

RESOLUTION NO. 4035

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Hopton Technologies, Incorporated

Purpose

A permanent public utility easement, 15 feet in even width, as shown in attached "Exhibit A" and described in attached "Exhibit B."

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 18TH DAY OF NOVEMBER 1998.



Council President

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30th day of October, 1998, by and between **Hopton Technologies, Incorporated**, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 foot wide permanent public utility easement more particularly shown in attached EXHIBIT "A" and described in 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, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does 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 - Recorder
P.O. Box 430, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Hopton Technologies, Incorporated

By: [Signature]
Verson Pandian, President

STATE OF OREGON)
County of _____) ss.
City of _____)

The foregoing instrument was acknowledged before me this 30th day of October, 1998, by Verson Pandian as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 2/18/01



Hopton Technologies, Incorporated

By: [Signature]
Jill Pandian, Secretary

STATE OF OREGON)
County of _____) ss.
City of _____)

The foregoing instrument was acknowledged before me this 30th day of October, 1998, by Jill Pandian as her voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 2/18/01



CITY OF ALBANY:

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

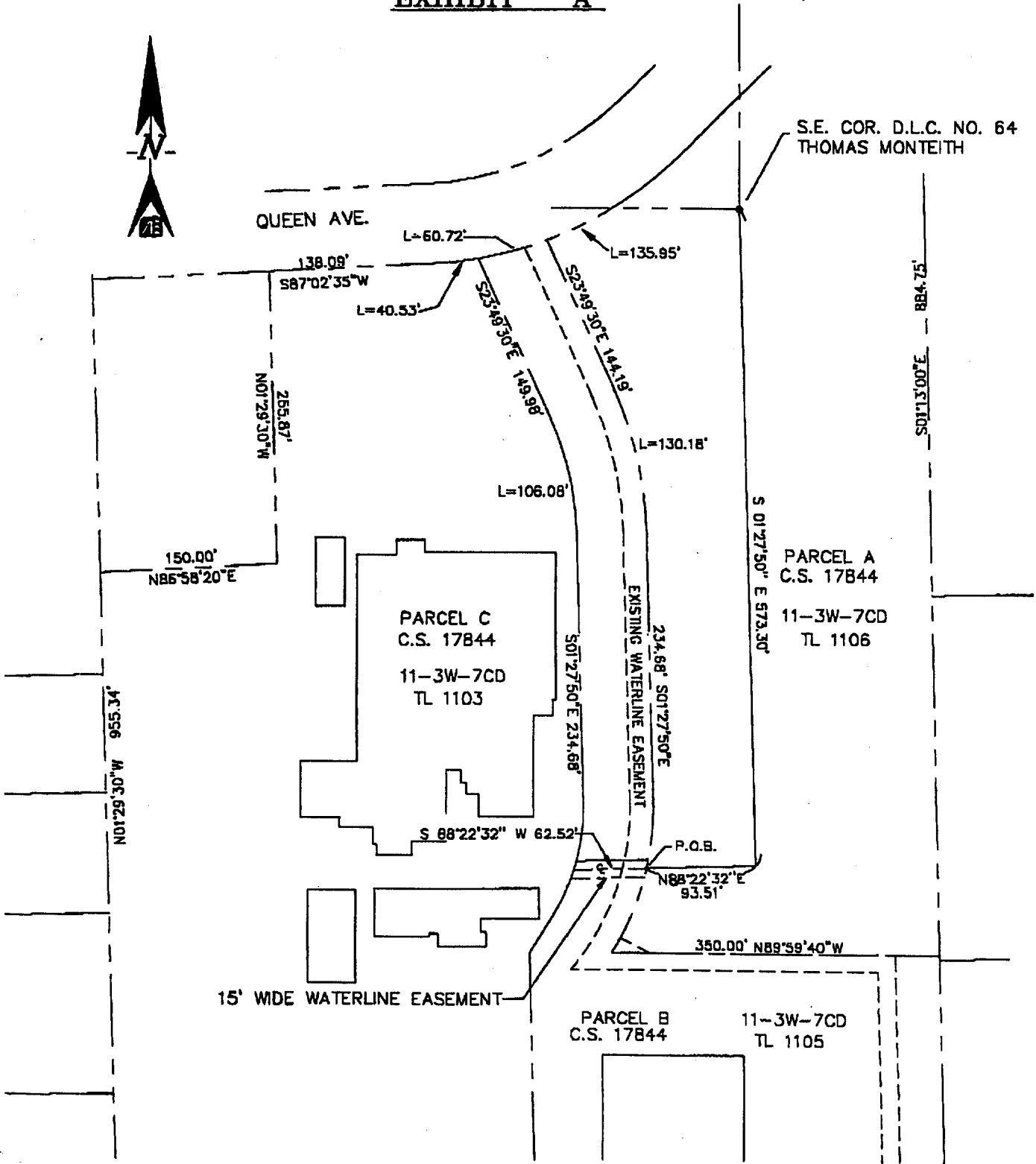
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4035 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 18 day of November, 1998.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

EXHIBIT "A"



ABIQUA ENGINEERING, INC.

1900 St. N. E., SALEM OR. 97303
(503)391-2864



EXHIBIT "B"

Waterline Easement

A parcel of land 15 feet wide, as shown on attached exhibit "A" situated within Parcel B County Survey 17844 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon. The center line of said parcel is more particularly described as follows:

Beginning at a point on the East property line of Parcel B and West property line of the Parcel A County Survey 17844 Linn County. Said point is South 1° 27' 50" East 573.30 feet and South 88° 22' 32" West 93.51 feet from the Southeast corner of the Thomas Monteith Donation Land Claim No. 64 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;
Thence South 88° 22' 32" West 62.52 feet to the terminus of said center line, at a point on the West property line of Parcel B.

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 JA, Deputy

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Recorded Document Recorder File No. 3276