

RESOLUTION NO. 3332

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

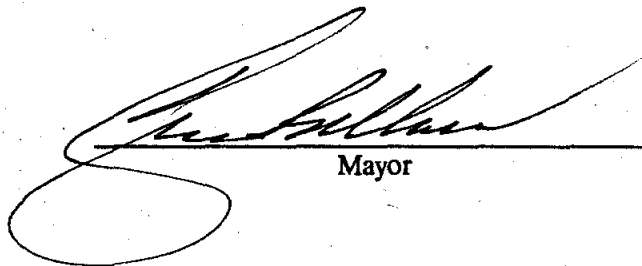
Grantor

Louise D. Staley, Trustee

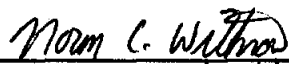
Purpose

a permanent public utility easement over an existing sanitary sewer line located at 810 Walnut Street SW

DATED this 9th day of February 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder (sp. in)



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27 day of January, 1994, by and between Louise D. Staley, Trustee, 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, undergrowth, 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 ten-foot wide permanent public utility easement across a portion of land from those tracts of land described in MF 470, Page 718, Parcel 1 and MF 659, Page 910, Linn County Deed Records, City of Albany, Linn County, Oregon, being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a 1/2" iron rod at the Southwest corner of MF 659, Page 910, Linn County Deed Records; thence on the South line of said parcels North 81° 00' 00" East 56.18 feet to a 5/8 inch steel rod; thence North 08° 56' 08" West parallel to the West line of MF 659, Page 910, said Deed Records 10.00 feet; thence South 81° 00' 00" West 56.18 feet to said West line; thence South 08° 56' 08" East 10.00 feet to the Point Of Beginning.

Containing 562 square feet of land, 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.

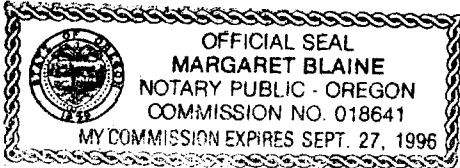
IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

*Louise D. Staley*  
 \_\_\_\_\_  
 Louise D. Staley

CITY OF ALBANY:

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 3332, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of February, 19 94.

*Steve Bryant*  
 \_\_\_\_\_  
 City Manager

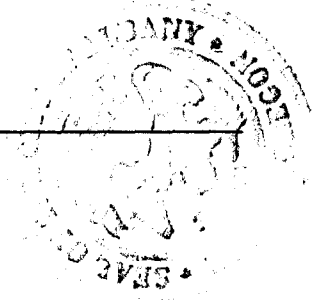
The foregoing instrument was acknowledged before me this 27th day of January, 19 94, by Louise D. Staley as her voluntary act and deed.

*Margaret Blaine*  
 \_\_\_\_\_  
 Notary Public for Oregon

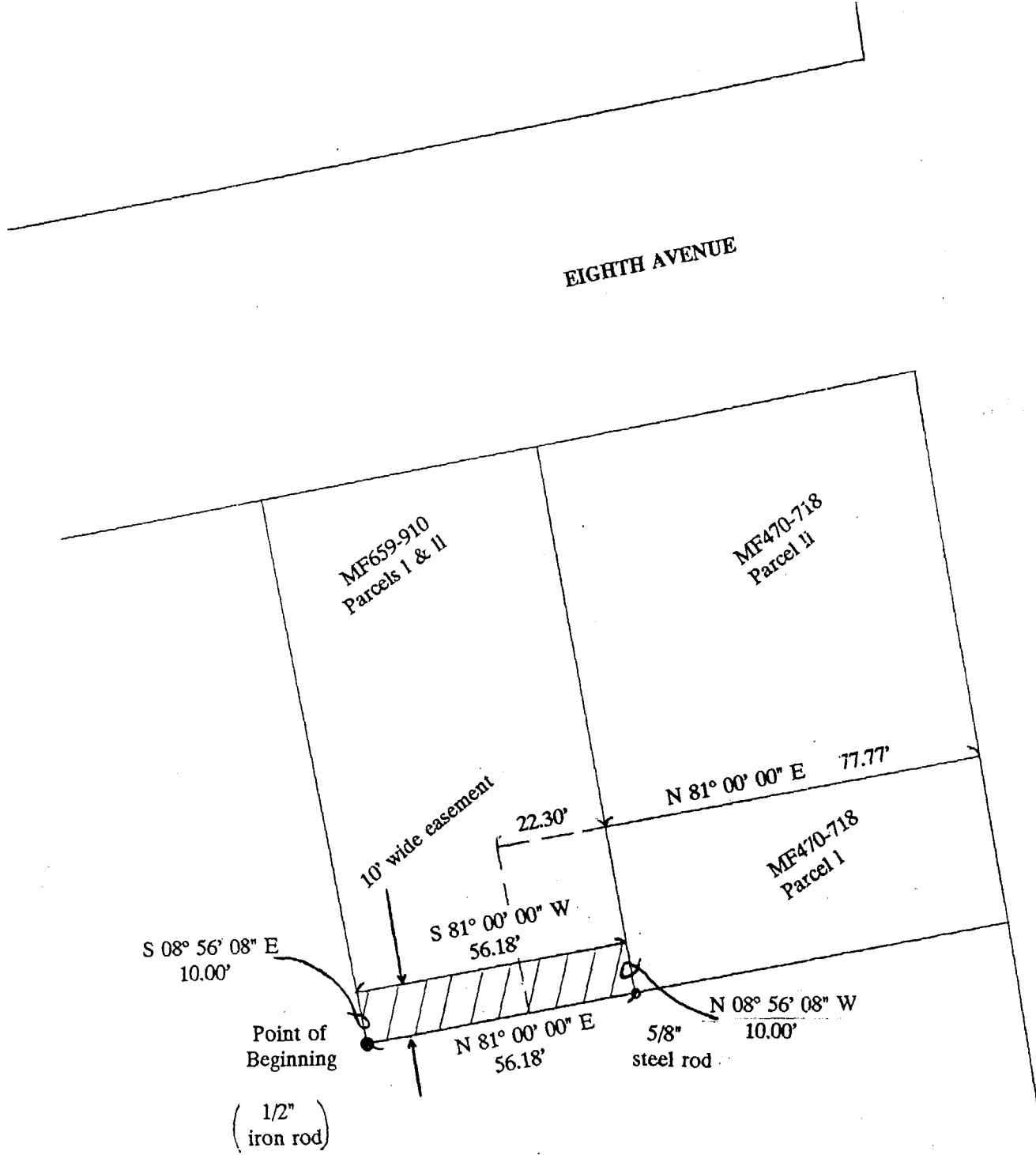
My Commission Expires: 9-27-96

ATTEST:

*Norm C. Withrow*  
 \_\_\_\_\_  
 City Recorder (Deputy)



VOL 0682 PAGE 538



25  
FEB 15 3 16 PM '94

STATE OF OREGON  
County of Linn

M 15  
R 12  
S 12  
A  
O

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

STEVE DRUCKENMILLER MF 682  
Linn County Clerk

By                     , Deputy PAGE 536

EXHIBIT A: 10' wide permanent public utility easement from Louise D. Staley to the City of Albany

Resolution No. 3332

Recorded Document Recorder File No. 2410