

RESOLUTION NO. 4006

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Duane A. Drushella and Flavin Drushella

Purpose

A permanent Public Utility Easement for a public water line as shown on the attached "Exhibit A" and generally located as described on the attached "Exhibit B" and "Exhibit C".

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

DATED THIS 26TH DAY OF AUGUST 1998.



Mayor

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24th day of July, 1998, by and between DVANE DRUSHELLA AND FLAVIN DRUSHELLA

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 permanent Pubic Utility Easement across that property conveyed to DVANE AND FLAVIN DRUSHELLA by Deed recorded in VOL. 375 / 8 Linn County microfilm deed records, said easement being more particularly described as follows and as shown on the attached Exhibit A and generally located as described on the attached Exhibit B and Exhibit C:

Beginning at the Southwest corner of that property described in Linn County Records Volume 375 Page 81; thence along the West line of said property North 19°21'00" East 6.90 feet; thence South 72°59'27" East 27.56 feet; thence South 17°00'33" West 3.88 feet to the South line of said property, said South line also being the Northerly right-of-way line of State Highway 20; thence along the South line North 79°10'51" West 28.01 feet to the point of beginning, said easement containing 149 square feet, more or less. 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, 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 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.

GRANTORS:

Duane A Drushella _____

Flavin Drushella _____

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

The foregoing instrument was acknowledged before me this 31 day of July, 19 98, by Duane A. Drushella and Flavin Drushella

as ~~his~~/her/their voluntary act and deed.

Alyce Peters
Notary Public for Oregon
My Commission Expires: 8-9-02



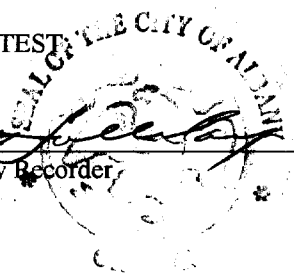
CITY OF ALBANY:

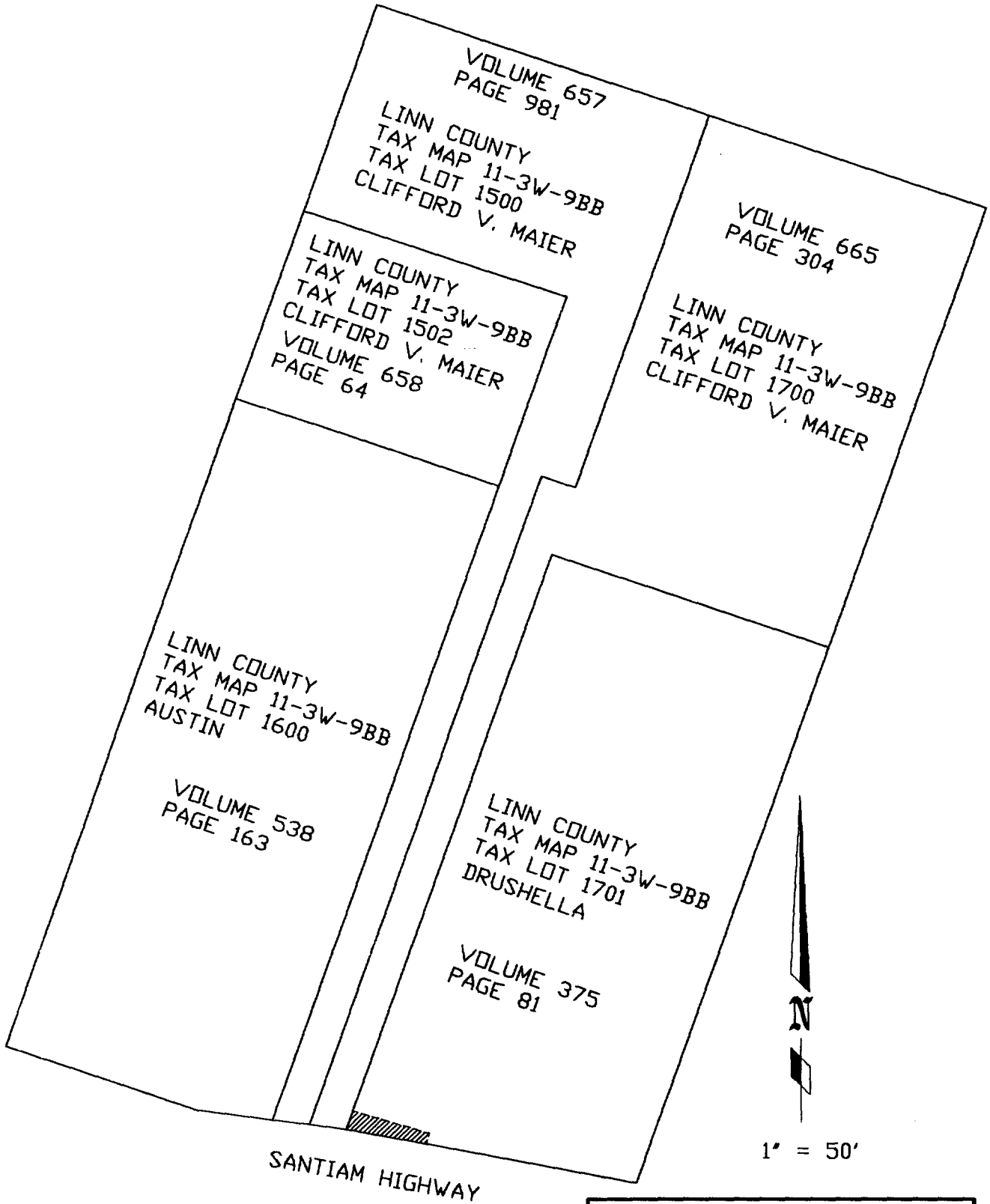
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4006, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of August, 19 98.

Steve Bryant
City Manager

ATTEST
[Signature]
City Recorder





SANTIAM HIGHWAY

1" = 50'

EXHIBIT A
 WATER LINE EASEMENT
 GRANTED TO CITY OF ALBANY
 MSS INC
 531 SW 4TH STREET
 CORVALLIS, OR 97333

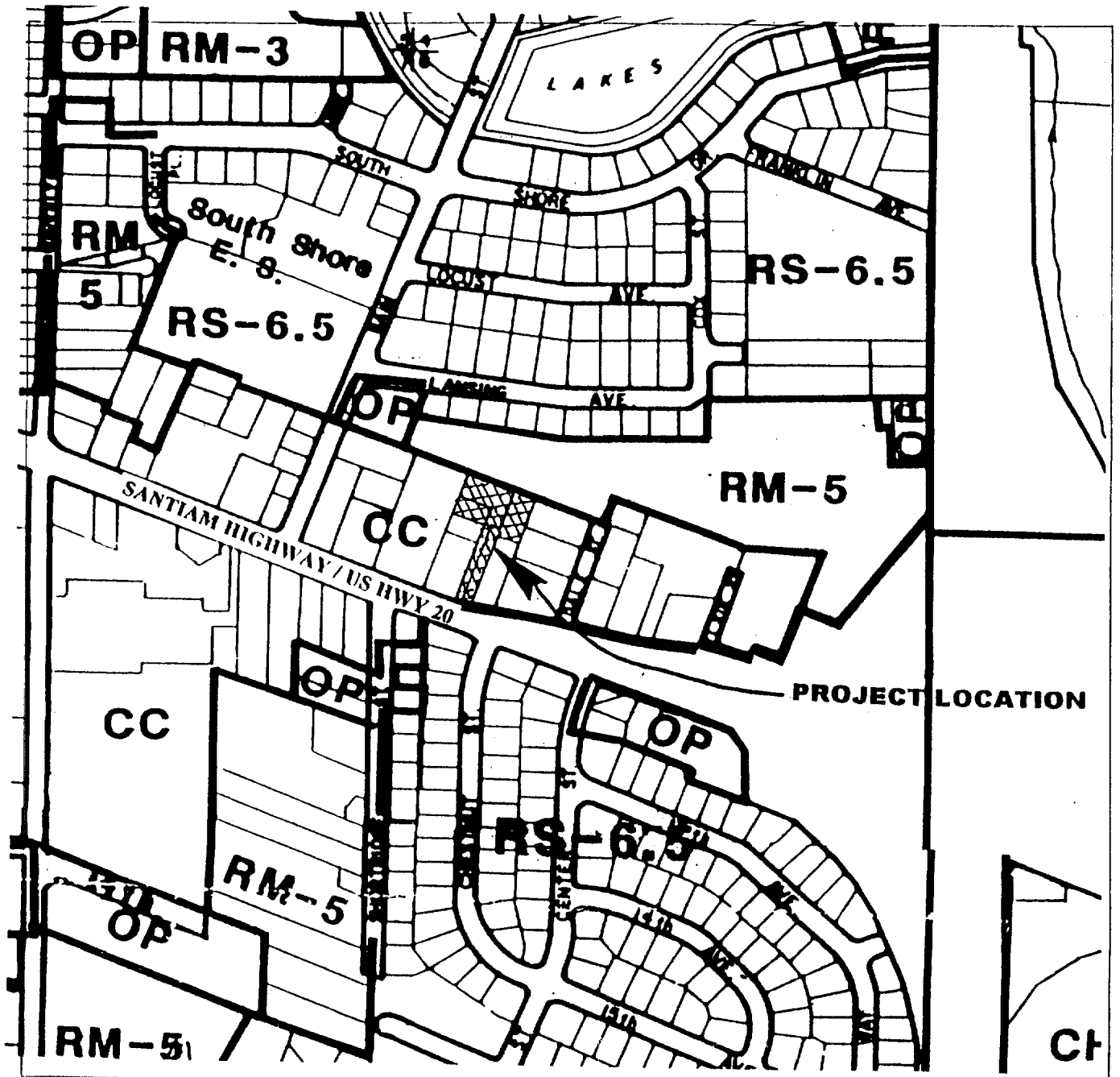
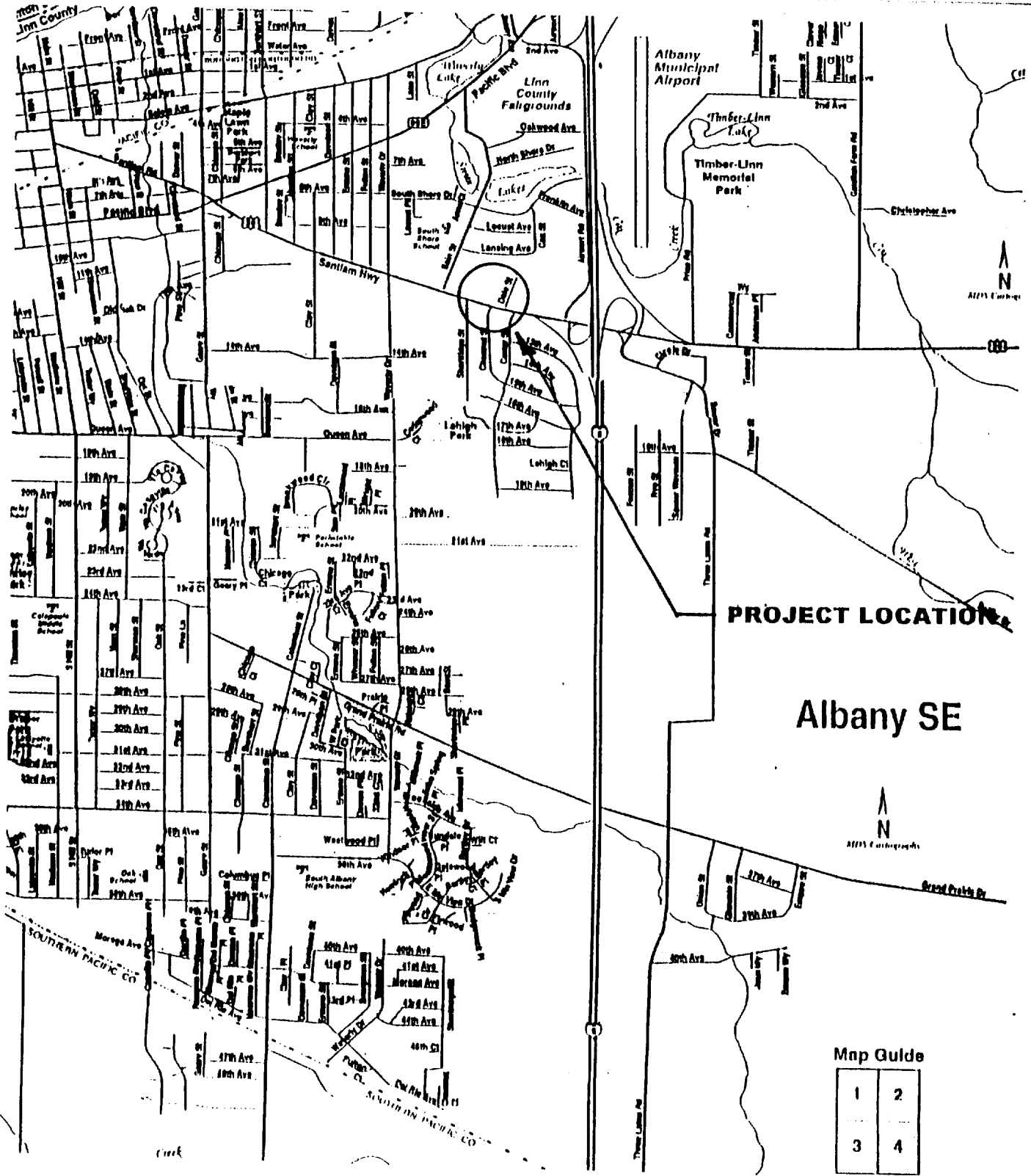


EXHIBIT B
AREA MAP
MSS INC
531 SW 4TH STREET
CORVALLIS, OR 97333



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 *[Signature]*, Deputy

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EXHIBIT C
VICINITY MAP
MSS INC
531 SW 4TH STREET
CORVALLIS, OR 97333

Resolution No. 4006

Recorded Document Recorder File No. 3216