

RESOLUTION NO. 3420

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

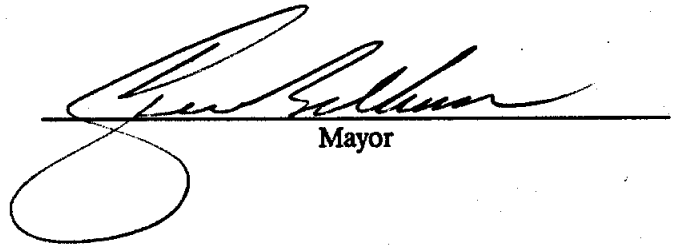
Grantor

MCD, Inc.

Purpose

a permanent public utility easement across property located at 635 and 645 Sixth Avenue SE

DATED this 12 day of October, 1994.

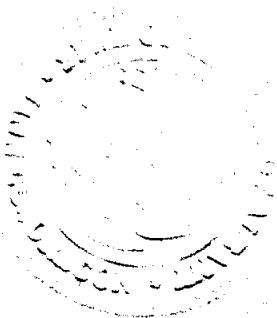


Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4 day of Oct., 1994, by and between MCD, Inc., 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 ten-foot wide permanent public utility easement across that parcel conveyed to MCD, Inc. by deed recorded in Volume 690, Page 218, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

The northerly ten feet of even width of Lot 5, Block 27, Hackleman's Second Addition to Albany, Linn County, Oregon.

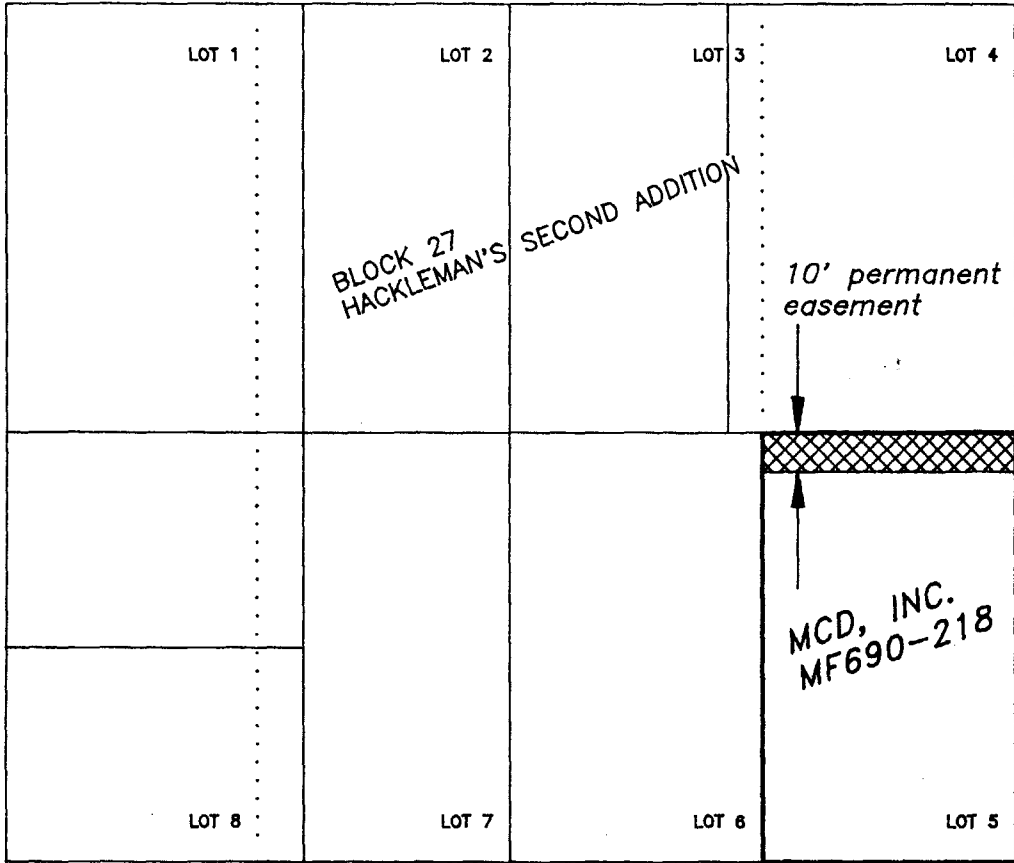
Containing 660 square feet of land, more or less.

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.

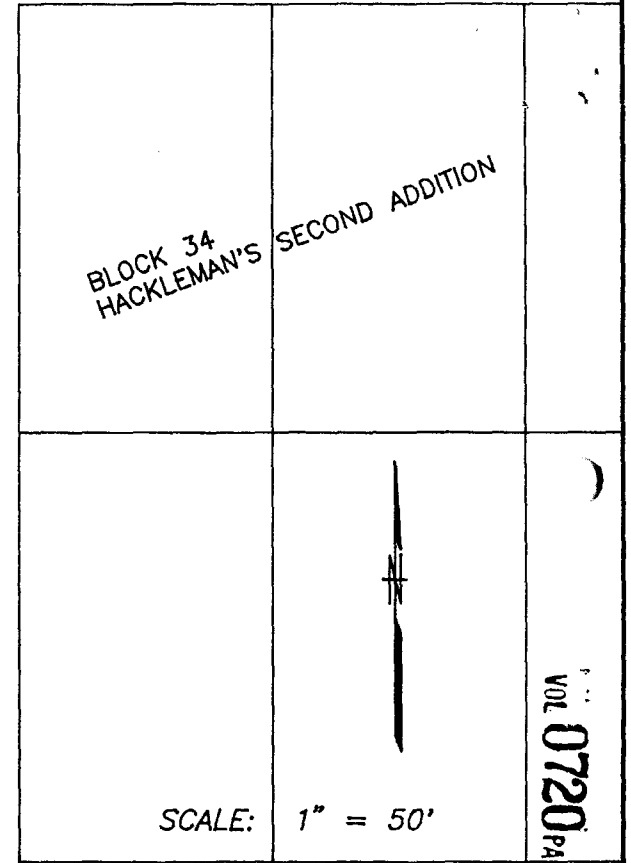
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

JEFFERSON ST.



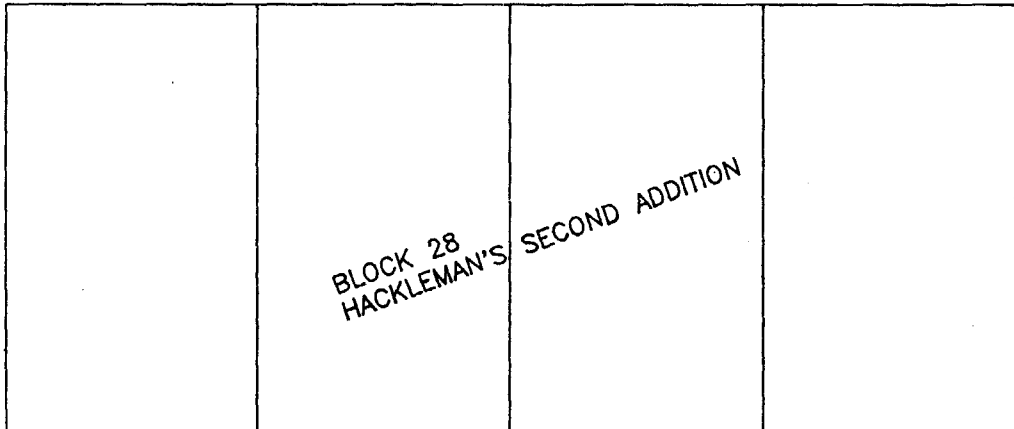
THURSTON ST.

CANAL OVERFLOW



VOL 0720 PAGE 734

SIXTH STREET



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

EXHIBIT A: PERMANENT PUBLIC
 UTILITY EASEMENT FROM MCD, INC.
 TO THE CITY OF ALBANY

GRANTOR:

MCD, Inc.

By: W. Dale Dyer
President

By: Marjorie M. Bishop
Secretary

STATE OF OREGON)
County of ~~Linn~~ Benton) ss.
City of ~~Albany~~ Corvallis

The foregoing instrument was acknowledged before me this 4th day of Oct., 19 94, by W. Dale Dyer, president, and by Marjorie M. Bishop, secretary, of MCD, Inc., an Oregon corporation, on behalf of the corporation.

Sun Weist
Notary Public for Oregon



My Commission Expires: 7/15/95

CITY OF ALBANY:

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

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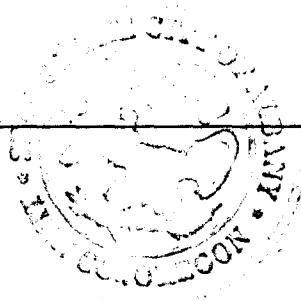
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3420 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of October, 19 94.

Steve Bryant
City Manager

ATTEST:

Morm C. Withers
Deputy City Recorder



Resolution No. 3420

Recorded Document Recorder File No. 2499