

RESOLUTION NO. 3465

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

Grantor

Chung Ping Lee

Purpose

a permanent public utility easement across property located at 1206 SE 9th Avenue

DATED this 25 day of January, 1995.



ATTEST:



Mayor



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11th day of JANUARY 1995, by and between **Chung Ping Lee**, 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 permanent public utility easement across those parcels conveyed to Chung Ping Lee by deeds recorded in Volume 664, Page 699 and in Volume 658, Page 613, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is North 81° 45' East 342.0 feet and North 8° 15' West 80.0 feet from the Northwest Corner of Block 2, Hackleman's Grove Addition, a subdivision of record in Section 7, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence North 8° 15' West, parallel with Main Street, 294.2 feet to a point on the southerly right-of-way line of 9th Avenue; thence North 81° 45' East, on said southerly right-of-way, 10.0 feet; thence South 8° 15' East, parallel with Main Street, 294.2 feet; thence South 81° 45' West 10.0 feet to the Point of Beginning.

Containing 0.068 acre 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:

Chung Ping Lee

Chung Ping Lee

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 3465, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of January, 19 95.

Steve Bryant

City Manager

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

The foregoing instrument was acknowledged before me this 14th day of January 19 95, by Chung Ping Lee as his/her/their voluntary act and deed.

Carla Friedt

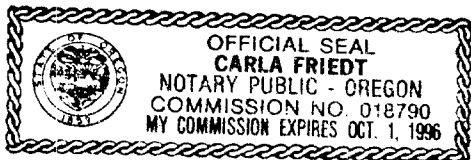
Notary Public for Oregon

ATTEST:

Norm C. Wilton

City Recorder (Deputy)

My Commission Expires: 10-1-96



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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R 75
S 70
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MF 734

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8:30 O'clock a.m.

JAN 30 1995

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Recorded Document Recorder File No. 2578