

RESOLUTION NO. 2812

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:


Grantor

Harold T. & Dorothy F. Ellis

Purpose

a permanent utility easement over a portion of Glendorr's Addition to the City of Albany, Section 9, Township 11 South, Range 3 West, Linn County, Oregon.

DATED this 14th day of September, 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1<sup>st</sup> day of Sept., 1988, by and between Harold T. & Dorothy F. Ellis, herein called grantors, 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:

A permanent utility easement circumscribed by the following described line and further shown on the attached drawing labeled EXHIBIT A.

Beginning at the most northwesterly corner of that parcel conveyed to Harold T. and Dorothy F. Ellis, MF 434-203, Linn County Deed Records, a portion of Glendorr's Addition to the City of Albany, Section 9, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence S 19°21'W, 10.70 feet; thence S 82°59'E, 469.85 feet; thence N 88°27'E, 231.00 feet; thence S 1°31'28"E, 208.20 feet; thence S 70°39'E, 16.05 feet; thence N 1°31'28"W, 213.92 feet; thence S 88°27'W, 204.00 feet; thence N 1°33'W, 10.50 feet; thence S 88°27'W, 450.00 feet; thence N 82°59'W, 466.00 feet to the point of beginning, containing 0.29 acres more or less.

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 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.

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

Dorothy F. Ellis  
Harold T. Ellis

*Calif*  
STATE OF OREGON  
County of *Lincoln* ss.  
City of *Albany*  
*Huntington Beach*

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

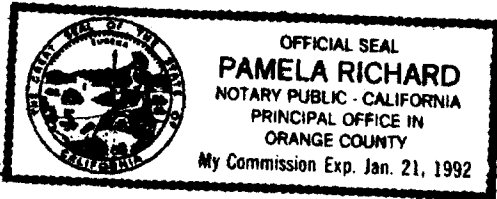
The foregoing instrument was acknowledged before me this 18 day of Sept, 1988, by grantor(s) as his/her/their voluntary act and deed.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2812, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 15th day of September, 1988.

Pamela Richard  
Notary Public for Oregon, *Calif.*  
My Commission Expires: 1/21/92

CITY OF ALBANY, OREGON

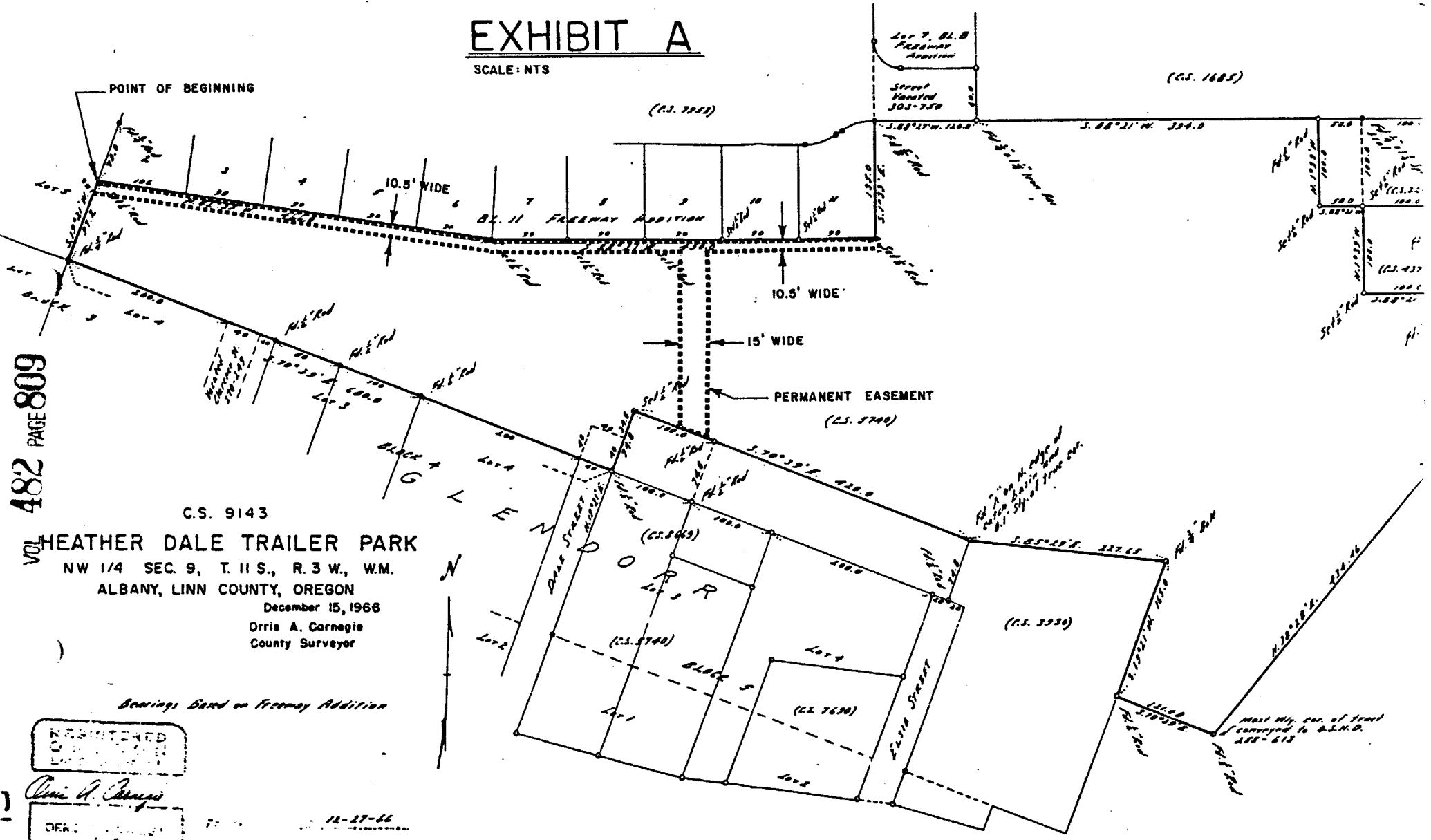
William B. Barrons  
City Manager



[Signature]  
City Recorder

# EXHIBIT A

SCALE: NTS



C.S. 9143

## HEATHER DALE TRAILER PARK

NW 1/4 SEC. 9, T. 11 S., R. 3 W., W.M.

ALBANY, LINN COUNTY, OREGON

December 15, 1966

Orris A. Carnegie  
County Surveyor

Bearings Based on Freeway Addition

REGISTERED  
COUNTY SURVEYOR  
ORRIS A. CARNEGIE

Orris A. Carnegie

DECEMBER 15 1966

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SW9BB

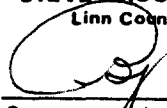
SEP 29 4 31 PM '88 25

STATE OF OREGON  
County of Linn

I hereby certify that the attached was  
received and duly recorded by me in  
Linn County records:

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STEVE DRUCKENMILLER  
Linn County Clerk

By  Deputy  
*City of Albany*  
*Albany*

Resolution No. 2812

Recorded Document Recorder File No. 1849