

RESOLUTION NO. 4305

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor


**Douglas C. Darden**

Purpose

A permanent public utility easement more particularly described in the attached legal description labeled "EXHIBIT A", shown in the attached map labeled "EXHIBIT B", and located in the attached Vicinity Map.

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

DATED THIS 12TH DAY OF JULY 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19<sup>th</sup> day of June, 2000, by and between Douglas C. Darden, hereinafter 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 public utility easement, 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.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Douglas C. Darden  
Douglas C. Darden

CITY OF ALBANY:

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

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4805 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of July, 2000.

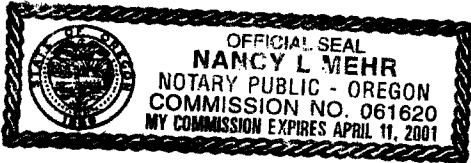
The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2000, by Douglas C. Darden as his voluntary act and deed.

Steve Bryant  
City Manager

ATTEST:

Nancy L Mehr  
Notary Public for Oregon  
My Commission Expires: 4-11-01

Ken Thompson  
City Recorder



K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

**EXHIBIT "A"**

**PUBLIC UTILITY EASEMENT**

A public utility easement located in Block 45 of "HACKELMAN'S SECOND ADDITION TO ALBANY", a subdivision of record in Linn County, Oregon that is more particularly described as follows:

The southerly 7.50 feet of even width of the Northeast Quarter of said Block 45;  
AND the northerly 7.50 feet of even width of the East half of the Southeast Quarter of said Block 45.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*  
OREGON  
JULY 14, 1978  
JACK R. BURRELL  
1630

RENEWAL DATE 12/31/01

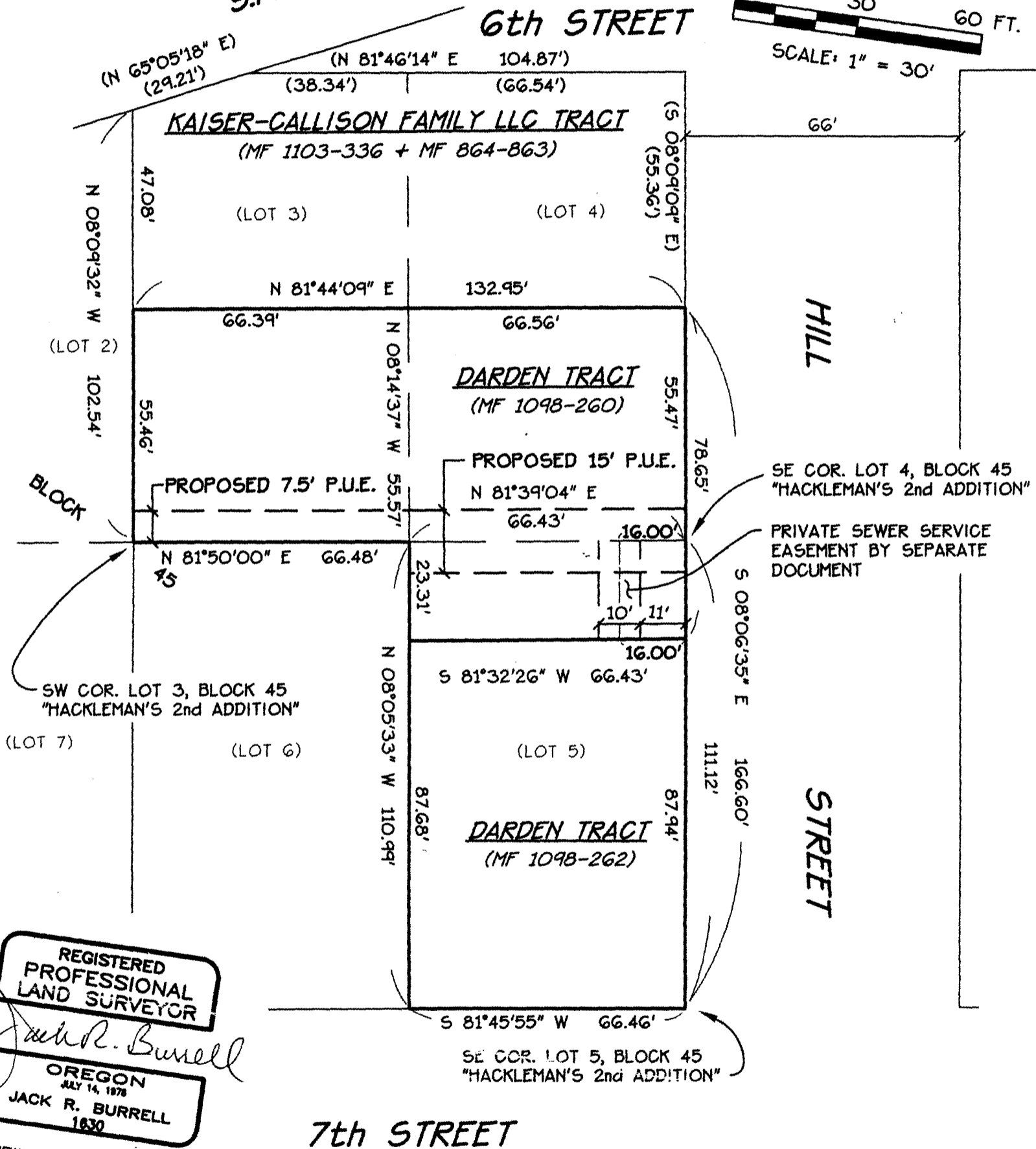
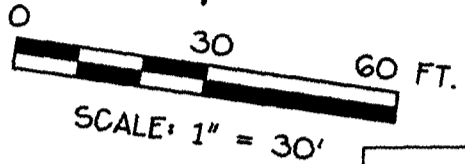
June 16, 2000  
EXHIBIT "A"  
SOSSIE PLA  
(00-66) JRB:nm  
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PUBLIC UTILITY EASEMENT VOL 1117 PAGE 599  
 FOR  
**CITY OF ALBANY**

LOCATED IN  
 LOTS 3, 4 AND 5, BLOCK 45  
 OF "HACKLEMAN'S SECOND ADDITION TO ALBANY"  
 IN THE  
 NE 1/4 SEC. 7, T. 11 S, R. 3 W., W.M.  
 CITY OF ALBANY, LINN COUNTY, OREGON  
 JUNE 16, 2000

**EXHIBIT "B"**

O.E.R.R.  
 S.P.R.R.



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Jack R. Burrell*  
 OREGON  
 JULY 14, 1978  
 JACK R. BURRELL  
 1630

RENEWAL DATE: 12/31/01

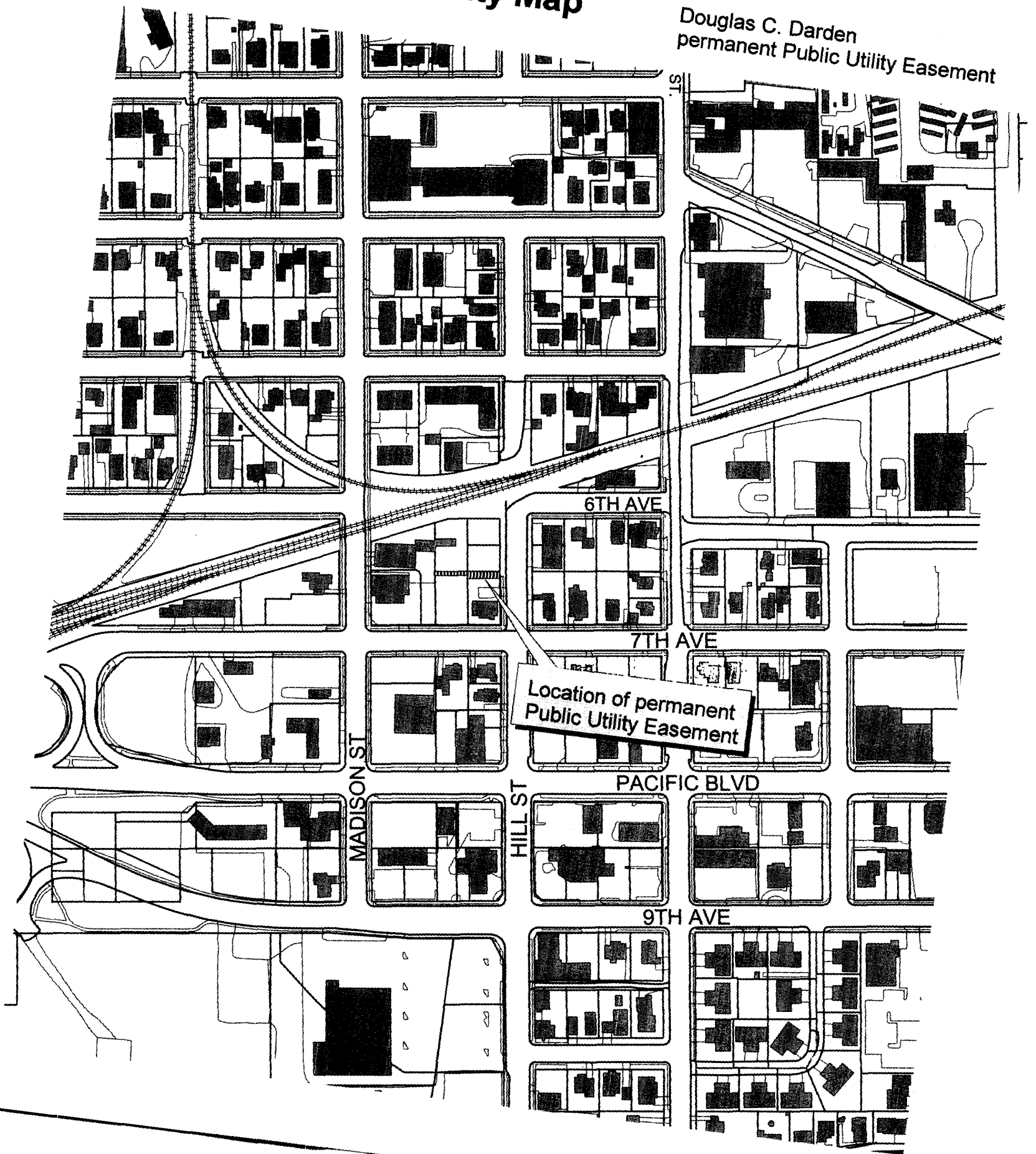
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 File: DWG\00-66\0066sxtb.dwg (cpu#20)

**K&D**  
**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 726  
 Albany, Oregon 97321  
 (541) 926-2583



# Vicinity Map

Douglas C. Darden  
permanent Public Utility Easement



Location of permanent  
Public Utility Easement

MADISON ST

HILL ST

6TH AVE

7TH AVE

PACIFIC BLVD

9TH AVE

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 ps, Deputy

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PAGE 596

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Resolution No. 4305

Recorded Document Recorder File No. 3649