

RESOLUTION NO. 3378

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

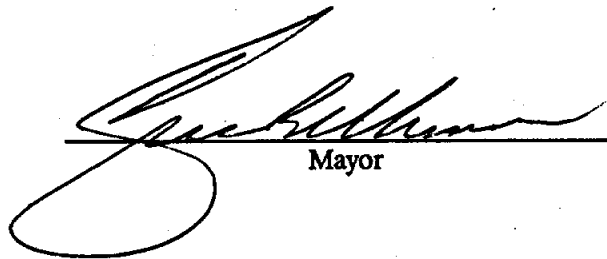
Grantor

Donald Ray Albright & Wilma June Albright


Purpose

a permanent public utility easement over a sanitary sewer constructed under Site Improvement Permit No. SI-92-13

DATED this 22 day of June, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 2nd day of June, 1994, by and between Donald Ray Albright and Wilma June Albright, 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 20-foot wide permanent public utility easement (for an existing sanitary sewer line) across that parcel conveyed to Grantors by deed recorded in Book 290, Page 381, Linn County Microfilm Deed Records, 10 feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the south line of that parcel conveyed to Grantors by deed recorded in Book 290, Page 381, Linn County Microfilm Deed Records, said point being 322 feet, more or less, South 88° 51' West and 1494.90 feet South 1° 38' East from the northeast corner of the C. D. Burkhart Donation Land Claim No. 52, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence northerly, parallel with and 172 feet easterly of the east line of Morning Side Tracts, a subdivision or record in said Linn County, 18 feet and there terminating.

Containing 360 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.

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.

GRANTOR:

Ronald R. Albright  
Donald Ray Albright

Wilma June Albright  
Wilma June Albright

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

The foregoing instrument was acknowledged before me this 2nd day of June, 19 94 by Donald Ray Albright and Wilma June Albright as their voluntary act and deed.

Sarah J. Giboney  
Notary Public for Oregon

My Commission Expires: March 8, 1998

CITY OF ALBANY:



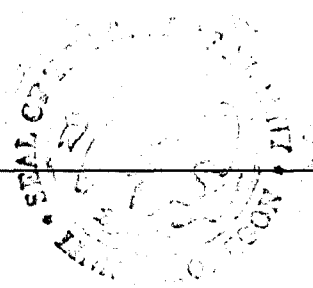
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3378, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22nd day of June, 19 94.

Steve Bryant  
City Manager

ATTEST:

Norm C. Wittner  
City Recorder - Deputy



SCALE: 1" = 100'

Basis of Bearings: CS 7020

VOL 0706 PAGE 715

NE Corner  
C D Burkhart  
DLC No. 52

ALBRIGHT  
BOOK 290-381

S 1° 38' E  
1494.90'

20' WIDE  
EASEMENT

POINT OF  
BEGINNING

S 88° 51' W 322'

NORTH LINE OF BUSH (MF 587-845)

Casa  
Villa

Initial Corner  
Morning Side  
Tracts

OAK STREET

Initial Corner  
Alderwood Park  
Addition

GEARY STREET

Meadowwood Addition

Alderwood  
Park  
Addition

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/JUNE 1994

23rd AVE

23rd CT.

EXHIBIT A:

Public Utility Easement  
from Donald Ray Albright  
and Wilma June Albright  
to the City of Albany

Morning Side Tracts

STATE OF OREGON  
County of Linn

M 15 Jul 21 11 21 AM '94 25  
R  
S 10

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

A  
O

STEVE DRUCKENMILLER  
Linn County Clerk

MF 706

By [Signature], Deputy

PAGE 713

Resolution No. 3378

Recorded Document Recorder File No. 2480