

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

Timothy J. and Debra M. Rudzik

Purpose

A permanent 20-foot wide public sewer easement more particularly described in the attached "EXHIBIT A", shown in the attached drawing "EXHIBIT B" and located in the attached Vicinity Map.

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

DATED THIS 8TH DAY OF NOVEMBER 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16th day of ~~Sept~~^{Oct}, 2000, by and between **Timothy J. and Debra M. Rudzik**, 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 sewer easement described in the attached legal description labeled Exhibit A and as shown on the attached 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 acknowledged by the Grantor and is in 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 - Recorder
 P.O. Box 400, Albany, OR 97321

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

GRANTOR:

CITY OF ALBANY:

Timothy J. Rudzik
Timothy J. Rudzik

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

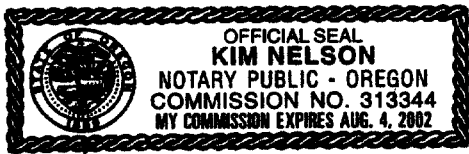
Debra M. Rudzik
Debra M. Rudzik

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4358, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of November, 2000.

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

The foregoing instrument was acknowledged before me this 16th-day of October, 2000 by their voluntary act and deed.

Steve Bryant
City Manager



ATTEST:

Kim Nelson
Notary Public for Oregon
My Commission Expires: Aug. 4, 2002

Betty Langwell
City Recorder Clerk

Sanitary Sewer Easement

Commencing at the Southeast corner of Lot 5 of Flatland Subdivision as recorded in C.S. 21703 in the Linn County Survey Records, said point also being on the Westerly right-of way of Columbus Street;

thence North $00^{\circ}09'13''$ East, along the east line of the said Lot 5, a distance of 110.00 feet to the Point of Beginning of a 20.00 feet wide Sanitary Sewer Easement, being 10.00 feet on each side of the following described centerline;

thence South $89^{\circ}40'54''$ West a distance of 563.98 feet to the point of ending of said centerline.

The sidelines of said easements are to be lengthened or shortened so as to intersect at all angle points and to terminate on the said east line of Lot 5. All being in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon.

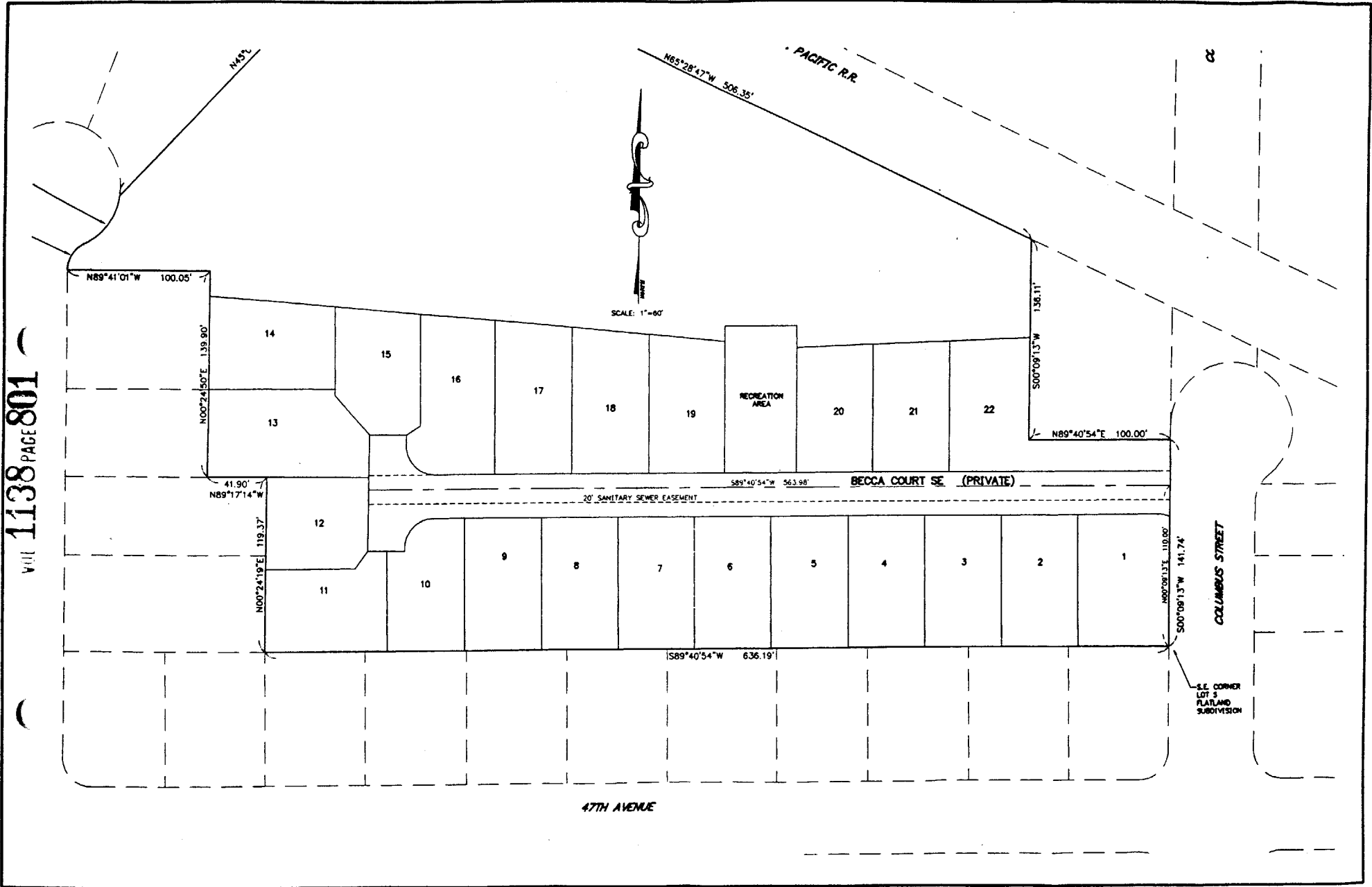
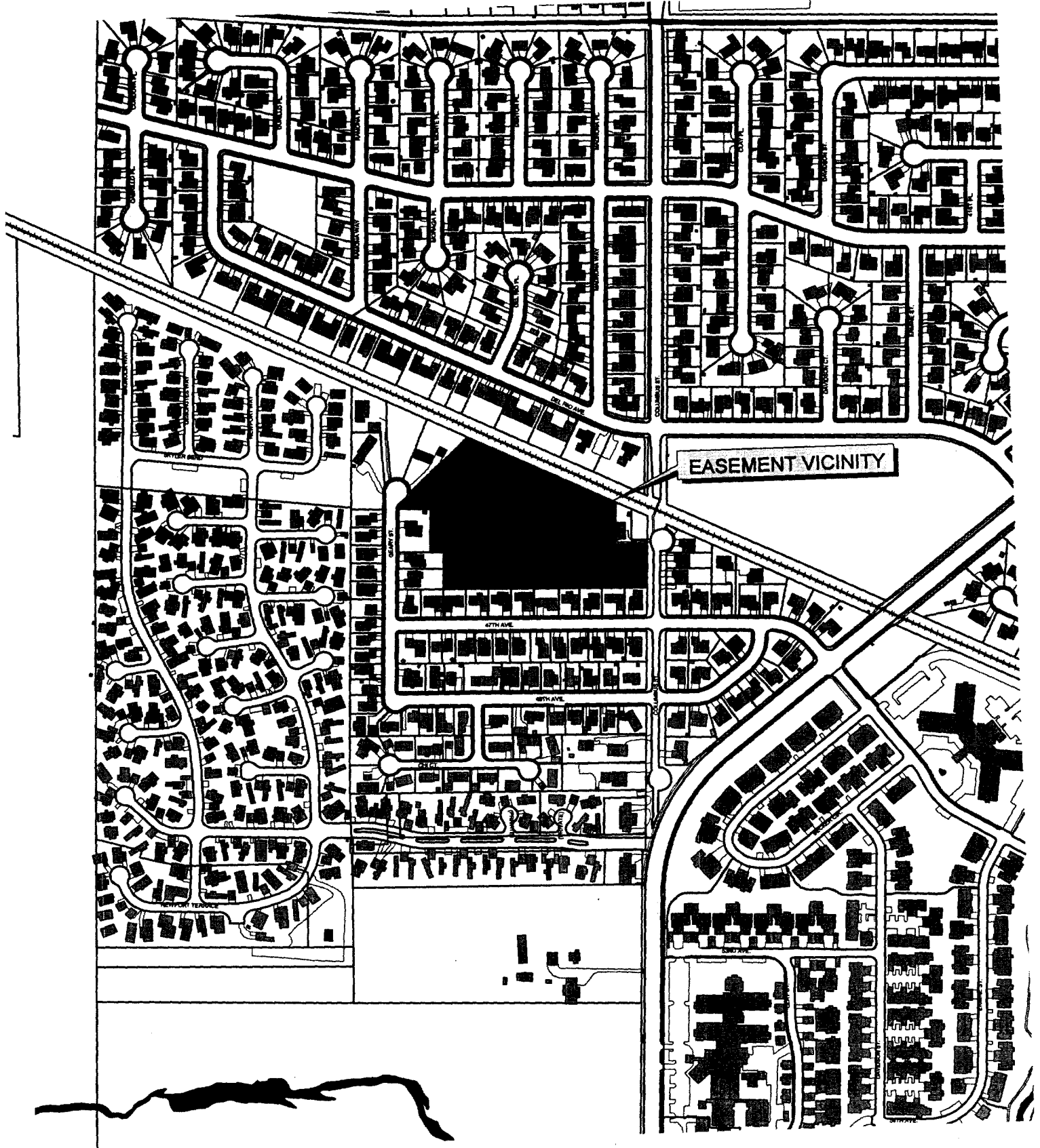


EXHIBIT B
NOT TO SCALE

Timothy J. and Debra M. Rudzik
SI-99-16, SARA VILLAGE
Easement Dedication



Vicinity Map



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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 gjm, Deputy

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Resolution No. 4358

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