

RESOLUTION NO. 3360

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

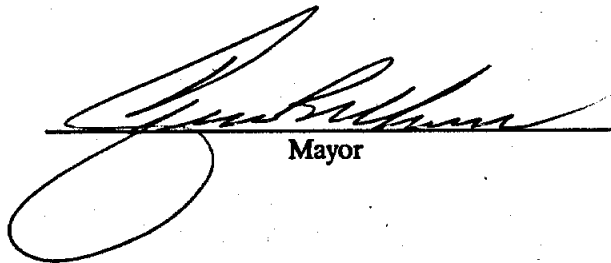
Grantor

Roger H. Reid and Forrest Reid

Purpose

a permanent public utility easement across an existing sanitary sewer per Site Plan Review Case No. SP-86-92

DATED this 25th day of May, 1994.



Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16 day of May, 1994, by and between Roger H. Reid and Forrest Reid, 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 ten-foot wide strip of land across that parcel conveyed to Roger H. Reid and Forrest Reid by deed recorded in Volume 594, Page 206, Linn County Microfilm Deed Records, said strip being a portion of Block 32, Albany, more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the South line of and 77.25 feet Easterly from the Southwest corner of Block 32, Albany; and running thence Easterly along the South line of said block 57.12 feet more or less to a point on the South line of and 134.37 feet Westerly from the Southeast corner of said block; thence Northerly parallel to the Easterly boundary of said Block 32 a distance of 109.98 feet more or less to the Northwest corner of the Southeast quarter of said block and the TRUE POINT OF BEGINNING; thence Westerly 57.12 feet to the Northwest corner of said Reid parcel; thence Southerly parallel with the Westerly line of said block 10 feet; thence Easterly parallel with the South line of said block 57.12 feet more or less to a point on the East line of said Reid tract; thence Northerly on said East line parallel to the Easterly boundary of said block 10 feet to the True Point of Beginning and there terminating.

Containing 571 square feet, 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:

Roger H. Reid

Forrest Reid

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 3360, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of June, 1994.

Steve Bryant
City Manager

ATTEST:

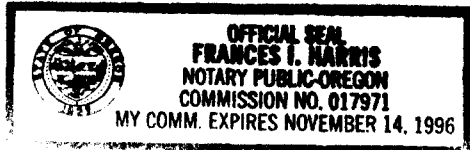
Norm C. Withrow
City Recorder - Deputy

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

The foregoing instrument was acknowledged before me this 16 day of May, 1994, by Roger H. Reid and Forrest Reid as their voluntary act and deed.

Francis I. Harris
Notary Public for Oregon

My Commission Expires: 11-14-96

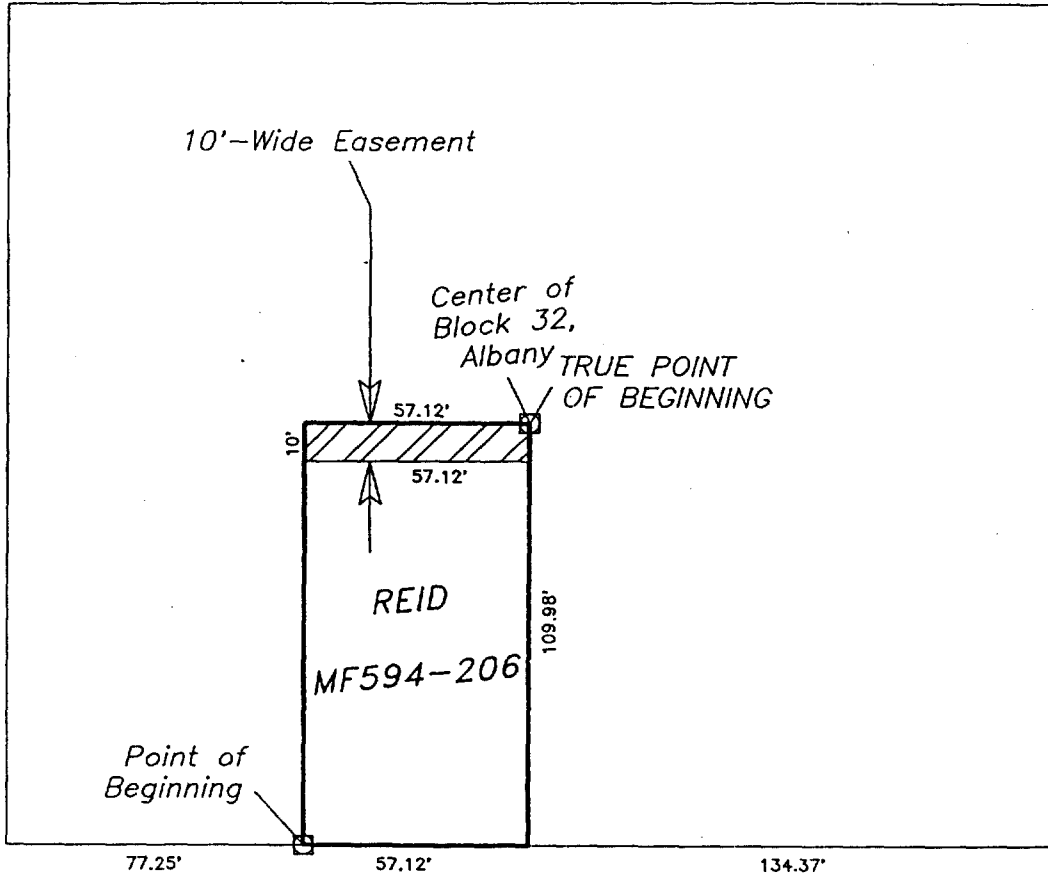




5th Avenue

Broadalbin Street

ELLSWORTH STREET



6th Avenue

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/NOVEMBER 1993

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 *PA*, Deputy

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EXHIBIT A:
10-Foot Wide Permanent Easement
from Roger H. Reid and Forrest Reid
to the City of Albany

Resolution No. 3360

Recorded Document Recorder File No. 2470