

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

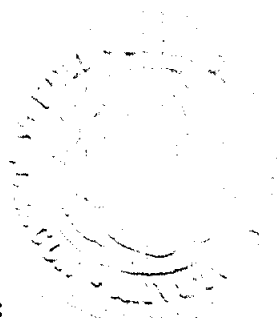
Grantor

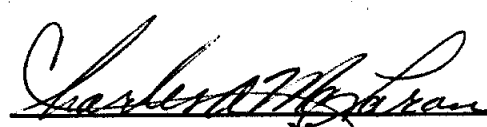
Marvin Lindberg and Marsha (Grill) Lindberg

Purpose

A permanent public utility easement across that property in Linn County Deed Reference MF Volume 664, Pg. 478.

DATED this 28th day of June 1995.





Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of June, 1995, by and between Marvin Lindberg and Marsha (Grill) Lindberg, 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 20 foot wide permanent public utility easement across the property in Linn County Deed Reference MF Vol. 664, Pg. 478, more particularly described as follows and as shown on the attached map labelled exhibit "A".

Beginning at a point, said point being a 5/8 inch iron rod on the Westerly right-of-way of U.S. Highway 99 East, said point is also North 06°30'39" West 297.07 feet from the Northeast corner of the Robert E. Harmon DLC No. 77; thence South 88°34'49" West 321.0 to its terminus point. The granted 20 foot wide easement is centered on the 321.00 foot easement line, 10 feet on either side.

The permanent public utility easement contains 6,420.00 square feet.

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.

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

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

GRANTOR:

Marvin D. Lindberg
Marvin D. Lindberg

Marsha (Grill) Lindberg
Marsha (Grill) Lindberg

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

The foregoing instrument was acknowledged before me this 14 day of June, 1995, by Marvin D. Lindberg and Marsha (Grill) Lindberg as his/her/their voluntary act and deed.

Carolyn A Phillips
Notary Public for Oregon

My Commission Expires: Aug 8, 1997

Lindberg.eas

LA-03-95



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 3528, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of June, 1995.

Steve Bryant
City Manager

ATTEST:

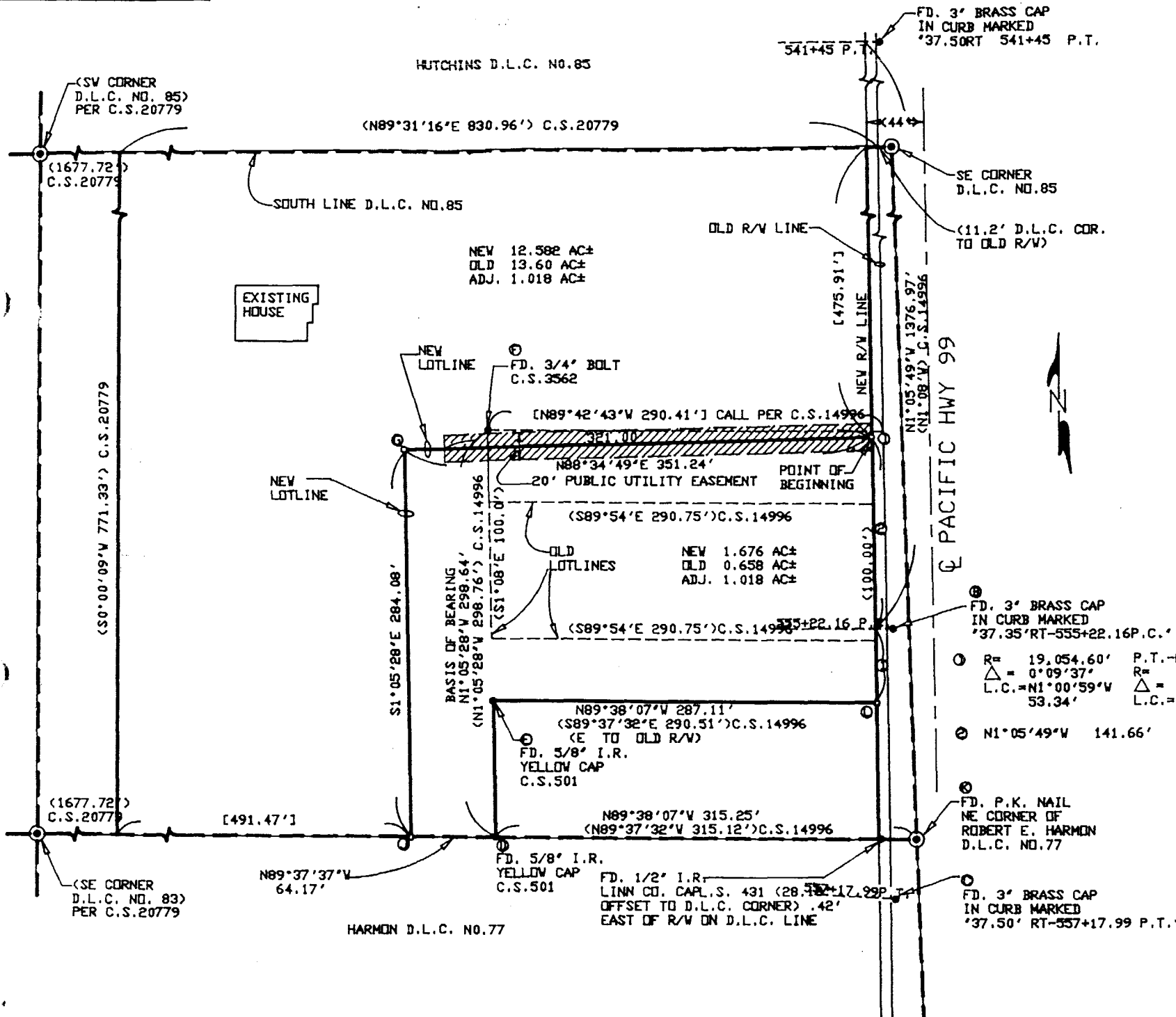
Norm C. Withers
City Recorder (Deput)



EXHIBIT "A"

CITY OF ALBANY, PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION
 IN THE NE1/4 OF SEC. 24, T.11S., R.4W., W.M.
 CITY OF ALBANY, LINN COUNTY, OREGON
 SCALE: 1" = 100' JANUARY 12, 1995

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- LEGEND:**
- MONUMENT FOUND AS NOTED
 - MONUMENT SET 5/8" x 30" IRON ROD WITH RED PLASTIC CAP STAMPED JIM UDELL RLS 1366
 - () DATA OF RECORD REFERENCES: COUNTY SURVEYS: 3542, 14996, 19800, 20779, AND 21089
 - [] CALCULATED DATA

OWNER: SHORTY LINDBERG
DEED REFERENCE: LINN COUNTY MICROFILM VOL. 664, PG. 479
SURVEY REFERENCE: LINN COUNTY SURVEY NO. 21180

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 September 23, 1977
JIM UDELL
 1366
 EXPIRES 06-30-96

DESIGNED 0072
 DRAWN 1366
JAMES F. UDELL
 ENGINEERING & SURVEYING
 32388 BERLIN ROAD
 LEBANON, OREGON 97355
 PH. (503) 451-5125

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

M
R 15
S 20
A
O

JUN 29 3 54 PM '95

MF 754
PAGE 34

Resolution No. 3528

Recorded Document Recorder File No. 2612