

RESOLUTION NO. 4205

A RESOLUTION ACCEPTING THE FOLLOWING PUBLIC UTILITY EASEMENT:

Grantors

**Cummings Transfer Co., an Oregon Corporation,
Alton E. Sullivan & Dixie G. Sullivan,
M&M Rentals Co., an Oregon Corporation, and
Intermediary, Inc., an Oregon Corporation**

Purpose

A 30.00-foot wide public sanitary sewer easement, as described on the EASEMENT FOR PUBLIC UTILITIES and shown on EXHIBIT "A".

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

DATED THIS 8TH DAY OF DECEMBER 1999.



Mayor

ATTEST:



City Recorder

122 482

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 21 day of Sept., 1991, by and between Cummings transfer Co., an Oregon Corporation, Alton E. Sullivan & Dixie G. Sullivan, M&M Rentals Co., an Oregon Corporation, and Intermediary, Inc. an Oregon Corporation, 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:
Beginning at a 5/8" iron rod which bears South 19°26'00" East 455.93 feet, North 62°44'42" East 309.67 feet and North 61°12'52" East 56.89 feet from the intersection point of the East line of Lot 1 in Block 4 of Kurre Lakeside Tracts City of Albany Linn County; Oregon and the South right of way of the Southern Pacific Railroad, said point being on the centerline of a 30.00 foot; public utility easement who's Southerly sidelines terminate at the Northerly edge of the right -of -way of Old Salem Ave; thence from said 5/8 iron rod North 21°38' 24" West along the centerline of said Easement 473.16 feet; thence South 71°43'38" West 37.35 feet; thence North 37°28'09" West 12.12 feet. The Northerly sidelines of said easement are to terminate at the Southerly right-of-way of the Southern Pacific Railroad.
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.

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:

Richard M. Mikesell, President
Cummings Transfer Co.,
An Oregon Corporation

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 21 day of Sept., 1999, by Richard M. Mikesell, President, Cummings Transfer, an Oregon Corporation.

Cathy J. Lee
Notary Public for Oregon



My Commission Expires: 7/15/03

Alton E. Sullivan

Dixie G. Sullivan
Dixie G. Sullivan

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 11 day of Oct., 1999, by Alton E. Sullivan & Dixie G. Sullivan.

Rhiannon M. Farkas
Notary Public for W. Va.



My Commission Expires: _____

Richard M. Mikesell, President
M&M Rentals Co.
An Oregon Corporation

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 20 day of Sept., 1999, by Richard M. Mikesell, President, M&M Rentals Co., an Oregon Corporation.

Cathy J. Lee
Notary Public for Oregon



My Commission Expires: 7/15/03

[Handwritten signature]

Richard D. Perdue President
Intermediary, Inc
An Oregon Corporation

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 10 day of Sept, 1999, by Richard D. Perdue President, Intermediary, Inc., an Oregon corporation.

Cathy J. Lee
Notary Public for Oregon



My Commission Expires: 7/15/03

CITY OF ALBANY:

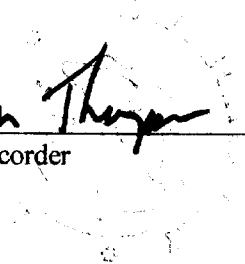
STATE OF OREGON)
County of Linn) ss.
City of Albany)

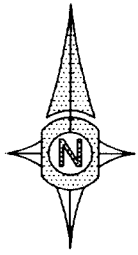
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4205, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of December, 1999.

Steve Bryant
City Manager

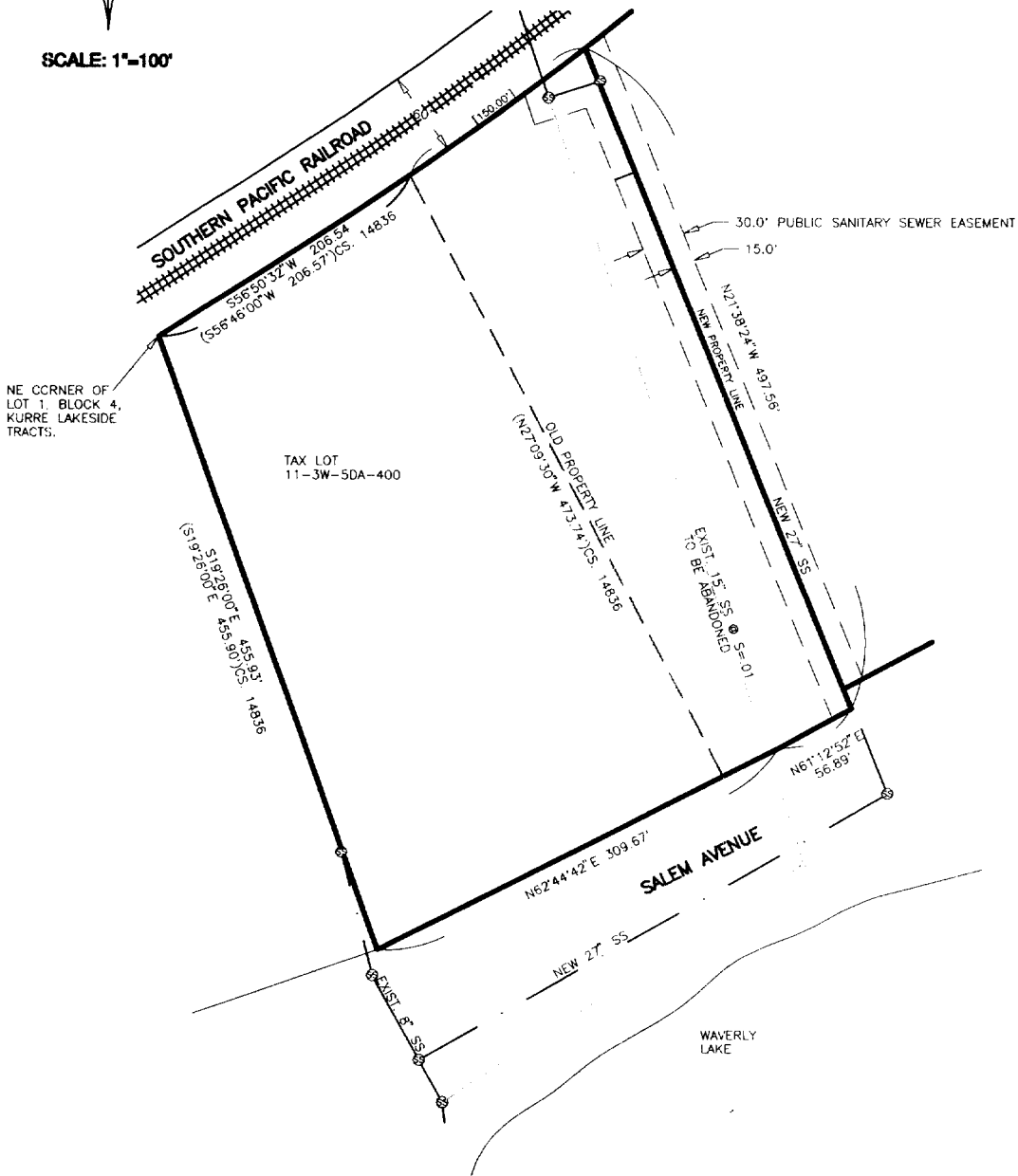
ATTEST:

Ken Thayer
City Recorder

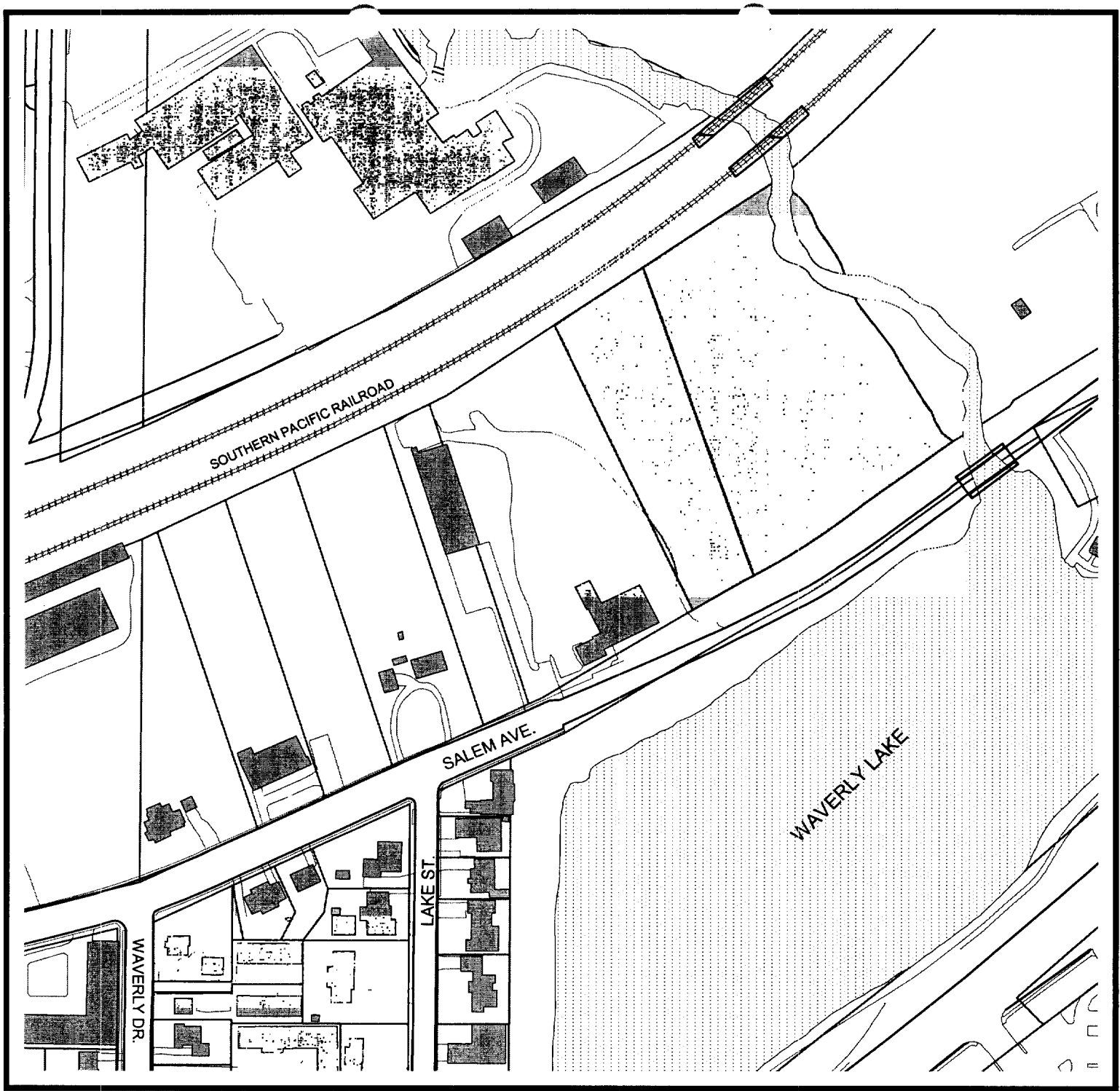




SCALE: 1"=100'

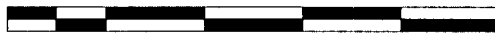


PUBLIC SANITARY SEWER EASEMENT
EXHIBIT 'A'



VICINITY MAP
30.00' PUBLIC SANITARY SEWER EASEMENT
FROM CUMMINGS TRANSFER CO. AND ALTON E. & DIXIE G. SULLIVAN
AND M&M RENTALS CO. AND INTERMEDIARY, INC.
TO CITY OF ALBANY

100 0 100 200 300 400 Feet



Subject Property



Parcel Boundaries

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

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Recorded Document Recorder File No. 3515