

RESOLUTION NO. 3082

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

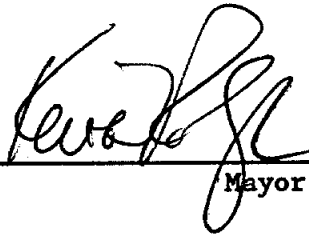
Grantor

Robert Hoag
H. M. I. Construction
P. O. Box C
Albany, OR 97321

Purpose

A seven foot wide permanent public utility easement across Block 1 and Block 6, Riderwood Subdivision, City of Albany, Linn County, Oregon

DATED this 14 day of August, 1991.



Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17 day of July, 1991, by and between H.M.I. Construction, Inc., 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 seven foot wide permanent public utility easement across Block 1 and Block 6 of Riderwood Subdivision as recorded in Volume 18, Page 4, Book of Plats, Linn County, Oregon. Said parcels conveyed to H.M.I. Construction, Inc. in MF Volume 408, Page 133, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached maps labeled EXHIBIT A and EXHIBIT B respectively.

A seven foot wide strip of land over Block 1, Riderwood Subdivision, said strip being parallel, adjacent, and west of the easterly line of Block 1, Riderwood Subdivision, in Section 9, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 0.116 acres, more or less.

ALSO a seven foot wide strip of land over Block 6, Riderwood Subdivision, said strip being parallel, adjacent, and east of the westerly line of Block 6, Riderwood Subdivision, in Section 9, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

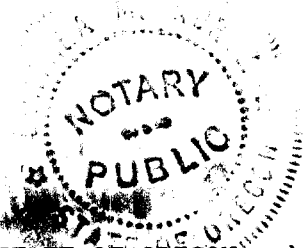
Containing 0.138 acres, more or less.

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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.

- 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.



H.M.I. Construction, Inc.

By: [Signature]
President and Secretary

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

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

The foregoing instrument was acknowledged before me this 17th day of July, 1991 by Robert Hoag, president and secretary, of H.M.I. Construction, Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3082 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of August, 1991.

[Signature]
Notary Public for Oregon
My Commission Expires 6-25-94

CITY OF ALBANY, OREGON
[Signature]
City Manager

[Signature]
Deputy City Recorder

Lehigh City Park

Block 2

18th Avenue

Block 3

Block 1

Riderwood Subdivision

Block 4

Center Street

Block 3

H.M.I. Construction, Inc.
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19th Avenue

Block 5

7' Permanent
Public Utility Easement



Scale: 1" = 100'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JUNE 1991

EXHIBIT A

7' Permanent Public Utility Easement
From H.M.I. Construction, Inc.
To The City of Albany

Eastgate Park
Subdivision

Block 2

18th Avenue

Riderwood
Subdivision

Block 3

Lehigh Court

Block 3

19th Avenue

Block 5

Lehigh Way

Existing 15'
Public Utility
Easement

Block 6

50.0' Nonhabitable Buffer Area

7' Permanent
Public Utility
Easement

Interstate 5

H.M.I. Construction, Inc.
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CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JULY 1991

EXHIBIT B

7' Permanent Public Utility Easement
From H.M.I. Construction, Inc.
To The City of Albany

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SEP 3 3 02 PM '91

STATE OF OREGON
County of Linn

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

Volume: MF 574 Page: 595

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature], Deputy
City of ALBANY
POB 490
ALBANY Attn: Norm

Scale: 1" = 100'

Resolution No. 3082

Recorded Document Recorder File No. 2097