

RESOLUTION NO. 4386

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor


Kenneth D. Brewer

Purpose

A permanent 7-foot wide public utility easement more particularly described in the legal description on attached Exhibit "A", shown on map on attached Exhibit "B" and located on attached Vicinity Map.

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

DATED THIS 10TH DAY OF JANUARY, 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18th day of December 2000, by and between **Kenneth D. Brewer**, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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:

See attached legal description "EXHIBIT A" and attached map "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 Grantor 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 by Grantor 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.

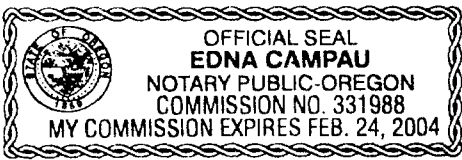
GRANTOR:

Kenneth D. Brewer
Kenneth D. Brewer

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

The foregoing instrument was acknowledged before me
this 18 day of December, 2000, by Kenneth D.
Brewer as his voluntary act and deed.

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 4386, do
hereby accept on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this
24 day of January, 2001.

Steve Bryant
City Manager

ATTEST:

Ken Thomson
City Recorder

EXHIBIT A

Description of a permanent Public Utility Easement

A 7.0 foot wide permanent public utility easement across that property conveyed to Kenneth D. Brewer, described in Volume 484, Page 627, Linn County Microfilm Deed Records, said easement being parallel, adjacent and north of the line described below and as shown on the attached map labeled "EXHIBIT B."

Beginning at the southwest corner of Lot 2, Block 6 of the City View Addition to the City of Albany, Section 12, T.11S., R.4W., Willamette Meridian, Linn County, Oregon; thence easterly, parallel with the northern boundary line of said block, a distance of 66 feet, and there terminating.

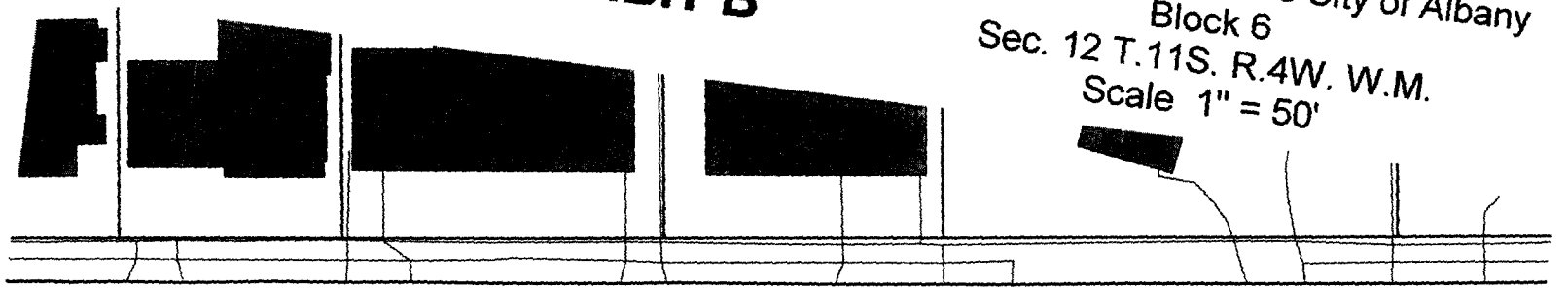
Containing 0.0106 acres of land, more or less.



EXHIBIT B

City View Addition to the City of Albany
Block 6

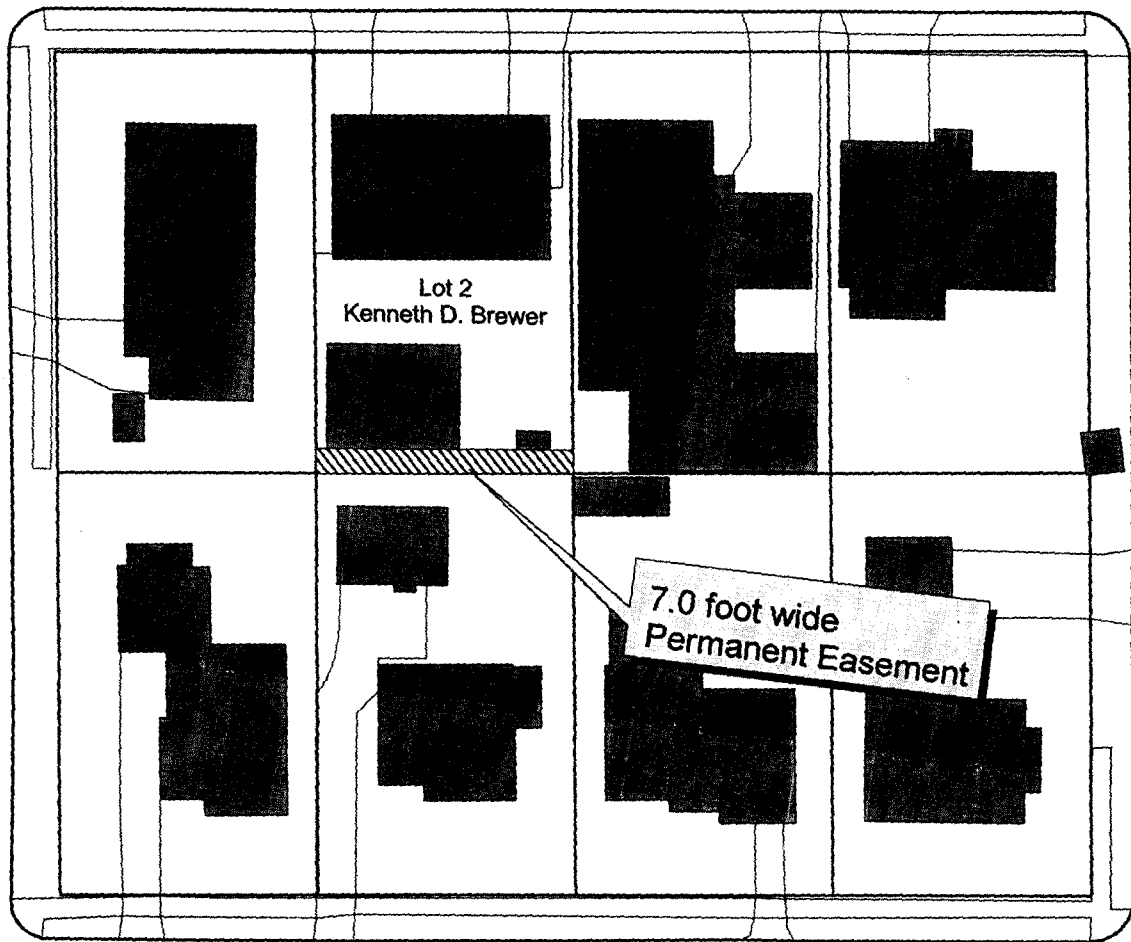
Sec. 12 T.11S. R.4W. W.M.
Scale 1" = 50'



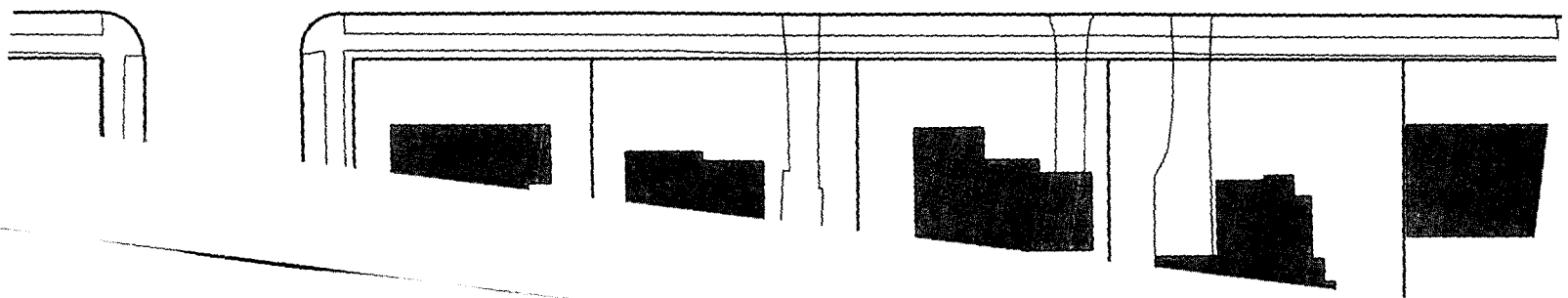
8TH AVE.

LAWN RIDGE ST.

LIBERTY ST.

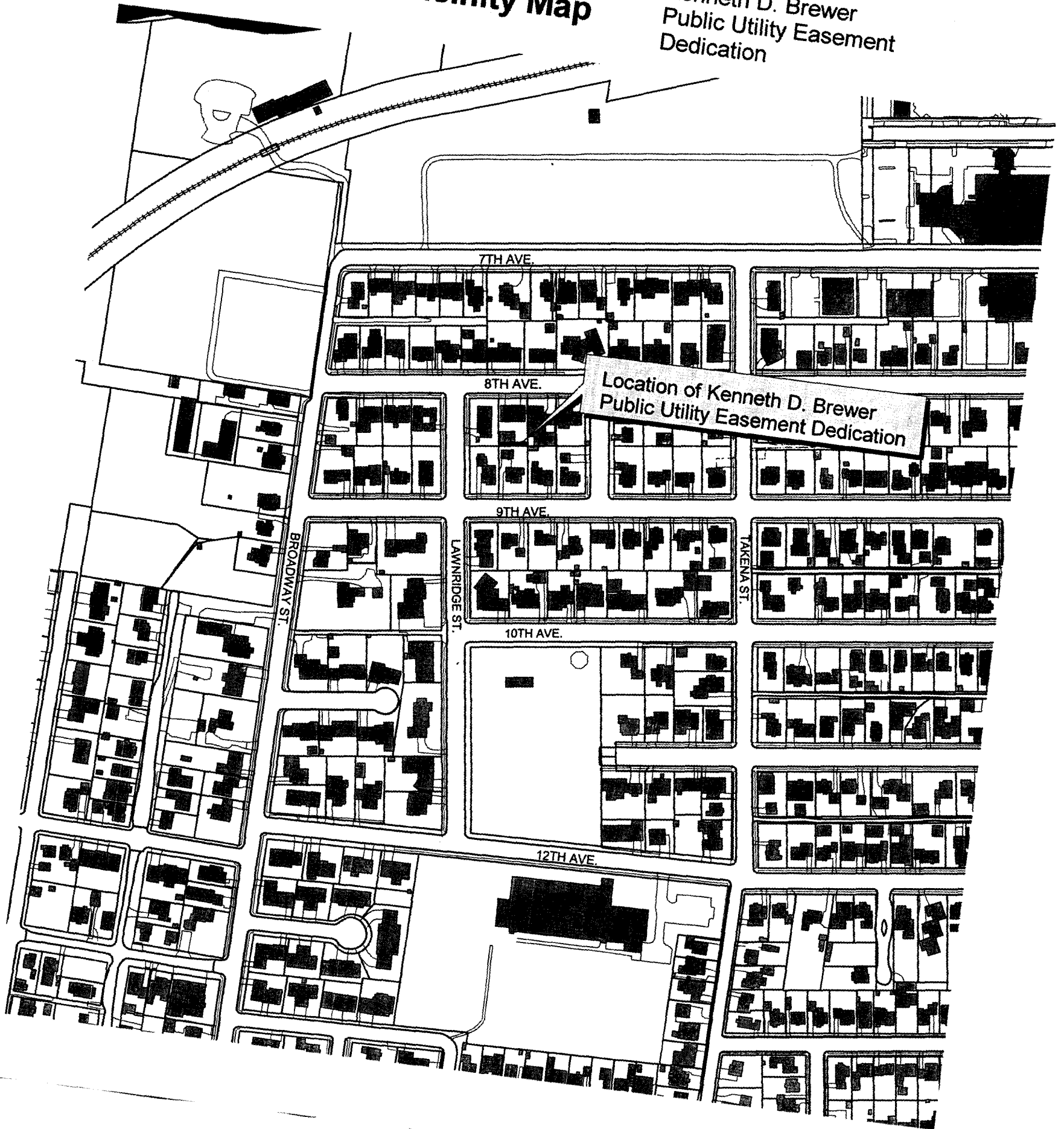


9TH AVE.



Vicinity Map

Kenneth D. Brewer
Public Utility Easement
Dedication



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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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Recorded Document Recorder File No. 3747