

RESOLUTION NO. 4111

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENTS:

Grantor

Elbert R. Palmer and Dorothy M. Palmer

Purpose

A 10.0 foot wide permanent public utility easement and a 25 foot wide temporary construction easement, as described in the attached agreement and as shown in attached EXHIBIT A.

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

DATED THIS 26TH DAY OF MAY 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



PERMANENT AND TEMPORARY EASEMENTS FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of March 1999, by and between Elbert R. and Dorothy M. Palmer, Trustees, 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:

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Elbert R. and Dorothy M. Palmer, described in Volume 593, Page 893, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT A".

A 10.0 foot wide permanent easement parallel, adjacent and north of the line described below and further shown on the attached drawing labeled "EXHIBIT A".

Beginning at the southwest corner of Lot 1, Block 1 of T.P. & E.L. Hackleman Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County Oregon; thence easterly, parallel with the northern boundary line of said block, a distance of 66.25 feet, and there terminating.

Containing 0.0152 acres of land, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement across that property conveyed to Elbert R. and Dorothy M. Palmer described in Volume 593, Page 893, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT A".

A 25.0 foot wide temporary construction easement parallel, adjacent, and north of the line described as follows: beginning at the southwest corner of Lot 1, Block 1 of T.P. & E.L. Hackleman Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County Oregon, thence easterly, parallel with the northern boundary line of said block, a distance of 66.25 feet, and there terminating.

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

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.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation, or maintenance purposes.

3. The permanent and temporary easements are in consideration of \$1.00, receipt of which is acknowledged by the Grantors, 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. The Grantors and the City acknowledge that, as of the date of Grantors' signature on this easement document, a structure exists on the public utilities easement described herein. The existing structure is located on the public utility easement as shown on the attached EXHIBIT A. Additional permanent structures may not be constructed on the public utilities easement. The existing structure as it exists on the public utilities easement on the date of this instrument may be rebuilt and/or repaired as necessary for a period of twenty (20) years from the date of this instrument. In said twenty-year period, no additions that increase the square footage of the existing structure in the public utilities easement are allowed. If the existing structure is removed from its location shown in EXHIBIT A, no permanent structure may be reconstructed in its place.

7. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure shown in EXHIBIT A require the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTORS:

CITY OF ALBANY:

Elbert R. Palmer  
Elbert R. Palmer

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

Dorothy M. Palmer  
Dorothy M. Palmer

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4111, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26<sup>th</sup> day of May, 1999.

STATE OF Oregon )  
County of Linn )  
City of Albany )

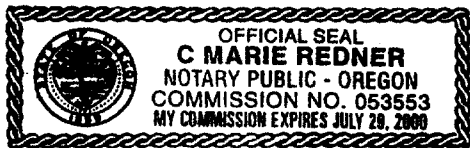
The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 1999 by their voluntary act and deed.

SPD Bryant  
City Manager

ATTEST:

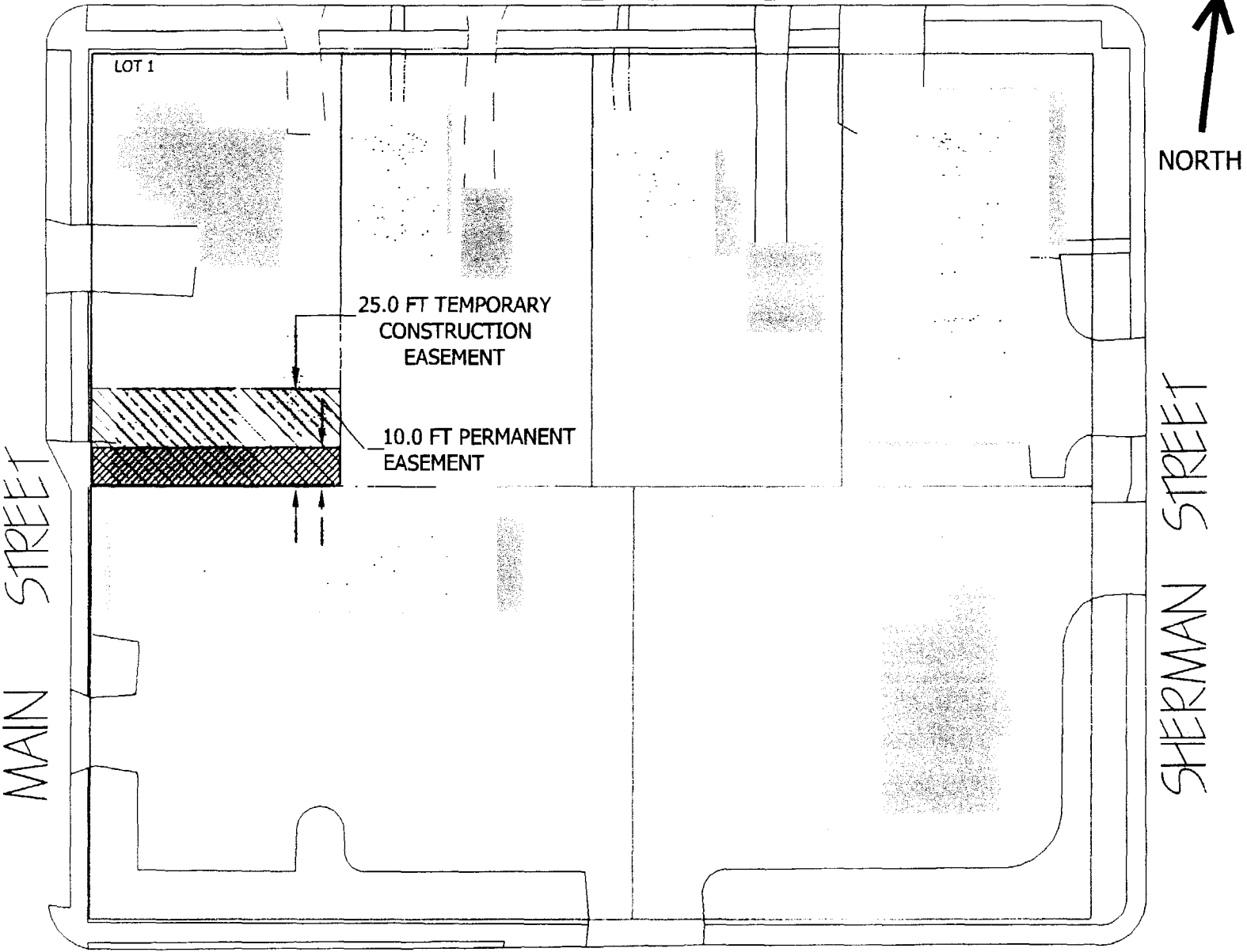
C. Marie Redner  
Notary Public for Oregon  
My Commission Expires: 7/29/00

Betty Langwell  
City Recorder Clerk



SE 7TH AVE.

T.P. & E.L. HACKLEMAN ADDITION  
BLOCK 1  
SEC. 7 T.11 S. R.3 W. W.M.  
SCALE 1" = 40'



MAIN STREET

SHERMAN STREET

PACIFIC BLVD.

EXHIBIT A

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 Steve Druckenmiller, Deputy

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