

RESOLUTION NO. 4469

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Albany Area Habitat for Humanity

Purpose

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 easement.

DATED THIS 25TH DAY OF JULY, 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17th day of July, 2001, by and between Albany Area Habitat for Humanity, 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.

After recording return to City of Albany Recorder
P.O. Box 490, Albany, OR 97321

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: Albany Area Habitat for Humanity

CITY OF ALBANY:

Wanda Kinney
Wanda Kinney, Executive Director

STATE OF OREGON)
County of Linn) ss.
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 4469 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25 day of July, 2001.

The foregoing instrument was acknowledged before me this 17th day of July, 2001, by **Wanda Kinney, Executive Director for the Albany Area Habitat for Humanity**, on behalf of the Albany Area Habitat for Humanity, as her voluntary act and deed.

Steve Bryant
City Manager

ATTEST:

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

Ken Thompson
City Recorder

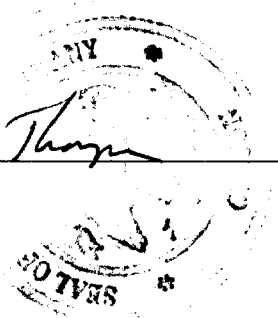
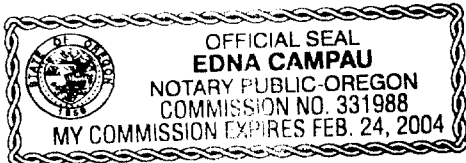


Exhibit A

A 10-foot wide Public Utility Easement, more particularly described as follows:

The Eastern 10 feet of even width of Lots 7 and 8 of Block 9 of Bryant's Addition to the City of Albany, Linn County Oregon, a subdivision filed with the Linn County, Oregon Recorder's Office on October 17, 1889.

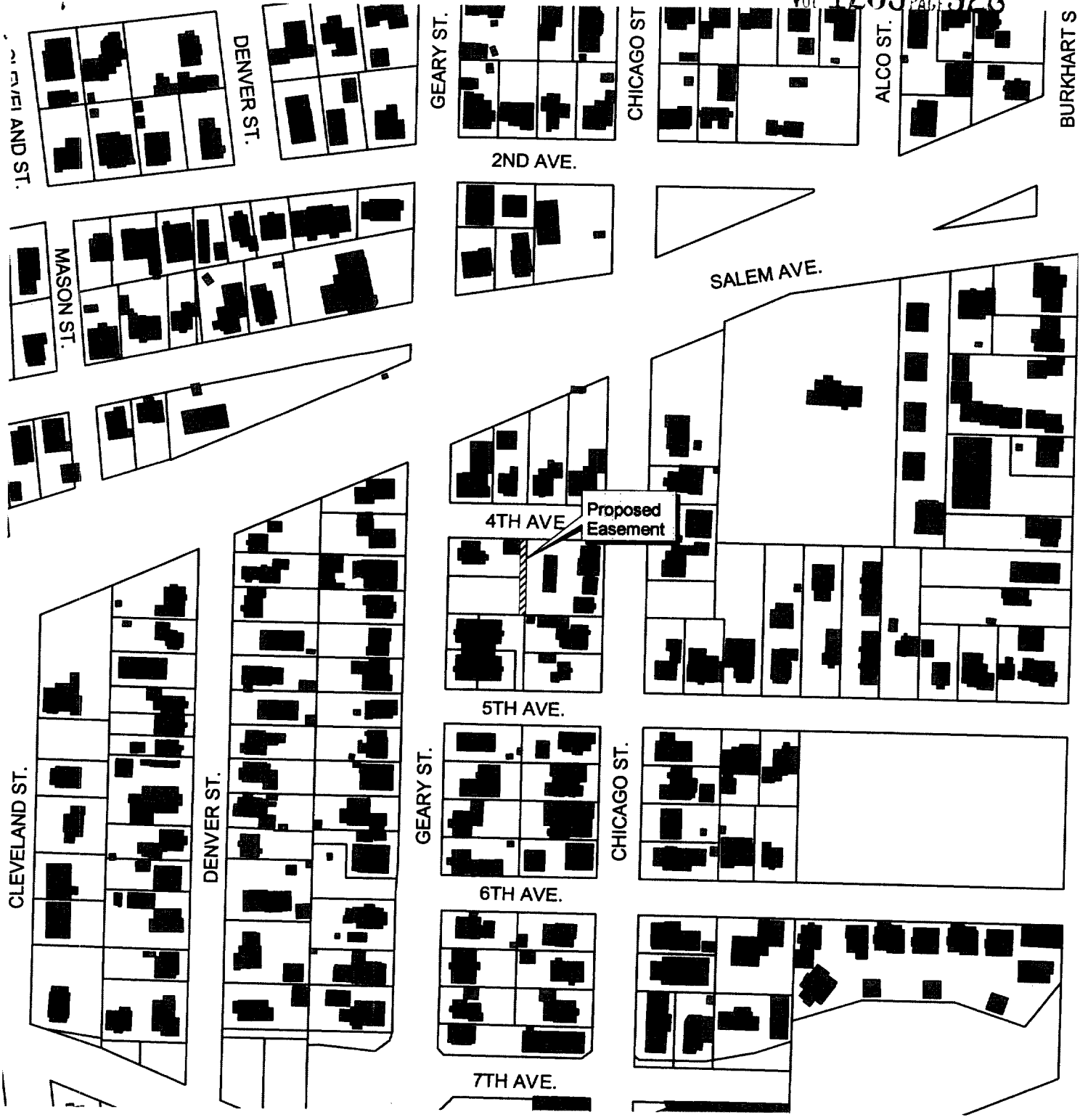
EXHIBIT B



BRYANT'S ADDITION
BLOCK 9
SECT. 07 T.11S., R.3W. WILLAMETTE MERIDIAN
LINN COUNTY, OREGON

ALBANY AREA
HABITAT FOR HUMANITY
Property
Public Utility Easement





VICINITY MAP



ALBANY AREA HABITAT FOR HUMANITY
 WANDA KINNEY, EXECUTIVE DIRECTOR



Gordon Steffensmeier Engineering

angles J:AVV_PROJSITE_MAP.APR

Jul 17, 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 this 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

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S 20
A 11
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I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF 1203

By SR, Deputy PAGE 924

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Resolution No. 4469

Recorded Document Recorder File No. 3833