

RESOLUTION NO. 3600

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

Grantor

Daniel C. & Kamilla A. Evans

Purpose

A permanent public utility easement 7 feet in even width across that property recorded in Volume 16, Page 4, Linn County Oregon Plat Records.

DATED this 28th day of February 1996.



Mayor

ATTEST:



City Recorder

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EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of January 1996, by and between Daniel C. & Kamilla A. Evans, 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:

The Southerly 7.00 feet of even width of Lot 2, Block 1 of Commercial Way Subdivision, as platted and recorded in Volume 16, Page 4, Linn County Oregon Plat Records.

(The 7-foot wide public utility easement lies over the northern 5 feet of an existing 10-foot wide public drainage easement)

(See attached Exhibit "A")

- 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:

Daniel C. Evans
Daniel C. Evans

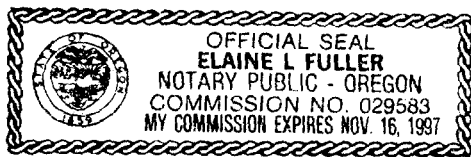
Kamilla A. Evans
Kamilla A. Evans

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

The foregoing instrument was acknowledged before me this 10th day of Jan, 1996, by Daniel C. & Kamilla A. Evans as his/her/their voluntary act and deed.

Elaine L. Fuller
Notary Public for Oregon

My Commission Expires: 11-16-97



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SP-76-95

CITY OF ALBANY:

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

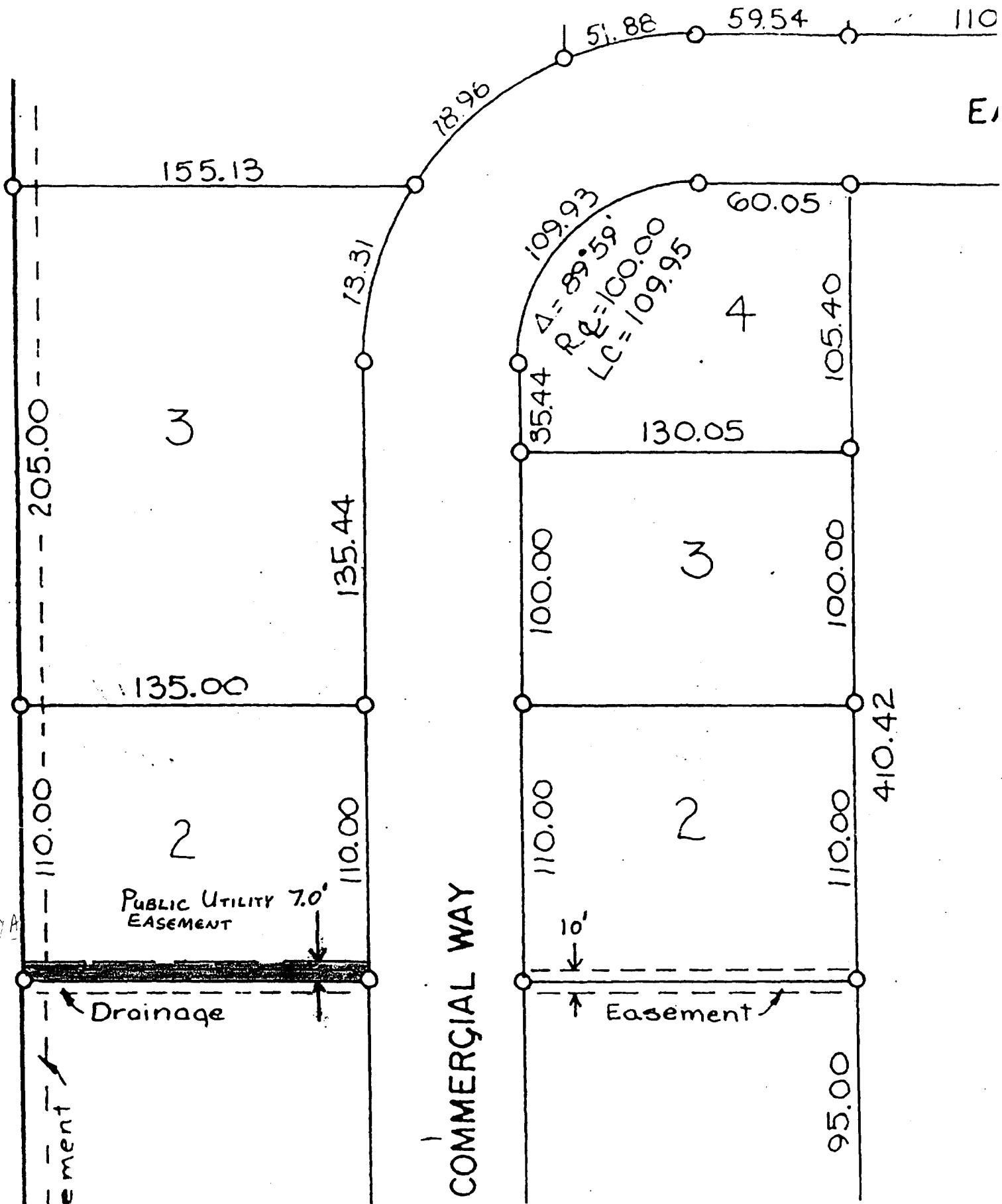
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3600, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of February, 1996.

Steve Bryant
City Manager

ATTEST:

Elaine L. Fuller
City Recorder

EXHIBIT "A"



REV 7A
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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

MF-792

By [Signature], Deputy PAGE 172

Resolution No. 3600

Recorded Document Recorder File No. 2725