

RESOLUTION NO. 3496

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

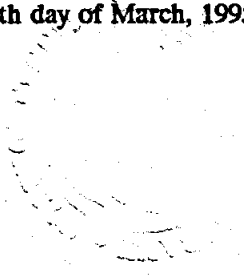
Grantor


Albany Partnership for Housing and Community
Development

Purpose

a permanent public utility easement (for sanitary sewer
lines) across that property located at 1700 Queen
Avenue SE

DATED this 29th day of March, 1995.





Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1st day of March, 1995, by and between Albany Partnership for Housing and Community Development, 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 twenty-foot wide permanent public utility easement across those parcels conveyed to Albany Partnership for Housing and Community Development, Inc. by deeds recorded in Volume 657, Page 478, and in Volume 657, Page 476, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is 159.45 feet South 88° 41' 00" West, along the southerly right-of-way of Queen Avenue from the northeast corner of said Deed Volume 657, Page 478; and 35.00 feet South 00° 01' 19" East; and 1898.28 feet North 88° 41' 00" East from a brass capped monument at the southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Section 8, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence South 54° 09' 55" East 110.75 feet; thence South 35° 50' 05" West 20.00 feet; thence North 54° 09' 55" West 95.53 feet; thence South 1° 25' 58" East 420.98 feet; thence South 84° 41' 19" East 76.84 feet; thence South 5° 18' 41" West 20.00 feet; thence North 84° 41' 19" West 94.61 feet; thence North 1° 25' 58" West 463.93 feet, to said southerly right-of-way; thence North 88° 41' 00" East 20.00 feet to the Point Of Beginning.

Containing 0.296 acre 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.

GRANTOR:

Albany Partnership for Housing and Community Development, Inc.

By: [Signature]
President

By: [Signature]
Secretary

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 3495 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 30th day of April, 1995.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder - Deputy

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

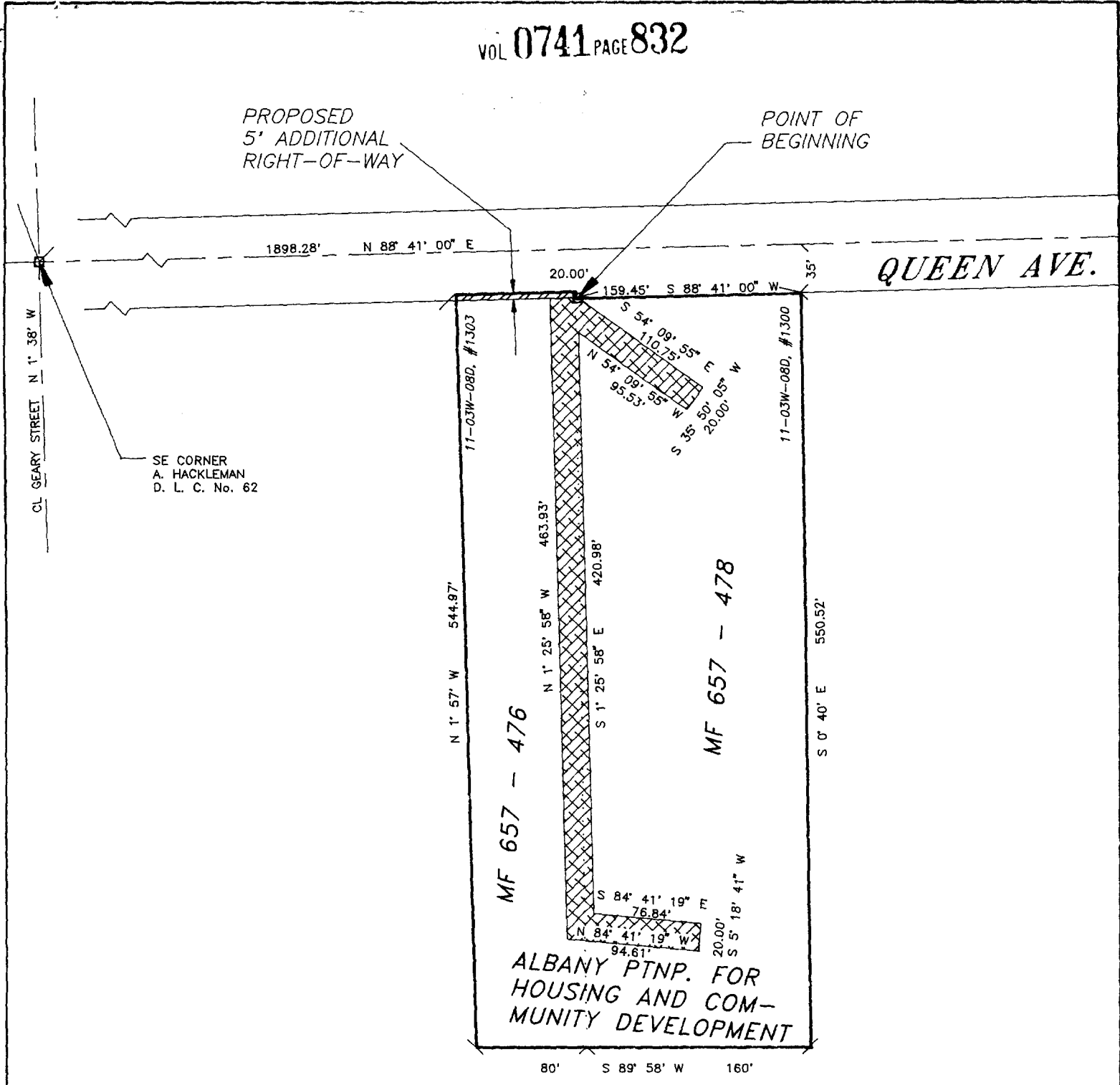
The foregoing instrument was acknowledged before me this 1st day of March, 1995, by ~~Glen~~ Rea, president, and by Judy Fisk, secretary, of Albany Partnership for Housing and Community Development, Inc., an Oregon corporation, on behalf of the corporation.

Melvin Joy
DW

[Signature]
Notary Public for Oregon

My Commission Expires: 6-23-95





ALBANY PTNP. FOR HOUSING AND COMMUNITY DEVELOPMENT

CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION/FEBRUARY 1995

EXHIBIT A:
 20-FOOT WIDE PERMANENT PUBLIC UTILITY
 EASEMENT FROM ALBANY PARTNERSHIP
 FOR HOUSING AND COMMUNITY DEVELOPMENT
 TO THE CITY OF ALBANY, OREGON

SCALE: 1" = 100'

VOL 0741 PAGE 833

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

By PA, Deputy

M _____
R KS
S 10
A _____
O _____

8:30 O'clock a.m.

APR 03 1995

MF 741

PAGE 830

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Resolution No. 3496

Recorded Document Recorder File No. 2589