

RESOLUTION NO. 4152

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Allen Roberts as agent for Allen Roberts,
Janice Roberts, Larry Roberts,
And Mary Roberts

Purpose

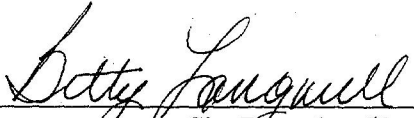
A permanent 5.00 feet wide easement for public
sidewalk installation and maintenance.

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

DATED THIS 28TH DAY OF JULY 1999.


Mayor

ATTEST:


City Recorder Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30th day of June, 1999, by and between Allen Roberts as agent for Allen Roberts, Janice Roberts, Larry Roberts, and Mary Roberts, 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 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 5 foot wide permanent easement for sidewalk. The easement is more particularly described in attached EXHIBIT "A" and shown 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.

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

GRANTOR:

Allen Roberts as agent for Allen Roberts,
Janice Roberts, Larry Roberts,
and Mary Roberts

By:

Allen Roberts

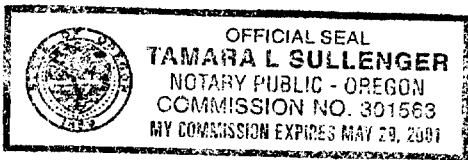
Allen Roberts

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

The foregoing instrument was acknowledged
before me this 30 day of
June, 1999, by Allen Roberts as
his voluntary act and deed.

Tamara L Sullenger

Notary Public for Oregon
My Commission Expires: 5-29-2001



CITY OF ALBANY:

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

Ken Thompson Assistant
I, ~~Steve Bryant~~ as City Manager of the City
of Albany, Oregon, pursuant to Resolution

Number 4152 do hereby accept on behalf
of the City of Albany, the above instrument
pursuant to the terms thereof this 28 day
of July, 1999.

Ken Thompson
Assistant
City Manager

ATTEST:

Betty Lougwell
City Recorder Cher Al

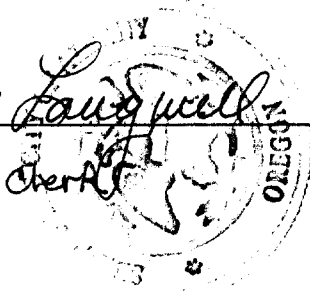


Exhibit "A"**June 24, 1999****A 5.00 feet wide easement for public sidewalk installation and maintenance described as follows:**

Commencing at the Southwest Corner of the Anderson Cox Donation Land Claim in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence N01°22'45"W, along the west line of said Land Claim, also being the center line of Waverly Drive (70.00 feet wide) a distance of 2172.78 feet to a point; thence N89°26'07"E a distance of 38.00 feet to the point of beginning; thence N89°26'07"E a distance of 5.00 feet to a point; thence S01°22'45"E, parallel with and 8.00 feet east of the easterly right-of-way line of Waverly Drive, a distance of 210.00 feet to a point; thence S89°26'07"W a distance of 5.00 feet to a point; thence N01°22'45"W, parallel with and 3 feet east of the easterly right-of-way line of Waverly Drive, a distance of 210.00 feet to the point of beginning.

The above described parcel contains 1,050 square feet of land.

21st. AVENUE

22nd AVENUE

WAVERLY DRIVE

EXIST. CURB & GUTTER

26.75'
42'
15.25'

N89°26'07"E
5.00'

N89°26'07"E
38.00'

35'
70'

N 01°22'45" W
2172.78'

EXISTING CURB & GUTTER

26.3'
29.59'
55.89'

EXIST. CURB & GUTTER

S01°22'45"E 210.00'
N01°22'45"W 210.00'

20" CEDAR

15" WALNUT

20" CEDAR

27" REDWOOD

74" REDWOOD

EXISTING GRAVEL DRIVE

EXISTING HOUSE

38.95'

S89°26'07"W
5.00'

N



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

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Recorded Document Recorder File No. 3431