

RESOLUTION NO. 3908

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

MICHAEL FREDETTE and JANET FREDETTE

Purpose

A 12.5-foot wide permanent public utility easement described in attached "EXHIBIT A" and shown in attached "EXHIBIT B."

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 11TH DAY OF FEBRUARY 1998.


Mayor

ATTEST:



City Recorder



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EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16th day of January, 1998, by and between MICHAEL FREDETTE and JANET FREDETTE, husband and wife, 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:

See legal description on attached Exhibit "A" and map on attached Exhibit "B", (pages 3 and 4 approved by Fredette's).
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 \$2,000.00 paid by Mark Siegner 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, including but not limited to the replacement of trees, shrubbery, landscaping, and structures, alike.
6. No permanent structure shall be constructed on this easement. Driveways, shrubbery and landscaping are acceptable.

Return to City of Albany, PO Box 495, Albany, OR 97321

IN WITNESS WHEREOF the Grantors have officially approved the foregoing and acknowledged the same by the signatures set forth below.

GRANTORS:

[Signature]
Michael Fredette

[Signature]
Janet Fredette

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 3908 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11 day of February 1998.

STATE OF OREGON)
County of Linn) ss.

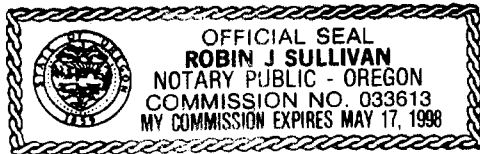
[Signature]
City Manager

The foregoing instrument was acknowledged before me this 11 day of January 1998, by Michael Fredette and Janet Fredette.

ATTEST:

[Signature]
City Recorder

[Signature]
Notary Public for Oregon
My Commission Expires: 5/17/98



K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

PUBLIC UTILITY EASEMENT FOR TAX LOT 5900 (FREDETTE TRACT)

A 12.5 foot wide public utility easement bounded and described as follows:

Beginning at the northwest corner of Lot 8, Block 1 of "R.L. Burkhart Addition" to the City of Albany, a subdivision of record in Linn County, Oregon said point being on the southerly right-of-way line of a 60 foot wide right-of-way known as Salem Avenue; thence North 79°35'00" East along the southerly right-of-way line of said Salem Avenue a distance of 65.28 feet; thence South 34°35'00" West 17.68 feet; thence South 79°35'00" West, parallel with the southerly right-of-way line of said Salem Avenue a distance of 54.83 feet to a point on the west line of said Lot 8; thence along the west line of said Lot 8 North 1°03'00" West 12.67 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David M. Dean

OREGON
JULY 13, 1984
DAVID M. DEAN
2090

RENEWAL DATE 12/31/98

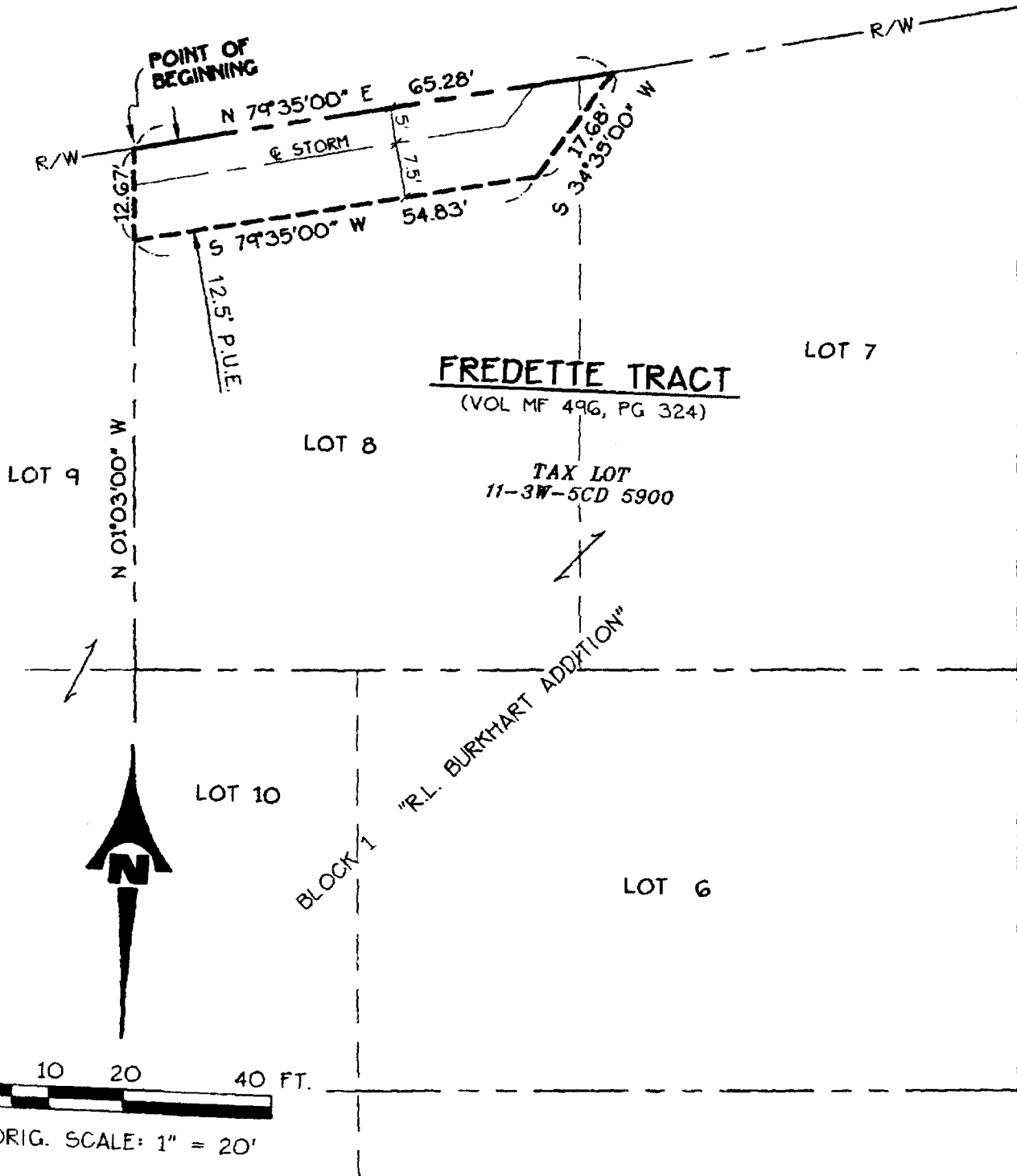
January 14, 1997
PUBLIC UTILITY EASEMENT-FREDETTE TRACT
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File Ref: nlm\legals\PUE for TL5900 (Fredette).doc

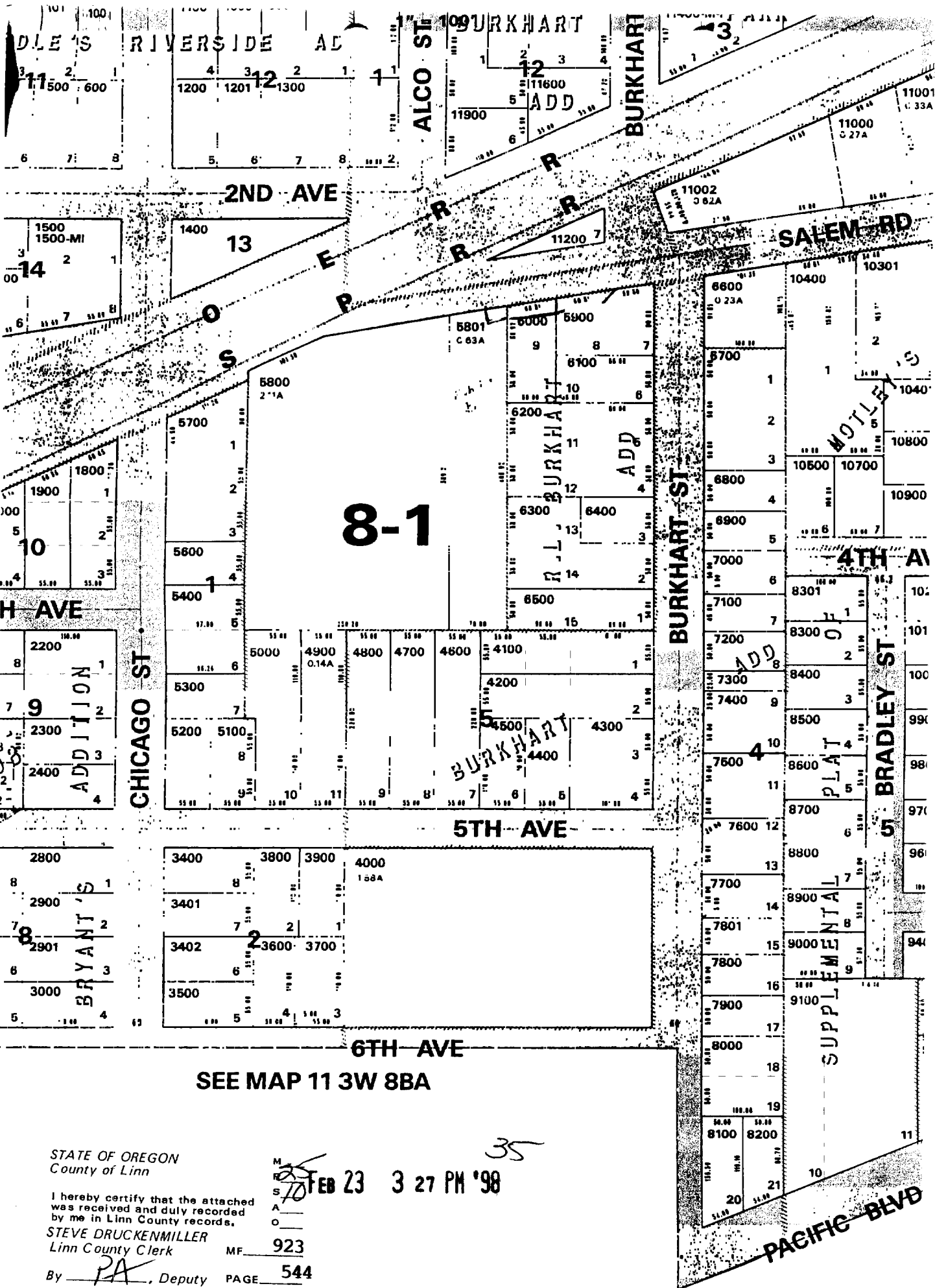
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EXHIBIT "B"

SALEM AVE.

Burkhart St.





SEE MAP 11 3W 8BA

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 923

By PA, Deputy

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Resolution No. 3908

Recorded Document Recorder File No. 3105