

RESOLUTION NO. 4652

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Robert L. Gately

Purpose

A permanent public utility easement described in the attached EXHIBIT A and as shown in the attached EXHIBIT B.

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

DATED THIS 27TH DAY OF FEBRUARY 2002.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

VOL 1269 PAGE 456

THIS AGREEMENT, made and entered into this 05 day of Feb, 2002, by and between **Robert L. Gately** 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

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:

Robert L. Gately
Robert L. Gately

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

The foregoing instrument was acknowledged before me this 5th day of Feb, 2002, Robert L. Gately as his voluntary act and deed

Angelia M Sousa
Notary Public for Oregon
My Commission Expires: Oct 17, 2005



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 4652, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of February, 2002.

Steve Bryant
City Manager

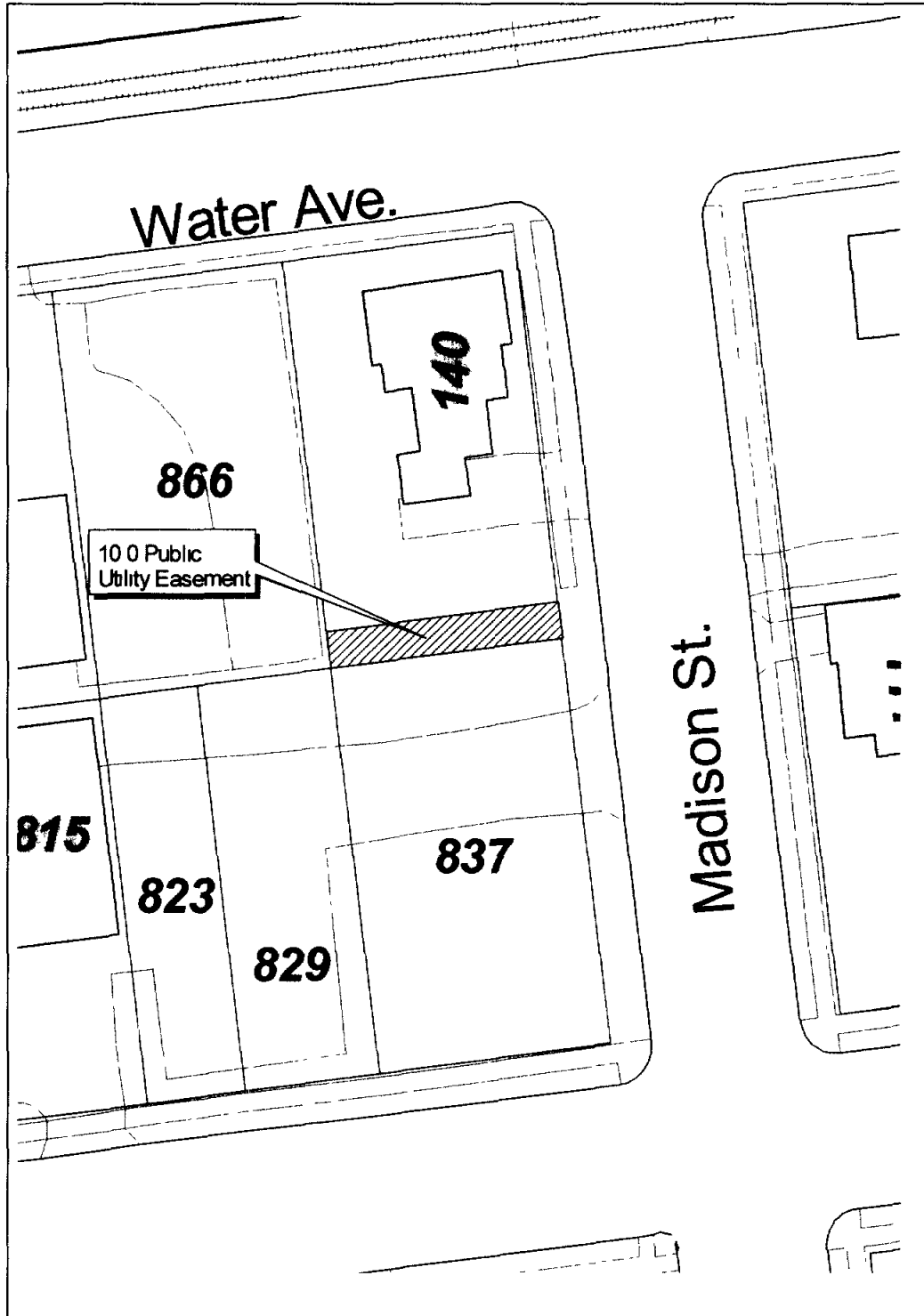
ATTEST

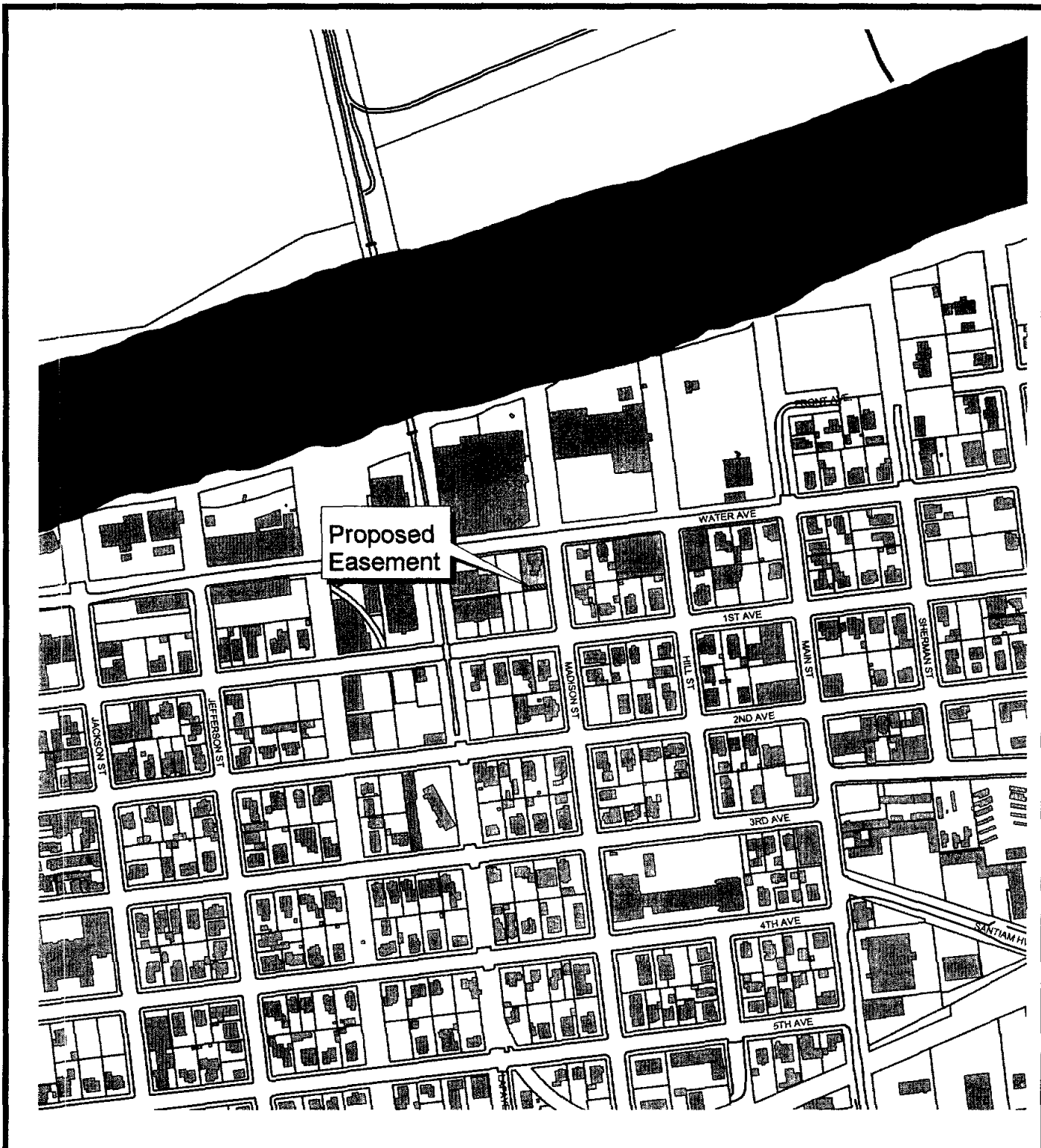
Ken Thompson
City Recorder

EXHIBIT B

**GATELY PUBLIC
UTILITY EASEMENT**

LOT 04, BLOCK 122 OF HACKLEMAN'S ADDITION
SECTION 06, T.11S, R.3W., WILLAMEETE MERIDIAN, LINN COUNTY, OREGON





Proposed Easement

VICINITY MAP



Sewer Lateral Replacement Program

10' Wide Public Utility Easements
Gately

John Downing

Engineering

angles J1AV_PROJSITE_MAP APR

Feb. 19, 2002



EXHIBIT A

A 10.0 foot wide permanent public utility easement across that property conveyed **Robert L. Gately**, described in Volume 1062, Page 443, 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 southeast corner of Lot 04, Block 122 of Hackelman's Addition to the City of Albany, Section 06, T.11S., R.3W., Willamette Meridian, Linn County, Oregon; thence westerly, parallel with the southern boundary line of said block, a distance of 66 0 feet, and there terminating.

Containing 0.015 acres of land, more or less.

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 BJM, Deputy

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A 17
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Recorded Document Recorder File No. 4085