

RESOLUTION NO. 5105

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Robert D. and Deborah M. Bales

Purpose

A Sanitary Sewer Easement, in conjunction with the Sewer Lateral Replacement program.

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 13TH DAY OF APRIL 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of February, 2005, by and between **Robert D. and Deborah M. Bales**, 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 grantors have this day bargained and sold and by these presents do 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:
See legal description on attached Exhibit "A" and map on 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 Grantors do 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

CITY OF ALBANY:

Robert D. Bales
Robert D. Bales

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

Deborah M. Bales
Deborah M. Bales

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5105, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of April, 2005.

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

The foregoing instrument was acknowledged before me this 9th day of February, 2005, by Robert D. and Deborah M. Bales, as their voluntary act and deed.

Steve Bryant
City Manager



ATTEST:

Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

Betty Langwell
City Recorder Clerk

EXHIBIT B

1001 15th Ave SW
Robert D. Bales and Deborah M. Bales

A 10 foot wide sanitary sewer easement across the northern width of the property

Sewer Lateral Replacement Program



Geographic Information Services

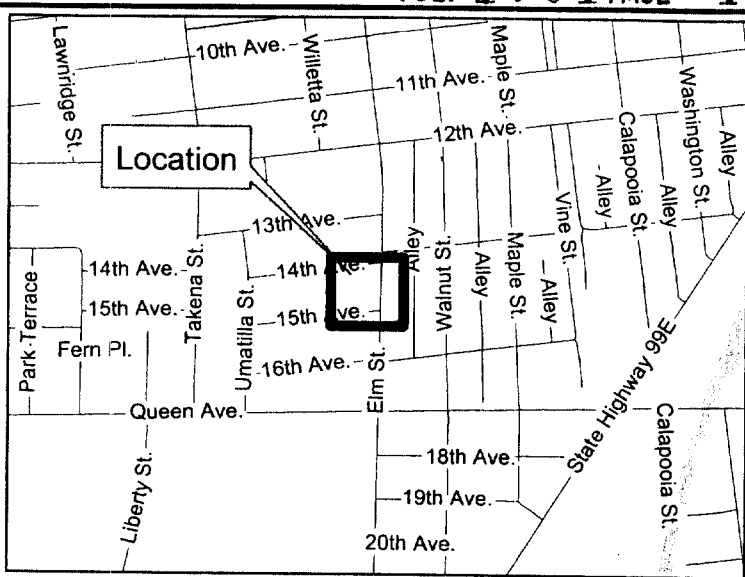


Exhibit A

Legal Description
for Robert D. Bales and Deborah M. Bales easement to the City of Albany

A 10 foot wide sanitary sewer easement across the northern 10 feet of even width of that property conveyed to Robert D. Bales and Deborah M. Bales a deed recorded in Linn County, Oregon microfilm deed records MF1487-79, 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

By LAO Deputy PAGE 497

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