

RESOLUTION NO. 4418

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

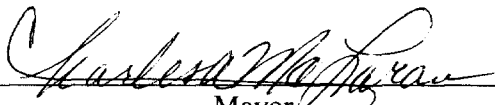
Purpose

Jiraporn and Rushnee Udompaichitkul

A permanent 10-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 25TH DAY OF APRIL 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 21 day of March, 2001, by and between **JIRAPORN AND RUSHANEE UDOMPAICHITKUL**, 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 10.0 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.

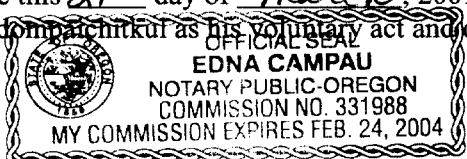
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

GRANTORS:

Jiraporn Udompaichitkul
JIRAPORN UDOMPAICHITKUL

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

The foregoing instrument was acknowledged before me this 21st day of March, 2001 by Jiraporn Udompaichitkul as his voluntary act and deed.



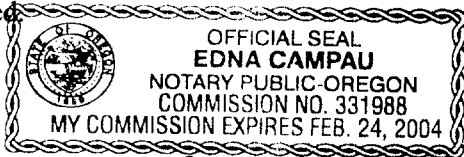
Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2004

Rushanee Udompaichitkul

RUSHANEE UDOMPAICHITKUL

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

The foregoing instrument was acknowledged before me this 21st day of March, 2001 by Rushanee Udompaichitkul as her 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 4418, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25 day of April 2001.

SP [Signature]
City Manager

ATTEST:

Ken [Signature]
City Recorder

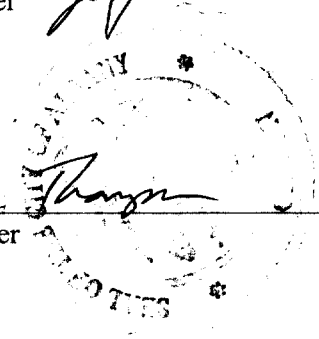


EXHIBIT A

A 10.0 foot wide permanent public utility easement across that property conveyed to Jiraporn and Rushanee Udompaichitkul, described in Volume 688, Page 513C, Linn County Microfilm Deed Records, said easement being parallel, adjacent and east of the line described below and as shown on the attached map labeled "EXHIBIT A".

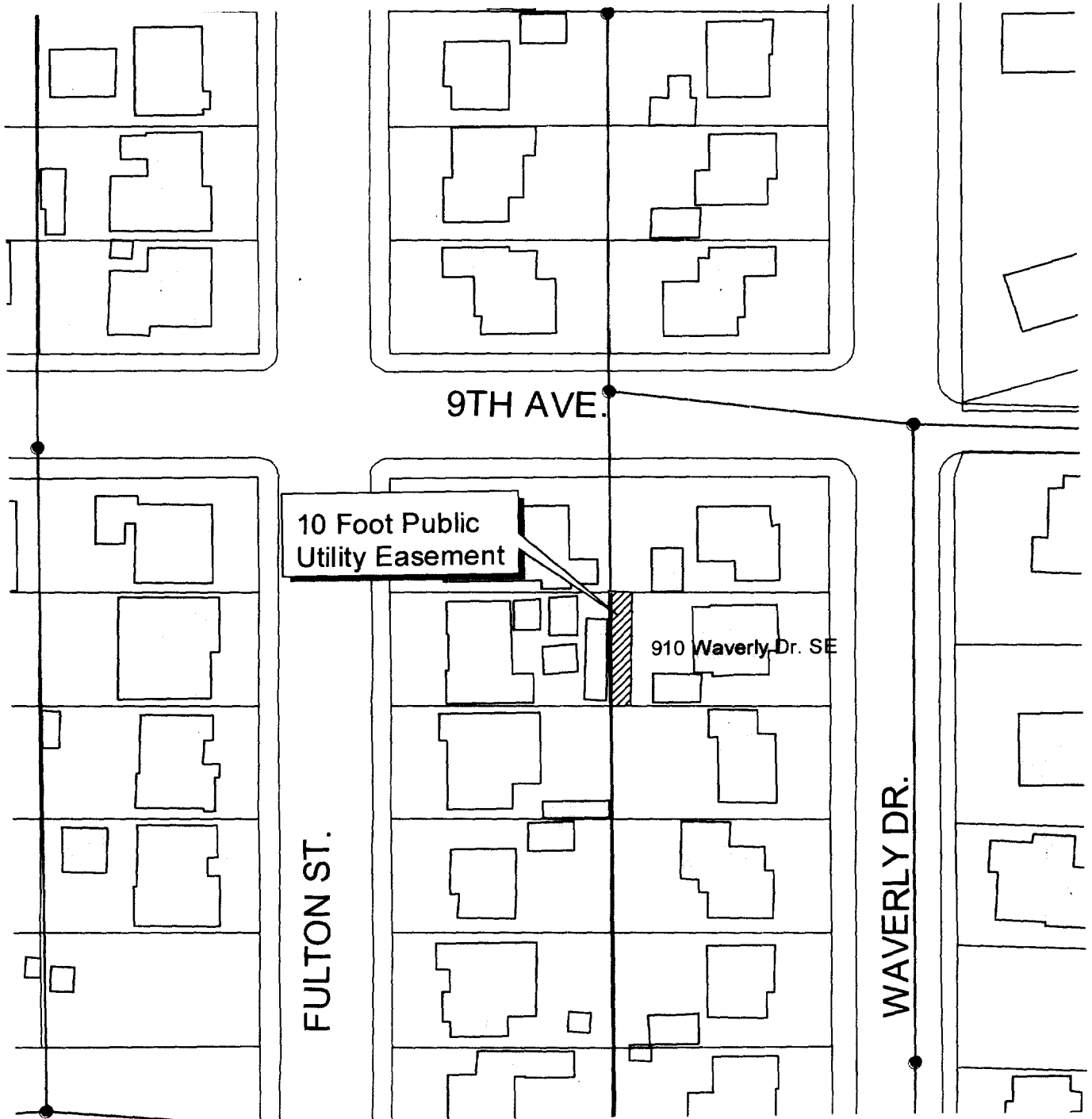
Beginning at the northwest corner of Lot 03, Block 12 of Motley's Addition to the City of Albany, Section 08, T.11S., R.3W., Willamette Meridian, Linn County, Oregon; thence southerly, parallel with the western boundary line of said block, a distance of 55.0 feet, and there terminating.

Containing 0.0126 acres of land, more or less.

EXHIBIT B

UDOMPAICHITKUL
PUBLIC UTILITY
EASEMENT

LOT 03, BLOCK 12 OF MOTLEY'S ADDITION
SECTION 08, T.11S., R.3W., WILLAMETTE, LINN COUNTY, OREGON.



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 DR, Deputy

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A 11
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Recorded Document Recorder File No. 3805