

RESOLUTION NO. 3992

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

James D. Schmaltz

Purpose

A 15-foot wide permanent easement for sanitary sewer and sidewalk, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".

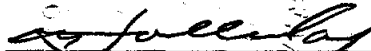
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 12TH DAY OF AUGUST 1998.

  
\_\_\_\_\_

Mayer  
Council President

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of July, 1998, by and between **James D. Schmaltz**, herein called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 15 foot wide permanent easement for sanitary sewer and sidewalk. The easement is more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".

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, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does 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 Grantor has hereunto fixed his hand and seal the day and year above written.

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

GRANTOR:

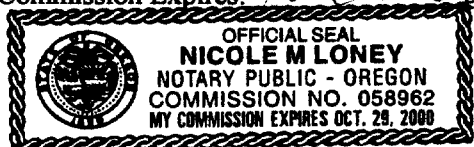
James D. Schmaltz

By: James D. Schmaltz  
James D. Schmaltz

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

The foregoing instrument was acknowledged before me  
this 15<sup>th</sup> day of July, 1998, by James D.  
Schmaltz as his voluntary act and deed.

Nicole M. Loney  
Notary Public for Oregon  
My Commission Expires: 10-27-00



P:\LEGAL\EASEMENTS\SCHMALTZ.S81

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 3992 do  
hereby accept on behalf of the City of Albany, the above  
instrument pursuant to the terms thereof this 12  
day of August, 19 98.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

EXHIBIT "B"

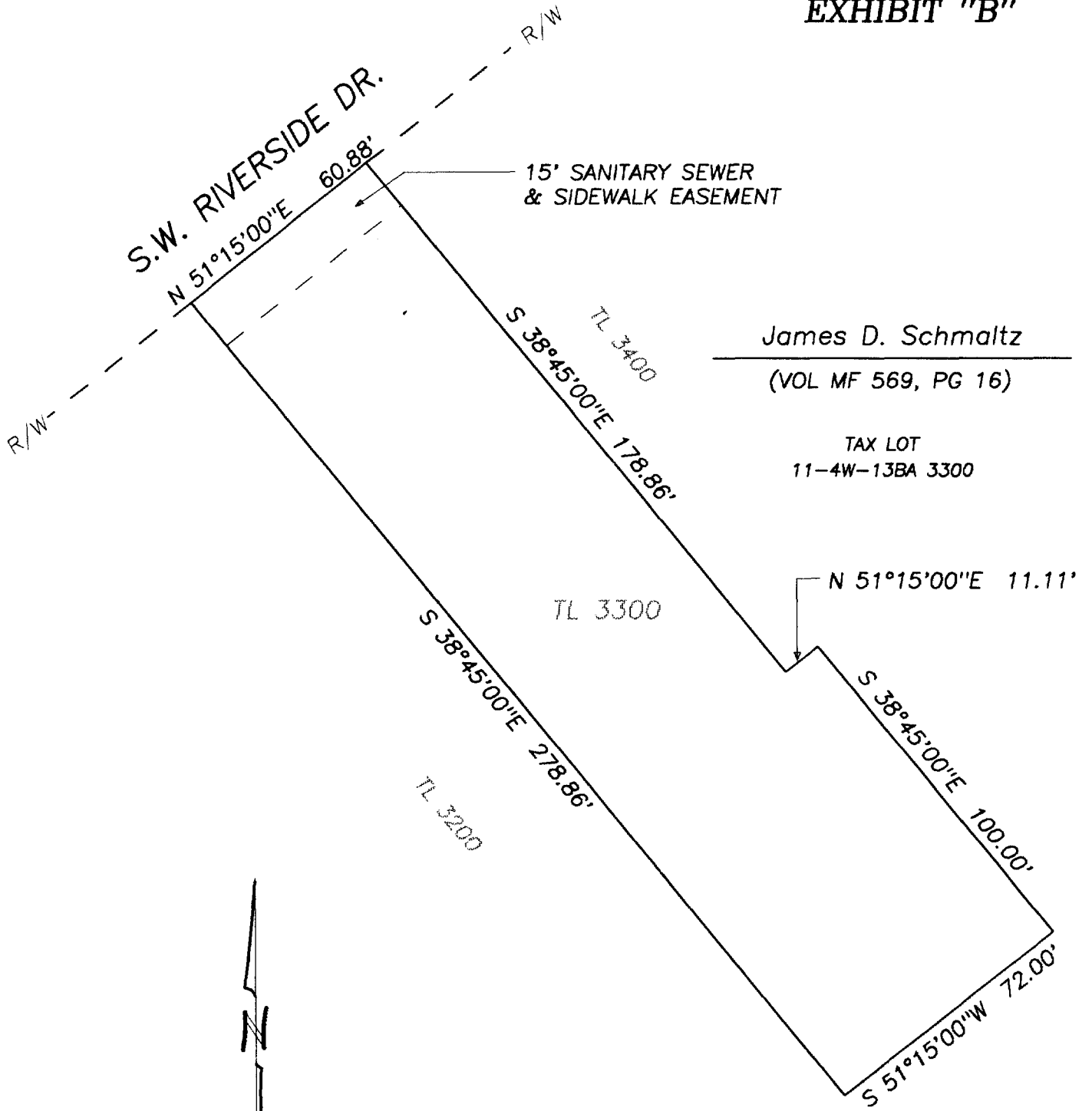


EXHIBIT "A"

MAY 7, 1998

PUBLIC UTILITY EASEMENT FOR TAX LOT 3300 (SCHMALTZ TRACT)

A 15 foot wide permanent easement for sanitary sewer and sidewalk Southerly of, and adjacent to the southerly right-of-way line of Riverside Dr. S.W.. in the Northwest ¼ of Section 13, T11S, R4W, W.M., City of Albany, Linn county, Oregon, lying along the northerly edge of that tract conveyed to James D. Schmaltz per Microfilm Volume 569, Page 16, Microfilm Records of Linn County, between the easterly and westerly boundary lines thereof.

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  
S  
A  
O

968

502

MF  
PAGE

30  
AUG 27 10 01 AM '98

Resolution No. 3992

Recorded Document Recorder File No. 3217