

RESOLUTION NO. 4936

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Oregon Metallurgical Corp.

Purpose

A permanent 30-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.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 8 day of JANUARY, 2004, by and between OREGON METALLURGICAL CORP., 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 30.0-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 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.

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

GRANTOR:

CITY OF ALBANY:

OREGON METALLURGICAL CORP.

By: [Signature]  
James H. Denham, Assistant Secretary

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 4936 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February 2004.

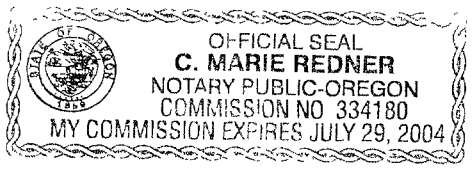
The foregoing instrument was acknowledged before me this 8th day of January, 2004, by James H. Denham as his voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission Expires: July 29, 2004

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder [Signature]



## **Exhibit A**

Legal Description for Oregon Metallurgical Corporation waterline easement

A 30-foot wide public utility easement over the southern 30 feet of that Property described in the Linn County, Oregon, Microfilm Deed Records Volume 273 Page 320, as shown on the attached map labeled Exhibit B.



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

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By gm Deputy MF 1548  
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