

RESOLUTION NO. 3681

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

Grantor

Charles Degermain  
Deanna Gibbs Degermain

Purpose

Granting a permanent easement over a sewer manhole, a temporary construction easement to expose/install a 4.0-inch clean out, and a temporary construction easement to construct a sewer manhole.

DATED THIS 14TH DAY OF AUGUST 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31<sup>ST</sup> day of JULY, 1996, by and between Charles Degermain and Deanna Gibbs Degermain, 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 sanitary sewer services, including construction of a sanitary sewer manhole and maintenance of the manhole and lateral from the manhole to the public sanitary sewer on Second Avenue, 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:

TRACT I

A strip of land for the purposes of a permanent easement over a sewer manhole located in a portion of that property conveyed to Charles Degermain and Deanna Gibbs Degermain in Volume MF 648, Page 381, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of the West half of the Northeast quarter of Block No. 120 in Hackleman's Addition to the town of Albany, Linn County, Oregon, as the same appears and is designated on the recorded plat of said addition to said city; the boundary lines thereof to run on or parallel with the boundary lines of said block said property being, what is commonly known as lot number three(3) in said block; thence 10.0 feet in an Easterly direction along the North boundary line of said block; thence southerly and parallel with the West boundary line of said block 12.0 feet; thence Westerly and parallel with the Southern boundary line of said block 10.0 feet; thence Northerly and parallel with the West boundary line of said block 12.0 feet to the place of beginning.

TRACT II

A strip of land for the purposes of a temporary construction easement to expose/install a 4.0 inch clean out located on a portion of that property conveyed to Charles Degermain and Deanna Gibbs Degermain in Volume MF 648, Page 381, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of the West half of the Northeast quarter of Block No. 120 in Hackleman's Addition to the town of Albany, Linn County, Oregon, as the same appears and is designated on the recorded plat of said addition to said city; the boundary lines thereof to run on or parallel with the boundary lines of said block said property being, what is commonly known as lot number three(3) in said block; thence 64.0 feet in a Southerly direction and parallel with the West boundary line of said block to the true point of beginning of the temporary construction easement line; thence southerly and parallel with the West boundary line of said block 20.0 feet; thence Easterly and parallel with the Southern boundary line of said block 23.0 feet; thence Northerly and parallel with the West boundary line of said block 20.0 feet; thence Westerly and parallel with the Southern boundary line of said block 23.0 feet to the place of beginning

TRACT III

A strip of land for the purposes of a temporary construction easement constructing a sewer manhole located in a portion

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



of that property conveyed to Charles Degermain and Deanna Gibbs Degermain in Volume MF 648, Page 381, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of the West half of the Northeast quarter of Block No. 120 in Hackleman's Addition to the town of Albany, Linn County, Oregon, as the same appears and is designated on the recorded plat of said addition to said city; the boundary lines thereof to run on or parallel with the boundary lines of said block said property being, what is commonly known as lot number three(3) in said block; thence 15.0 feet in an Easterly direction along the North boundary line of said block; thence southerly and parallel with the West boundary line of said block 13.0 feet; thence Westerly and parallel with the Southern boundary line of said block 15.0 feet; thence Northerly and parallel with the West boundary line of said block 13.0 feet to the place of beginning.

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 donated in 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:**

Charles Degermain  
Charles Degermain

Deanna Gibbs Degermain  
Deanna Gibbs Degermain

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

The foregoing instrument was acknowledged before me this 31st day of July, 1996, by Charles Degermain and Deanna Gibbs Degermain as his/her/their voluntary act and deed.

Niki Kelley  
Notary Public for Oregon

My Commission Expires: 3/8/99

degermain.ear



**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 3681, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of August, 1996.

Steve Bryant  
City Manager

ATTEST:

Superculay  
City Recorder

# EXHIBIT A

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11-3W-06DC - 10900

2ND AVENUE

PROVIDE 4" SERVICE STUB

CONSTRUCT SS MANHOLE

PERMANENT UTILITY EASEMENT

TEMP. CONST. EASEMENT  
TRACT III

TRACT I

NEW 4" SERVICE  
PRIVATELY INSTALLED

L=8'  
L=17'

TEMP. CONST. EASEMENT  
TRACT II

ABANDON

TRACT II

L=8.75'  
L=11'

L=17'

SCALE: 1" = 20'

15

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 AA, Deputy

M. 15  
R. 10  
S. 10  
A.      
O.    

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Aug 26 2 21 PM '96

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Recorded Document Recorder File No. 2826