE, City of Albany, Oregon

DATED this __9th__ day of __September__, 1992.

_____
Mayor

ATTEST:

Norm C. Witthron
__Deputy__ City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 2 / day of _Augeest_, 1992, by and between Donald Dingman, 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, undergrowth, 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 ten-foot wide permanent public utility easement across that parcel conveyed to Donald Dingman in MF Volume 500 , Page 623, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

     A ten-foot wide strip of land across said Dingman parcel, said strip being parallel, adjacent and south of the North Line of Lot 8, Block 10, Woodle's Riverside Addition to the City of Albany in Section 5, Township 11 South, Range 3 West, Linn County, Oregon.

     Containing 548 square feet, more or less.

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.

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

GRANTOR:

Donald Dingman
Donald Dingman

_____

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

The foregoing instrument was acknowledged before me this _21_ day of _Aug_, 19 _93_, by grantor(s) as his/her/their voluntary act and deed.
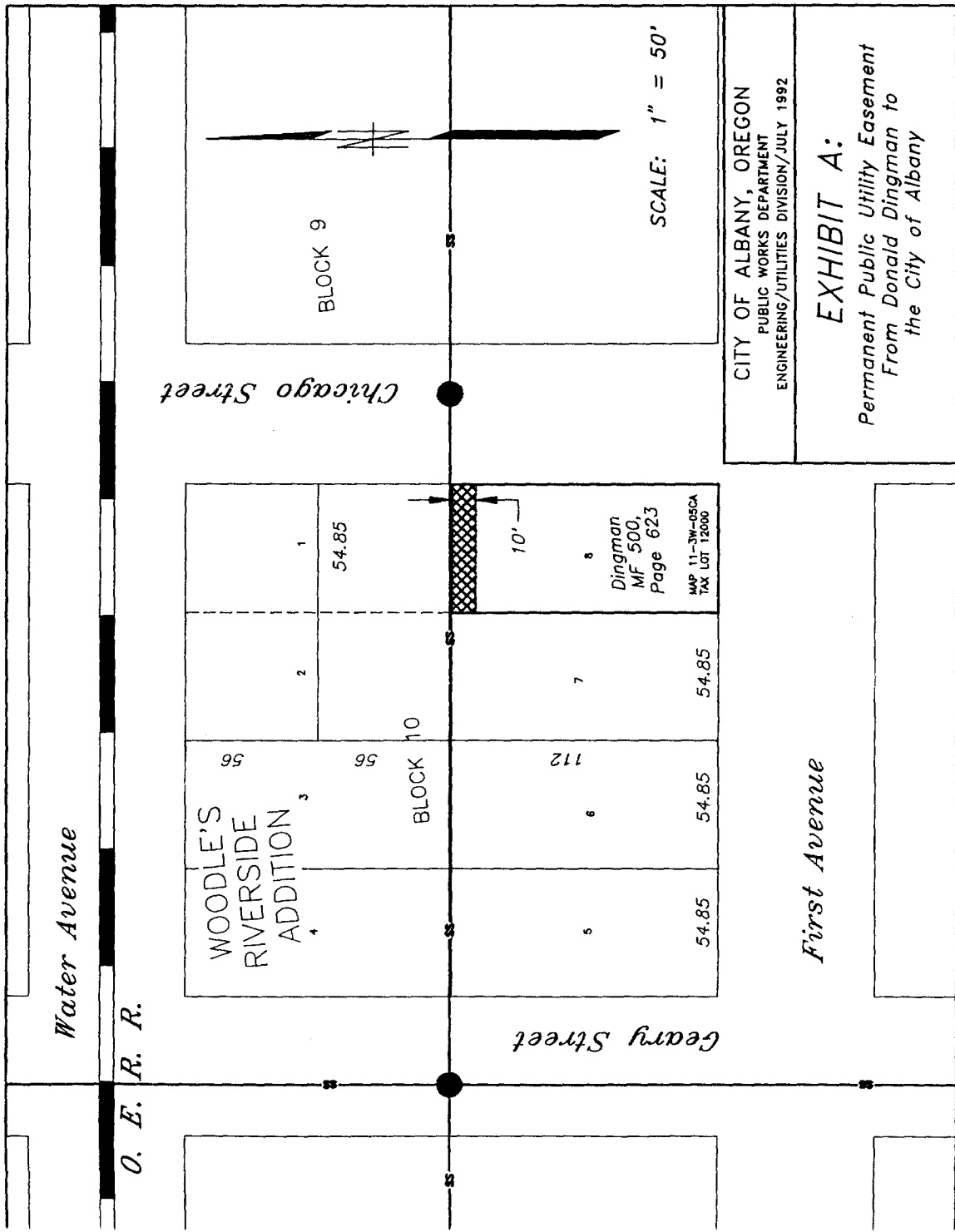
Nicola Barrett
Notary Public for Oregon

My Commission Expires: _9·26·93_

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 ___3198___, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this ___10th___ day of _September_, 19 _92_.

_____
City Manager

ATTEST:

Norm C. Wittrow
City Recorder

BLOCK 9

Chicago Street

SCALE: 1" = 50'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JULY 1992

EXHIBIT A:

Permanent Public Utility Easement
From Donald Dingman to
the City of Albany

Water Avenue

O. E. R. R.

WOODLE'S
RIVERSIDE
ADDITION

56

1

54.85

2

56

7

10'

8

Dingman
MF 500,
Page 623

MAP 11-3W-05CA
TAX LOT 12000

112

BLOCK 10

3

6

54.85

54.85

4

5

54.85

Geary Street

First Avenue

25

Resolution No. 3198

Recorded Document Recorder File No. 2232