

RESOLUTION NO. 4040

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen

Purpose

Three permanent public utility easements granted to the City of Albany as shown on attached map labeled Exhibit B.

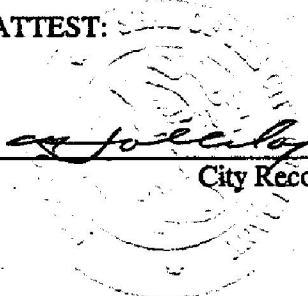
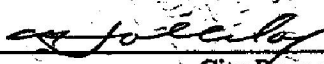
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 2ND DAY OF DECEMBER 1998.



Mayor

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 2nd day of November, 1998, by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen, 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 permanent public water line easement, 20-feet in even width as described in the attached legal description labeled Exhibit A and as shown on the map labeled Exhibit B.
 - A permanent public sanitary sewer easement, 20-feet in even width as described in the attached legal description labeled Exhibit C and as shown on the map labeled Exhibit B.
 - A permanent public water line easement, 15-feet in even width as described in the attached legal description labeled Exhibit D and as shown on the map labeled 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 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.

Justin A. Barton

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

Easement for public utilities by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen.

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

GRANTOR:

[Signature]
Justin A. Barton

CITY OF ALBANY:

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

STATE OF OREGON

County of Multnomah
City of Portland

The foregoing instrument was acknowledged before me this 7th day of November 1998, by their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4040, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 2 day of December 1998.

[Signature]
Notary Public for Oregon
My Commission Expires: 2-21-00

[Signature]
City Manager



ATTEST:

[Signature]
City Recorder

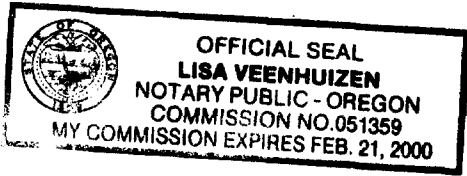
Easement for public utilities by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen.

Janet Barton
Janet Barton

STATE OF OREGON)
County of Multnomah
City of Portland)

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before me this 7th day of November
1998, by their voluntary act and deed.

[Signature]
Notary Public for Oregon)
My Commission Expires 2-21-00



Easement for public utilities by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen.

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Easement for public utilities by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen.

Page 1 of 9

Larry Smith 11-4-98

Easement for public utilities by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen.

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Contra Costa

On November 4, 1998 before me, Linda Stepanovich

personally appeared Larry Lee Smith

personally known to me - OR - appeared to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda Stepanovich Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Easement for Public Utilities

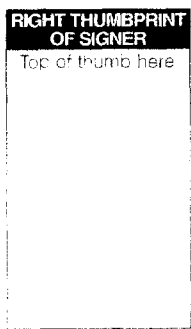
Document Date: November 4, 1998 Number of Pages: One Page

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name:

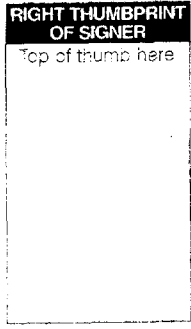
- Individual
Corporate Officer
Partner - Limited General
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

Signer's Name:

- Individual
Corporate Officer
Partner - Limited General
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

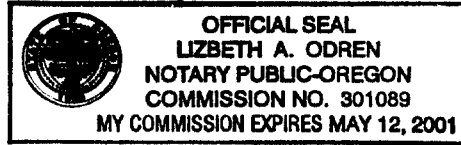
[Handwritten signature]

Lisa Veenhuizen

STATE OF OREGON)
County of Multnomah)
City of Portland)

The foregoing instrument was acknowledged before me this 5th day of November 1998, by their voluntary act and deed.

[Handwritten signature]
Notary Public for Oregon
My Commission Expires: 5-12-01



Domestic Water Easement

A 20 foot wide Domestic Water Easement, centered on the following described centerline:

Beginning at a point that is South 01°14'00" East 25.00 feet and North 40°50'06" East 300.00 feet from the Southeast corner of Lot 11 of the Birky and Beam Addition to Hollywood Acres, as said Plat is recorded in the Linn County Book of Town Plats in Volume 8, Page 39; thence running North 42°19'40" West 21.00 feet to its terminus.

Sanitary Sewer Easement

A 20 foot wide Sanitary Sewer Easement, centered on the following described centerline:

Beginning at a point on the East line of the Birky and Beam Addition to Hollywood Acres, as said Plat is recorded in the Linn County Book of Town Plats in Volume 8, Page 39, said point being North 01°11'34" West 50.41 feet from the Southeast corner of Lot 7 of said Birky and Beam Addition; thence running North 86°50'13" East 114.38 feet to it point of terminus.

Domestic Water Easement

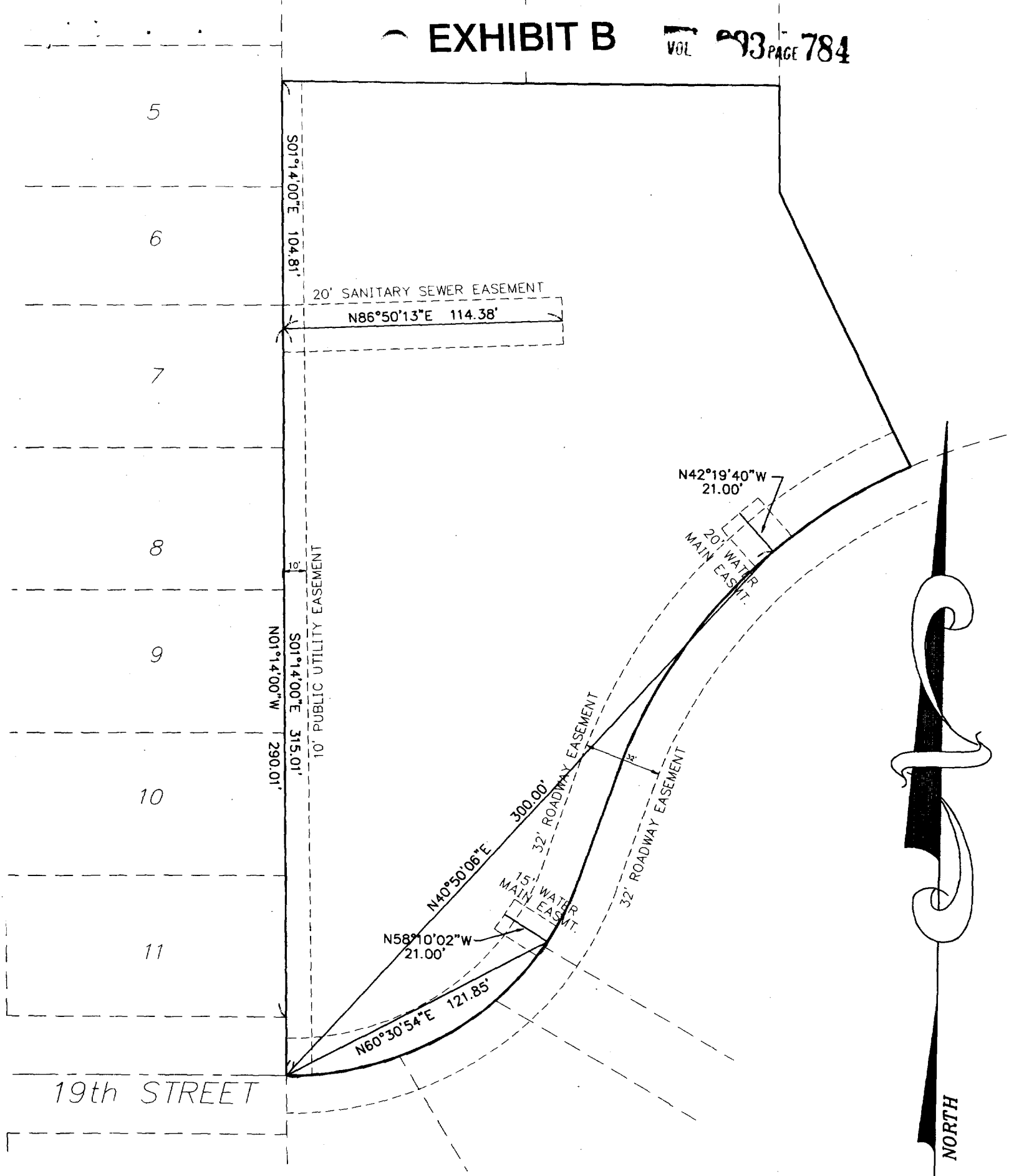
A 15 foot wide Domestic Water Easement, centered on the following described centerline:

Beginning at a point that is South 01°14'00" East 25.00 feet and North 60°30'54" East 121.85 feet from the Southeast corner of Lot 11 of the Birky and Beam Addition to Hollywood Acres, as said Plat is recorded in the Linn County Book of Town Plats in Volume 8, Page 39; thence running North 58°10'02" West 21.00 feet to its terminus.

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EXHIBIT B

VOL 93 PAGE 784



Easement for public utilities by and between Justin A. Barton, Janet Barton, Larry Smith, and Lisa Veenhuizen.

SCALE:
1" = 50'

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
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S 40
A
O

MF 993

PAGE 775

DEC 7 3 27 PM '98

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Resolution No. 4040

Recorded Document Recorder File No. 3296