

RESOLUTION NO. 39099

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

DAVID K. SMITH and BARBARA ANN SMITH

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23rd day of January, 1998, by and between DAVID K. SMITH and BARBARA ANN SMITH, 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"
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, PC Box 490, Albany, OR 97321

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

GRANTORS:

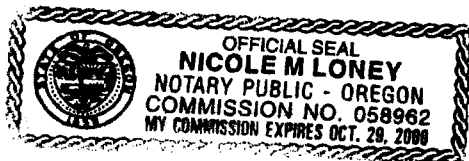
David K. Smith
David K. Smith

Barbara Ann Smith
Barbara Ann Smith

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 23rd day of January, 1998, by David K. Smith and Barbara Ann Smith.

Nicole M. Loney
Notary Public for Oregon
My Commission Expires: 10-29-00



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 3909 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11 day of February, 1998.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

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K & D ENGINEERING, Inc.

EXHIBIT "A" Engineers • Planners • Surveyors

PUBLIC UTILITY EASEMENT FOR TAX LOT 6000 (SMITH TRACT)

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

Beginning at the northwest corner of Lot 9, 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 60.81 feet to the northeast corner of said Lot 9; thence South 1°03'00" East along the east line of said Lot 9 a distance of 12.67 feet; thence South 79°35'00" West, parallel with the southerly right-of-way line of said Salem Avenue a distance of 60.81 feet to the east line of said Lot 9; thence North 1°03'00" West along the east line of said Lot 9 a distance of 12.67 feet to the Point of Beginning

REGISTERED PROFESSIONAL LAND SURVEYOR

David M. Dean

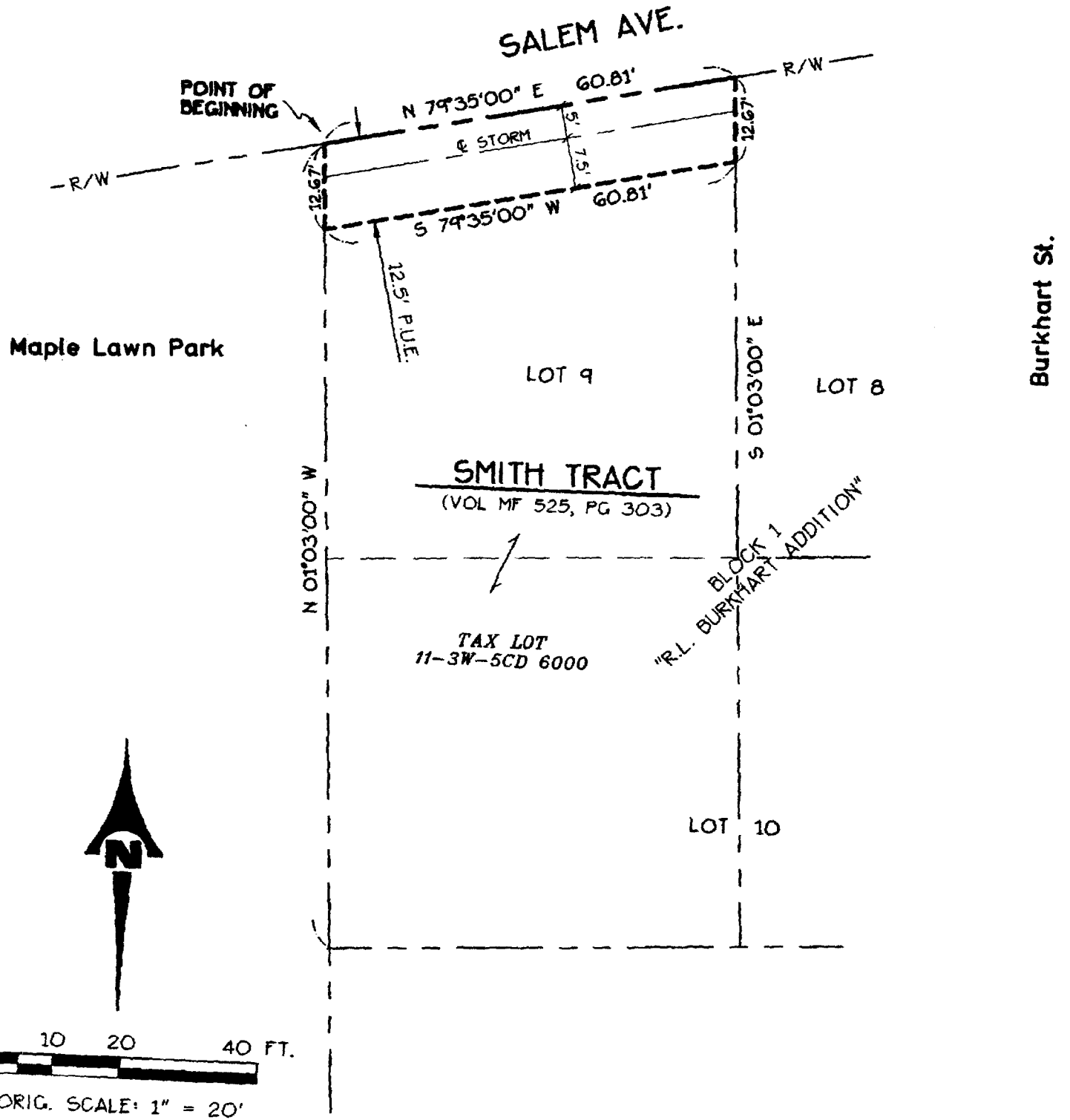
OREGON JULY 13, 1984 DAVID M. DEAN 2090

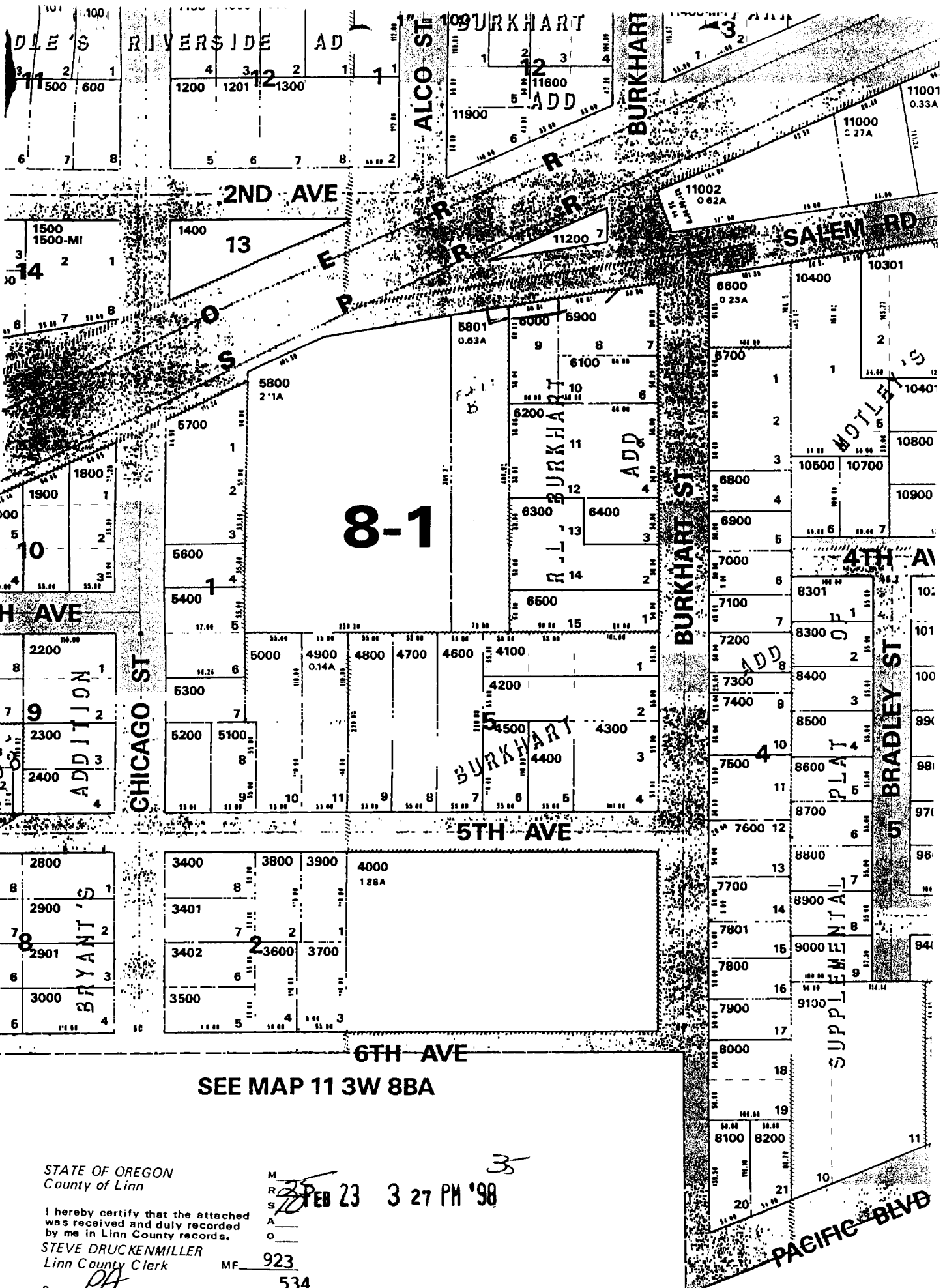
RENEWAL DATE 12/31/98

January 14, 1997
PUBLIC UTILITY EASEMENT-SMITH TRACT
DMD:ls (97-70)
File Ref: nlm\legals\PUE for TL6000 (Smith).doc

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EXHIBIT "B"





SEE MAP 11 3W 8BA

STATE OF OREGON
County of Linn

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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. 3909

Recorded Document Recorder File No. 3106