

RESOLUTION NO. 3318

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

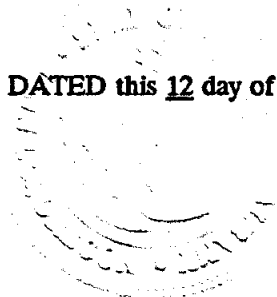
Grantor

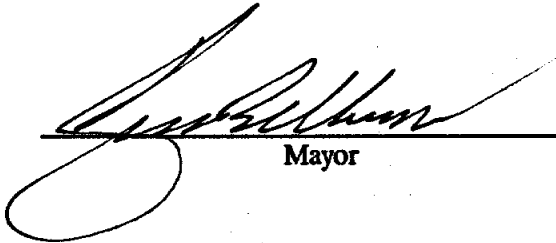
Tire Center, Inc.

Purpose

a permanent public utility easement for a sanitary sewer (and for the future extension of that sewer) being constructed as Site Improvement Project No. SI-93-18

DATED this 12 day of January, 1994.





Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of Dec, 1993, by and between Tire Center, Inc., 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 ten-foot wide permanent public utility easement across that property conveyed to Tire Center, Inc. in Volume 331, Page 301, Linn County Microfilm Deed Records, the Westerly line of which is more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the Easterly most corner of Lot 1, Block 4, Kurre Lakeside Tracts in the City of Albany, Linn County, Oregon; and running thence North 19° 26' 00" West 455.90 feet to the Southerly right-of-way line of the Southern Pacific Company's Railroad right-of-way, said point being the terminus of this easement. The side line of said ten foot easement is to be extended or shortened to terminate in the north and in the south boundaries of said Tire Center, Inc. parcel.

Containing 0.102 acres, 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.

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

GRANTOR:

Tire Center, Inc.

By: [Signature]
President

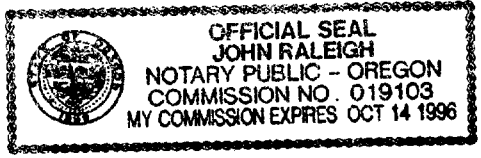
By: [Signature]
Secretary

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

The foregoing instrument was acknowledged before me this 7th day of December, 1993, by Richard D. Schmunk, Sr., president, and by Ruth L. Schmunk, secretary, of Tire Center, Inc., an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon

My Commission Expires: 10-14-96



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 3318 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of January, 1994.

[Signature]
City Manager

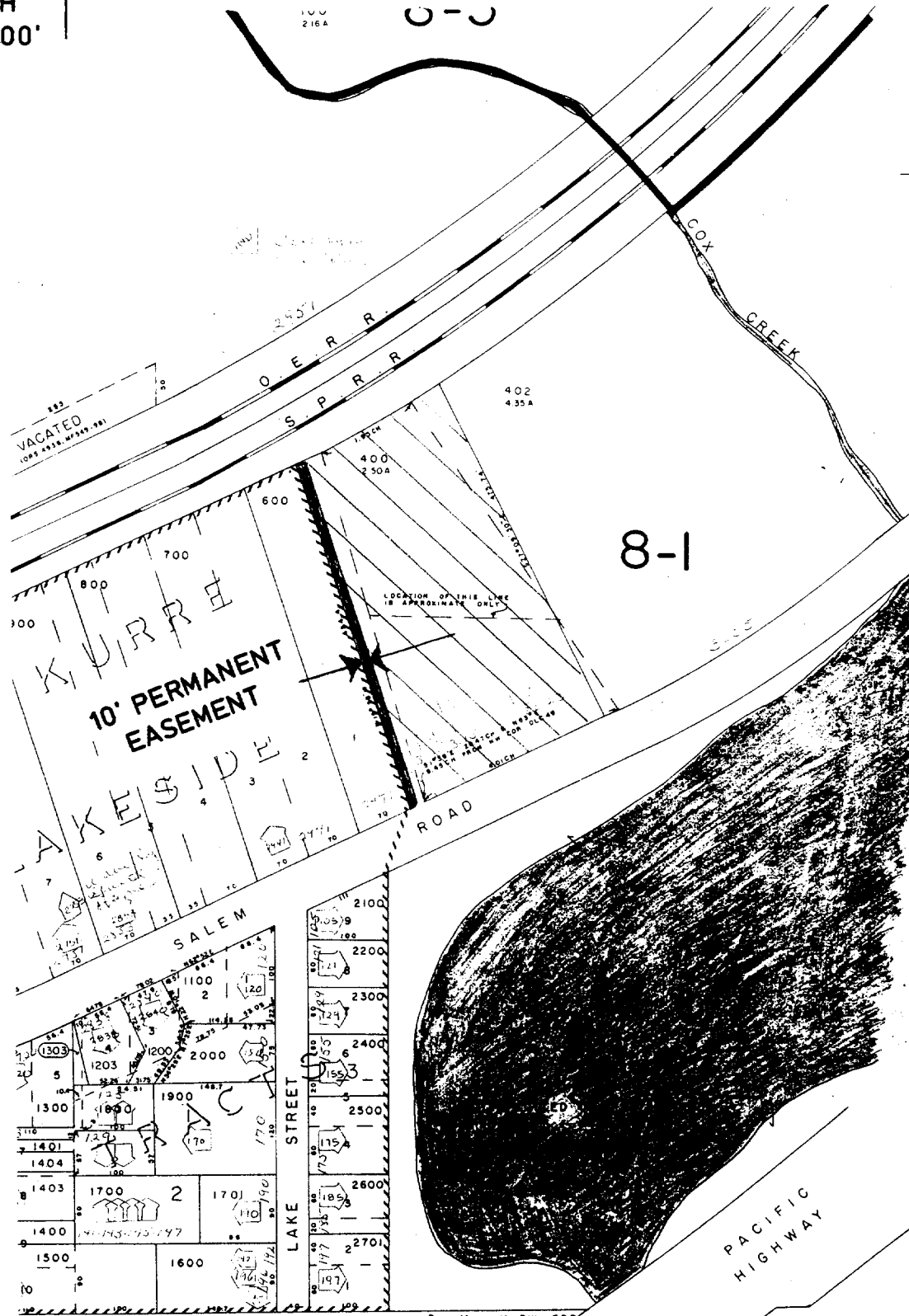
ATTEST:

[Signature]
City Recorder - Deputy

EXHIBIT A:

TIRE CENTER, INC. MF331-301

NORTH
1" = 200'



M 15
 R 10
 S 10
 A 1
 O 0

I hereby certify that the attached
 was received and duly recorded
 by me in Linn County records.
STEVE DRUCKENMILLER MF 677
 Linn County Clerk
 By [Signature], Deputy PAGE 733

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 JAN 18 1 39 PM '91

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Recorded Document Recorder File No. 2395