

RESOLUTION NO. 4062

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

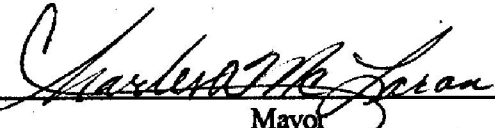
Kevin Kropf

Purpose

A permanent public utility easement, 10 feet in even width, described in the attached Easement for Public Utilities, dated December 15, 1998, and as shown in the attached "Exhibit A" as a sanitary sewer easement.

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

DATED THIS 13TH DAY OF JANUARY 1999.



Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of December, 1998, by and between Kevin Kropf, herein 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 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 utility easement across that property conveyed to Kevin Kropf by deed recorded in Volume 915, Page 369, Linn County Microfilm and Deed Records, said easement being more particularly described as follows and shown on the attached map labeled Exhibit A:

An easement being 10 feet in width, the west line of which is described as follows: Beginning at the northwest corner of Lot 5, Block 1 of Hackleman's Grove Addition to the City of Albany, Linn County, Oregon; thence South 8° 55' 34" East 65.80 feet to the southwest corner of said Lot 5; thence continuing South 8° 55' 34" East 15 feet, and there terminating.

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.

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

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:

[Handwritten Signature]

Kevin Kropf

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 40102, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of January, 1998/9

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

The foregoing instrument was acknowledged before me this 13th day of December, 1998, by his voluntary act and deed.

[Handwritten Signature]

City Manager

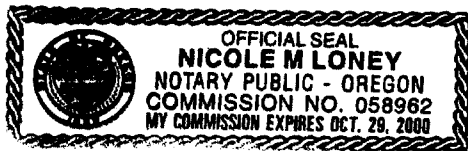
ATTEST:

[Handwritten Signature]

Notary Public for Oregon
My Commission Expires: 10/29/00

[Handwritten Signature]

City Recorder



Resolution No. 4062

Recorded Document Recorder File No. 3329