

RESOLUTION NO. 3437

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

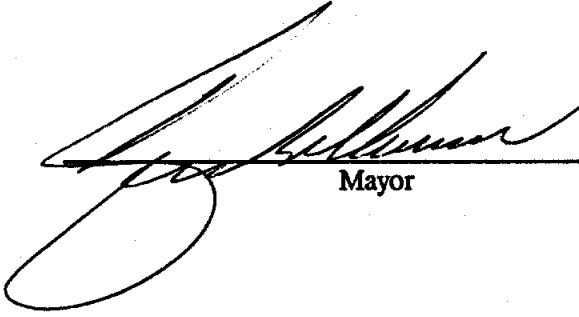
Grantor

C. Robert Hall

Purpose

a permanent public utility easement (over an existing sanitary sewer line) across property located at 920 Eighth Avenue SW

DATED this 16th day of November, 1994.



Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5th day of October, 1994, by and between C. Robert Hall, 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

C. Robert Hall

C. Robert Hall

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 3437, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 16th day of November, 1994.

Steve Bryant
 City Manager

ATTEST:

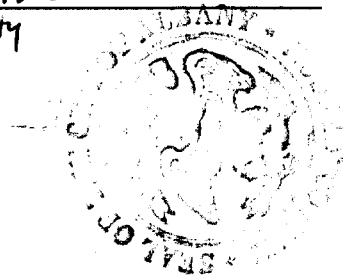
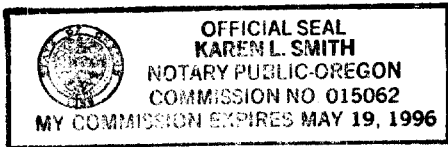
Norm C. Withrow
 City Recorder - Deputy

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

The foregoing instrument was acknowledged before me this 12 day of October, 1994, by C. Robert Hall as his voluntary act and deed.

Karen L. Smith
 Notary Public for Oregon

My Commission Expires: 5-19-96





EIGHTH AVENUE

WALNUT STREET

MF659-910
Parcels 1 & II

MF470-718
Parcel II

MF470-718
Parcel I

10' wide easement

S 08° 56' 08" E
10.00'

S 81° 00' 00" W
56.18'

N 81° 00' 00" E 77.77'

N 81° 00' 00" E
56.18'

N 08° 56' 08" W
10.00'

Point of Beginning

(1/2" iron rod)

5/8" steel rod

STATE OF OREGON
County of Linn

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

By [Signature], Deputy
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M 75
S 70
A 0
727

DEC 05 1994

8:30 O'clock a.m.

25

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Recorded Document Recorder File No. 2555