

RESOLUTION NO. 4403

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor


Michael K. and Penny R. Nading

Purpose

A permanent 5-foot wide permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 28TH DAY OF MARCH 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17th day of March, 2001, by and between **MICHAEL K. AND PENNY R. NADING**, 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:
A 5.0 foot wide permanent public utility easement as shown on attached EXHIBIT B and described in attached 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 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.

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

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

*Return to: City of Albany Recorder
PO Box 490
Albany, OR 97321*

GRANTORS:

CITY OF ALBANY:

Michael K Nading
MICHAEL K. NADING

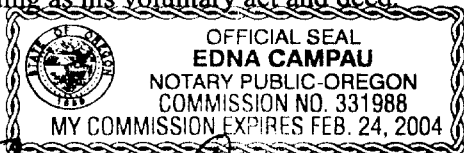
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4403, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28 day of March 2001.

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

The foregoing instrument was acknowledged before me this 14th day of March, 2001 Michael K. Nading as his voluntary act and deed

Ken Thompson
ASSISTANT CITY MANAGER



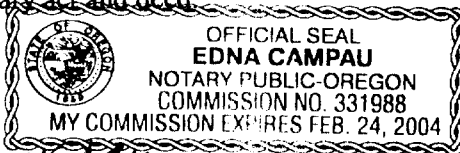
ATTEST:
Dotty Langwell
CITY CLERK

Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2004

Penny R Nading
PENNY R. NADING

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

The foregoing instrument was acknowledged before me this 14th day of March, 2001 by Penny R. Nading as her voluntary act and deed



Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2004

EXHIBIT A

A 5.0 foot wide permanent public utility easement across that property conveyed to Michael K. AND Penny R. Nading, described in Volume 593, Page 859, Linn County Microfilm Deed Records, said easement being Southern 5 feet as shown on the attached map labeled "EXHIBIT B".

Lot 1, Block 1 of City View Addition to the City of Albany, Section 12, T.11S., R.4W., Willamette Meridian, Linn County, Oregon.

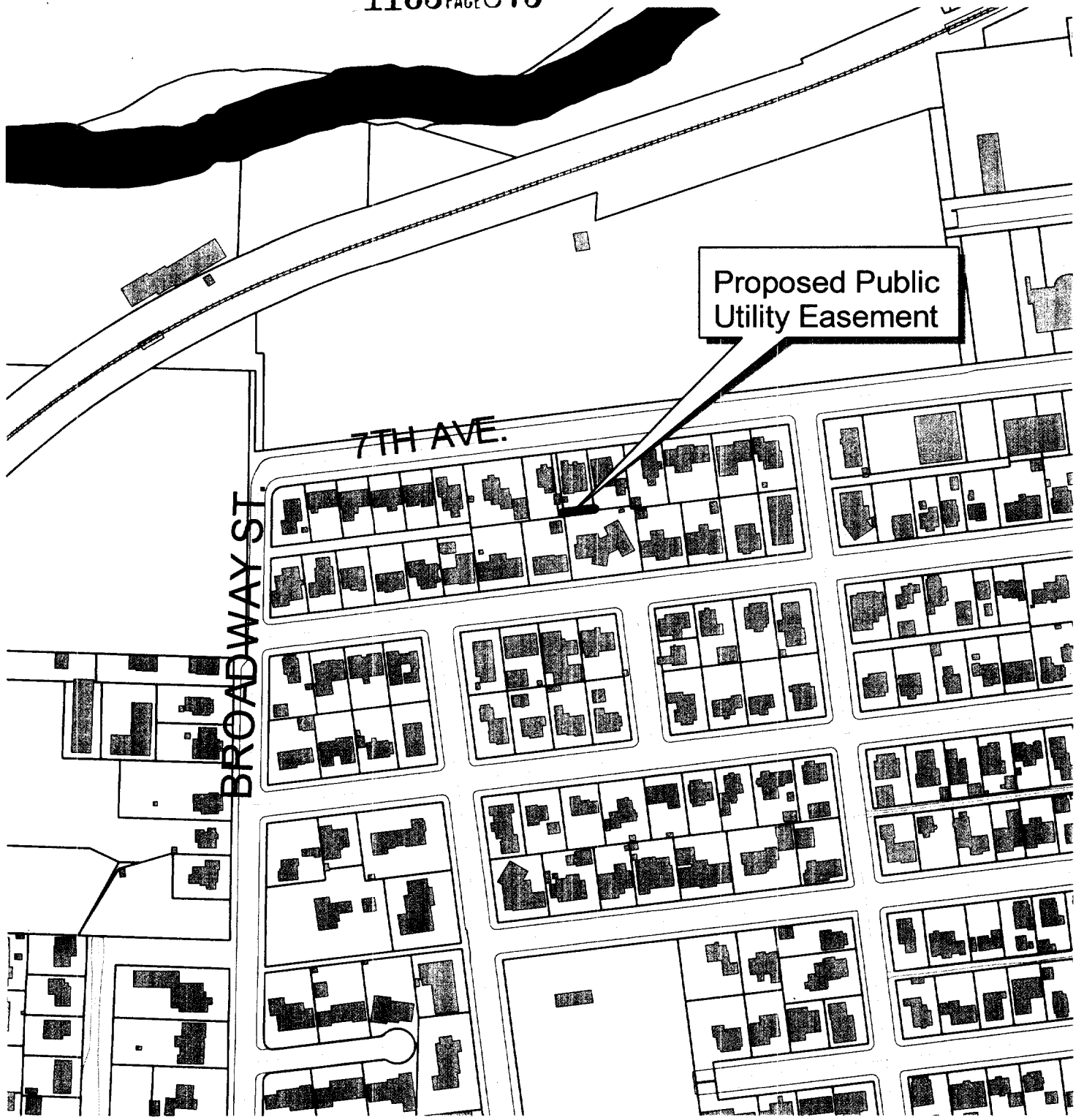
Containing 0.00596 acres of land, more or less.

EXHIBIT B

NADING
PUBLIC UTILITY
EASEMENT

LOT 1, BLOCK 1 OF CITY VIEW ADDITION
SECT. 12, T. 11S., R.4W., WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.





VICINITY MAP



Engineering

johnd1 nil

John Downing

Mar 13, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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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O

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Resolution No. 4403

Recorded Document Recorder File No. 3782