

RESOLUTION NO. 3431

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

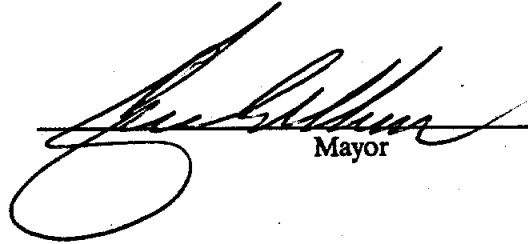
Grantor

Gloria B. Bird and Alvin Kampstra

Purpose

a permanent public utility easement (for a sanitary sewer constructed under SI-95-5) located at 1960 Geary Street SE

DATED this 26th day of October, 1994.

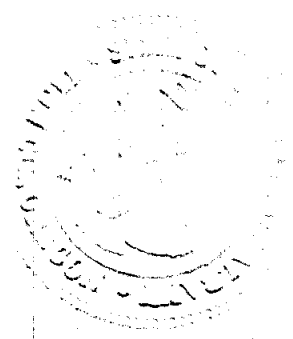


Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6 day of October 1994, by and between Gloria B. Bird and Alvin Kampstra, 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 twenty-foot wide strip of land across that parcel conveyed to Grantor by deed recorded in Volume 522, Page 797, Linn County Microfilm Deed Records, being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is South 01° 38' 00" East 1,049.38 feet and South 88° 51' 00" West 30.00 feet from the northeast corner of Donation Land Claim Number 52, in the Southwest Quarter of Section 8, Township 11 South, Range 3 West, of the Willamette Meridian, said beginning point also being North 01° 38' 00" West 2.00 feet from the southeast corner of said MF 522, Page 797; thence South 88° 51' 00" West 345.00 feet; thence North 01° 09' 00" West 20.00 feet; thence North 88° 51' 00" East 344.83 feet; thence South 01° 38' 00" East 20.00 feet to the Point of Beginning.

Containing 6,898 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.

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

GRANTOR:

Gloria B Bird
Gloria B Bird

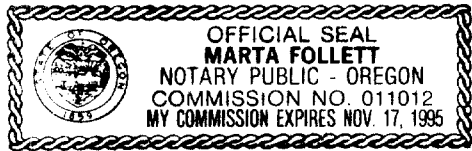
Alvin Kampstra
Alvin Kampstra

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

The foregoing instrument was acknowledged before me this 6th day of October, 1994, by Gloria B Bird and Alvin Kampstra as their voluntary act and deed.

Marta Follett
Notary Public for Oregon

My Commission Expires: 11-17-95



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 3431, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of October, 1994.

Steve Bryant
City Manager

ATTEST:

Norm C. Wetherow
City Recorder



NE CORNER
DLC No. 52

QUEEN AVENUE

OAK STREET

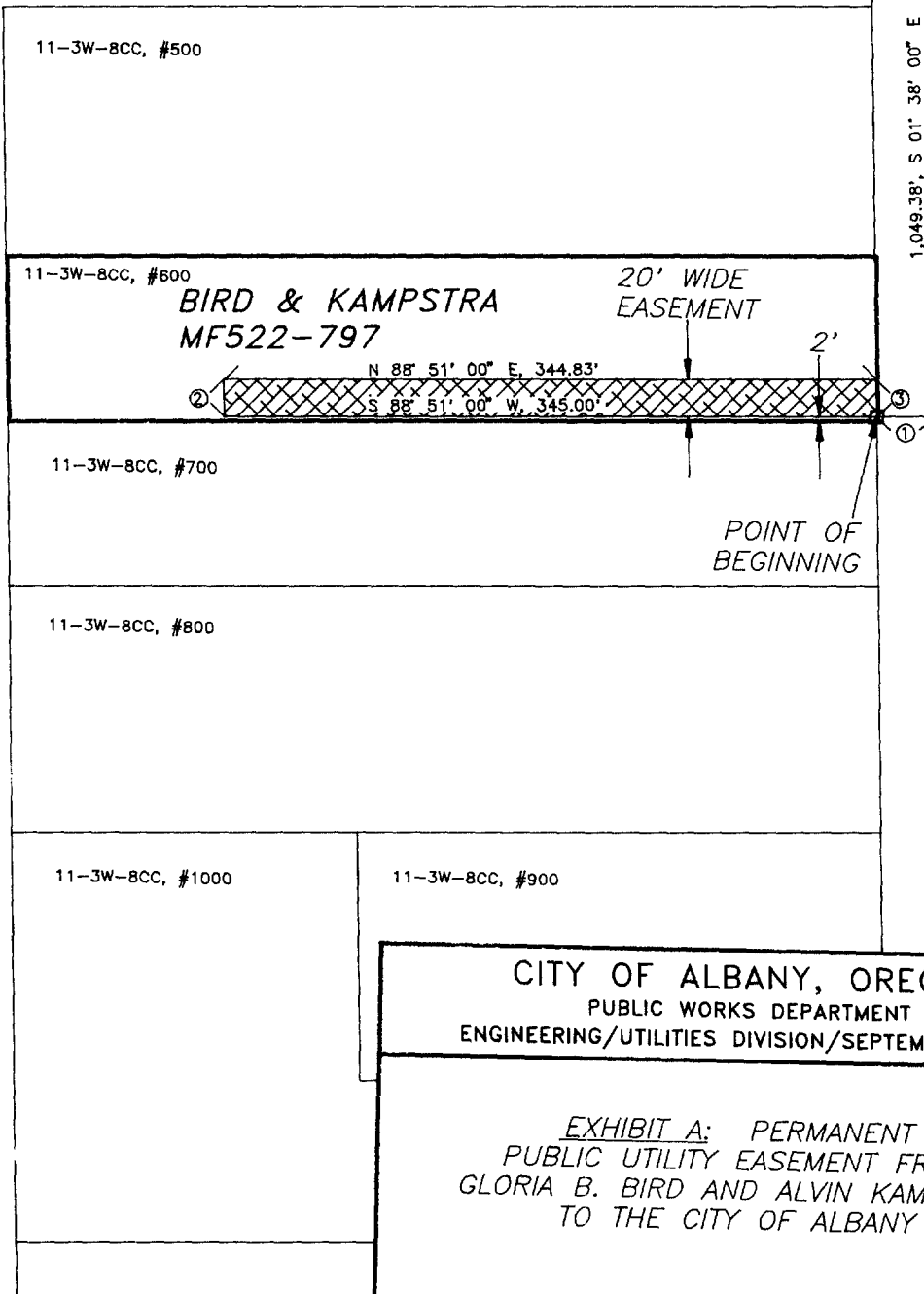
SCALE: 1" = 100'



1,049.38', S 01° 38' 00" E

GEARY STREET

- ① 30.00', S 88° 51' 00" W
- ② N 01° 09' 00" W, 20.00'
- ③ S 01° 38' 00" E, 20.00'



8:30 O'clock a.m. 25
NOV 01 1994

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 MF 723

By *[Signature]*, Deputy PAGE 282

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/SEPTEMBER 1994

EXHIBIT A: PERMANENT
PUBLIC UTILITY EASEMENT FROM
GLORIA B. BIRD AND ALVIN KAMPSTRA
TO THE CITY OF ALBANY

Resolution No. 3431

Recorded Document Recorder File No. 2536