

RESOLUTION NO. 4307

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

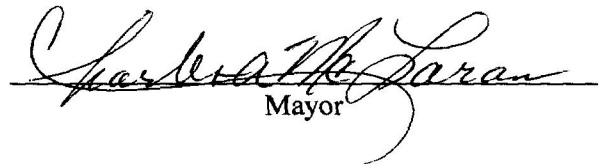
Velma C. Lemco

Purpose

A 15-foot wide permanent public utility easement more particularly described in the attached "EASEMENT FOR PUBLIC UTILITIES", shown in the attached map labeled "EXHIBIT A", 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 day of JUNE, 2000, by and between Velma C. Lemco 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 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 point 48.84 feet North 01°30'00" West; 350.46 feet South 51°15'00" West and 30.00 feet South 38°45'00" East from the Southwest corner of the Donation Land Claim of Walter Montieth, No. 1798 CL. 55 in Section 12, Township 11 South, Range 4 West, of the Willamette Meridian, Linn County, Oregon; thence South 51°15'00" West 121.77 feet; thence South 38°45'00" East 15.00 feet; thence North 51°15'00" East 121.77 feet; thence North 38°45'00" West 15.00 feet to the point of beginning.
See 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.

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:

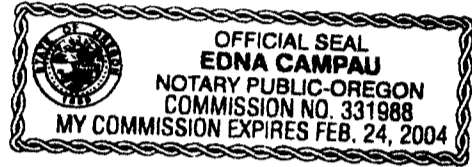
Velma C. Lemco
Velma C. Lemco

STATE OF Oregon)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 19 day of June, 2000, by Velma C. Lemco.

Edna Campau
Notary Public for Oregon

My Commission Expires: Feb. 24, 2004



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 4307, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of July, 2000.

SB
City Manager

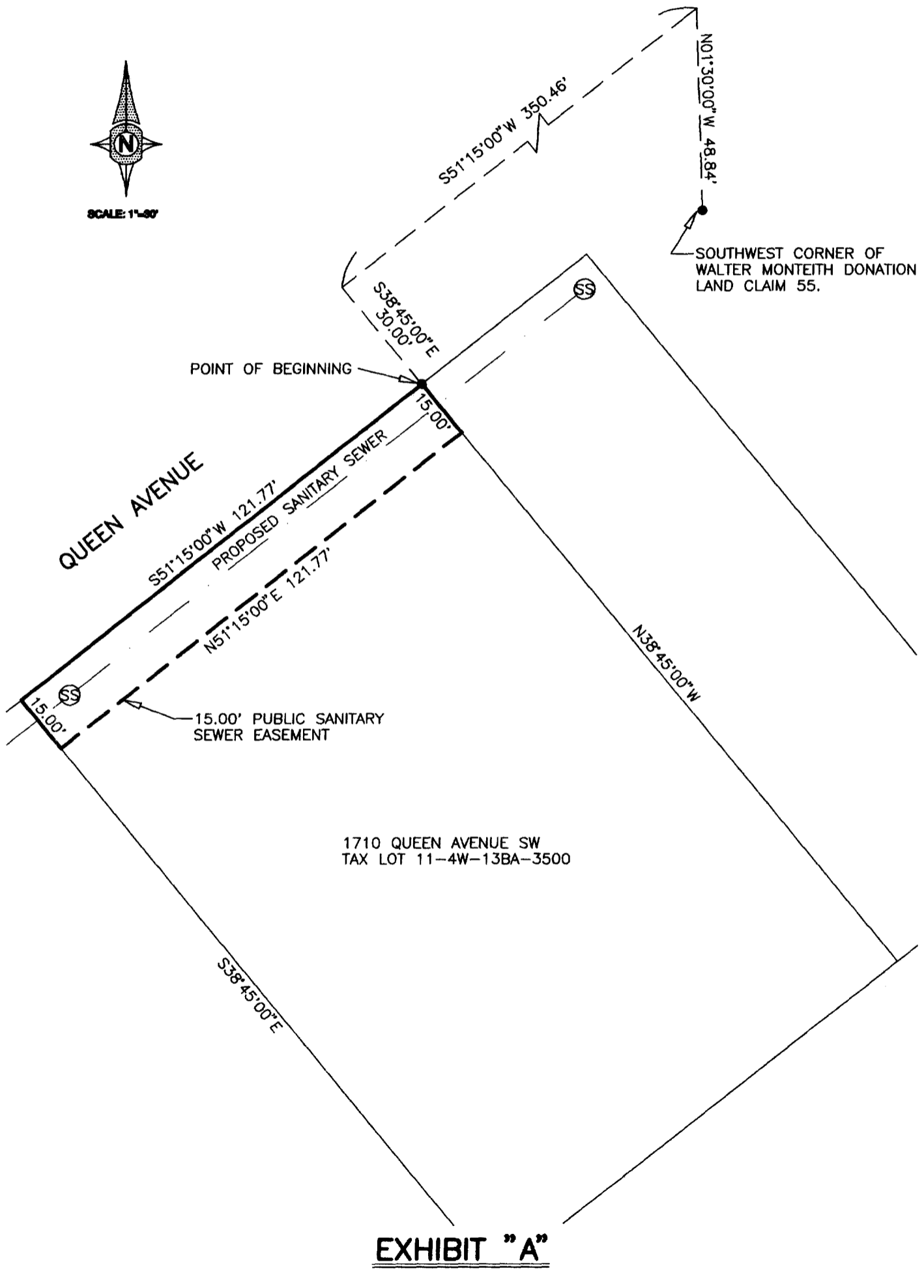
ATTEST:

Ken Thompson
City Recorder

SEC. 12, T. 11 S., R4 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON



SCALE: 1"=80'





Vicinity Map

Velma C. Lemco
15-foot wide permanent
Public Utility Easement



Location of permanent
Public Utility Easement

RIVERSIDE DR

BROADWAY ST

QUEEN AVE

41

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 SD, Deputy

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S 10
A 11
O

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