

RESOLUTION NO. 3655

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

Grantor

Melvin M. Johnson, D.M.D., a fee simple estate

Purpose

A 15.00-foot-wide permanent utility easement conveyed in Linn County Deed Records, Volume 656, Page 384.

DATED THIS 12TH DAY OF JUNE 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of MAY, 1996, by and between **Melvin M. Johnson, D.M.D., a fee simple estate**, 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 15.00-foot wide permanent utility easement across that property conveyed to Melvin M. Johnson, D.M.D. in Volume 656, Page 384, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a 5/8"rod that is North 89° 34' West 148.58 feet from a 5/8" rod that is South 0°55' East 717.38 feet from a point that is North 89°34' West 39.08 feet and North 0°55' West 1711.04 feet from the Northwest corner of the Truett Davis Donation Land Claim #38, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; thence North 89°34' West 15.00 feet; thence North 0°26' East 125.75 feet; thence North 89°34' West 148.33 feet; thence North 0°22' 30" East 15.00 feet; thence South 89°34' East 163.33 feet; thence South 0°26' West 140.75 feet to the point of beginning.

Containing 0.10 acres of land, more or less. The basis of bearings of the above described parcel is Linn County Survey No. 19493.

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 there from.
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:

*Melvin M. Johnson*  
Melvin M. Johnson

CITY OF ALBANY:

STATE OF OREGON )  
County of Linn ) ss.  
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 3655, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of June, 1996.

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of May 1996, by Melvin M. Johnson as his/her/their voluntary act and deed.

*C. Marie Swander*  
Notary Public for Oregon

*Steve Bryant*  
City Manager

My Commission Expires: 7/29/96

ATTEST:

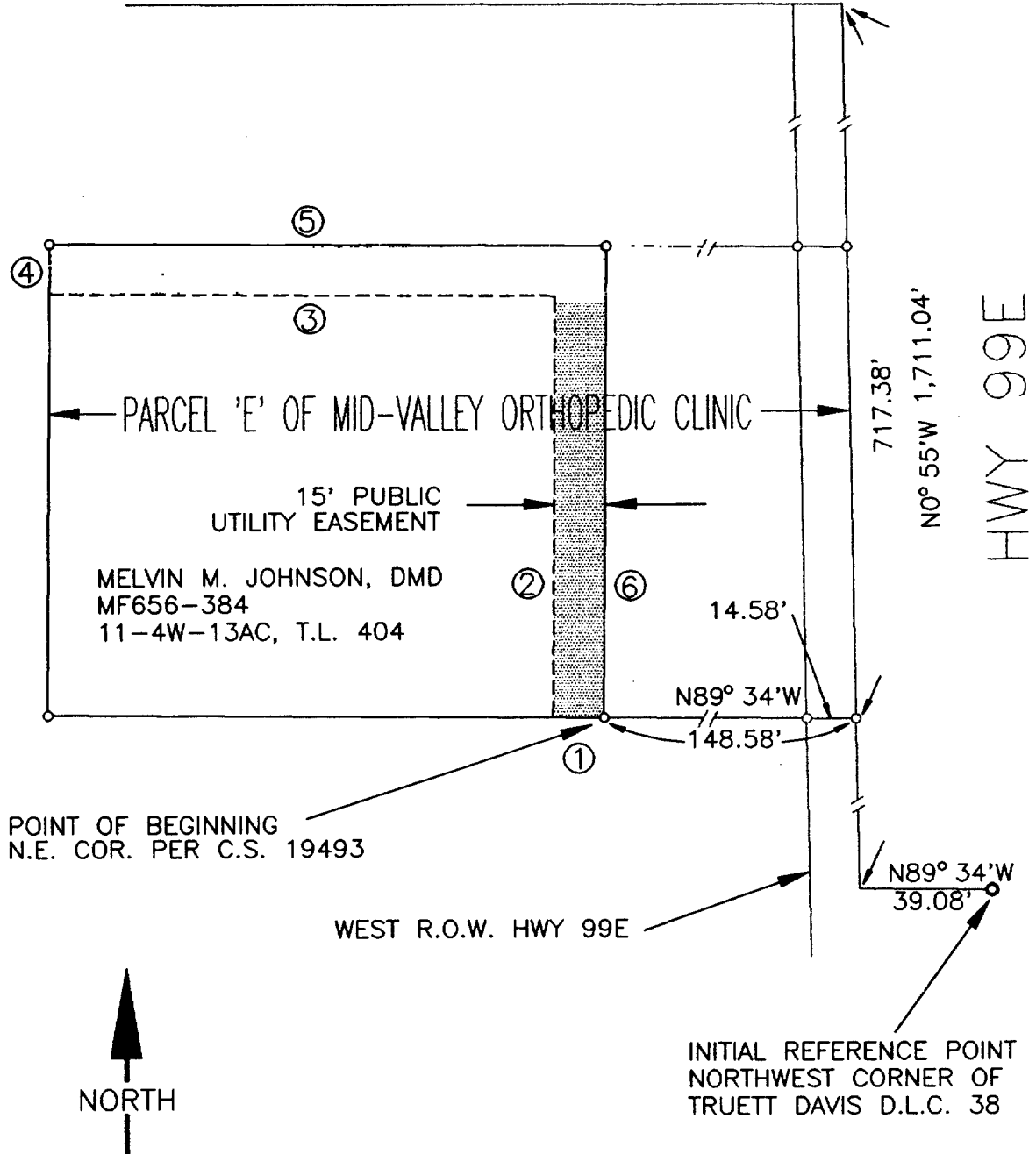


*[Signature]*  
City Recorder

melvin.eas

WL-95-4

29TH AVENUE



SCALE: 1" = 50'  
 BASIS OF BEARINGS = C.S. 19493

- ① N 89° 34' W, 15.00'
- ② N 0° 26' E, 125.75'
- ③ N 89° 34' W, 148.33'
- ④ N 0° 22' 30" E, 15.00'
- ⑤ S 89° 34' E, 163.33'
- ⑥ S 0° 26' W, 140.75'

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

EXHIBIT A:  
 15' PUBLIC UTILITY EASEMENT  
 FROM MELVIN M. JOHNSON, DMD  
 TO THE CITY OF ALBANY, OREGON

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 RV, Deputy

M  
R 15  
S 10

A  
O

MF 810

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