

RESOLUTION NO. 4384

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Arthur James Seavy**  
**Patricia Joy Seavy**

Purpose

A permanent 10-foot wide public utility easement more particularly described in the legal description on attached Exhibit "A", shown on map on attached Exhibit "B" and located on attached Vicinity Map.

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

DATED THIS <sup>24</sup>~~10~~TH DAY OF JANUARY, 2001.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19<sup>th</sup> day of December, 2000, by and between **ARTHUR JAMES SEAVY and PATRICIA JOY SEAVY**, husband and wife, 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:

See legal description on attached Exhibit "A" and map on 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 cash and other public improvements to be placed upon said property equal to a value of \$853.00.
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 490, Albany, OR 97321

IN WITNESS WHEREOF the Grantors have officially approved the foregoing and acknowledged the same by the signature set forth below.

GRANTORS:

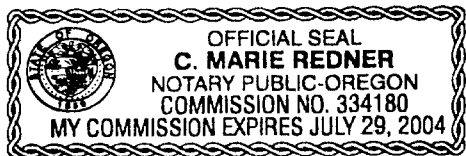
Arthur James Seavy  
ARTHUR JAMES SEAVY

Patricia Joy Seavy  
PATRICIA JOY SEAVY

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

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 2000 by Arthur James Seavy and Patricia Joy Seavy.

C. Marie Redner  
Notary Public for Oregon  
My Commission Expires: July 29, 2004



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 4384 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of January, 2001.

Steve Bryant  
City Manager

ATTEST:

Patty Longwell  
City Recorder

K &amp; D ENGINEERING, Inc.

*Engineers • Planners • Surveyors***EXHIBIT "A"****(P.U.E. over Seavy Tract)**

A strip of land for public utility easement purposes located in a portion of that Seavy Tract described by deed recorded in Volume MF 900, Page 661 of the Linn County Deed Records on October 21, 1997 that is more particularly described as follows:

Beginning at the southwest corner of Lot 2, Block 21 of the "Daly and Kelly Supplemental Plat of Hollywood Acres", a subdivision of record in Linn County, Oregon; thence South 89°04'00" West, along south line of said Seavy Tract, a distance of 55.78 feet to the southwest corner of said Seavy Tract; thence North 01°13'30" West, along the west line of said Seavy Tract, 10.00 feet; thence North 89°04'00" East 55.78 feet to a point on the east line of said Seavy Tract; thence South 01°14'00" East, along said east line, 10.00 feet to the Point of Beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*  
OREGON  
JULY 12, 1978  
JACK R. BURRELL  
1630

RENEWAL DATE 12/31/01

December 13, 2000

EXHIBIT "A"

SEAVY PUE

(00-102-A) JRB:nm

File: nm\coity-alb\00-102\seavy exh a

PUBLIC UTILITY EASEMENT MAP

FOR

CITY OF ALBANY

LOCATED IN

TAX LOT 4800, MAP 11-3W-18AA

LOTS 1, BLOCK 21 AND LOTS 8 AND 9, BLOCK 17 OF  
"DALY AND KELLY SUPPLEMENTAL PLAT TO  
HOLLYWOOD ACRES" OF

NE 1/4 SECTION 18 T. 11 S., R. 3 W., W.M.  
ALBANY, OREGON

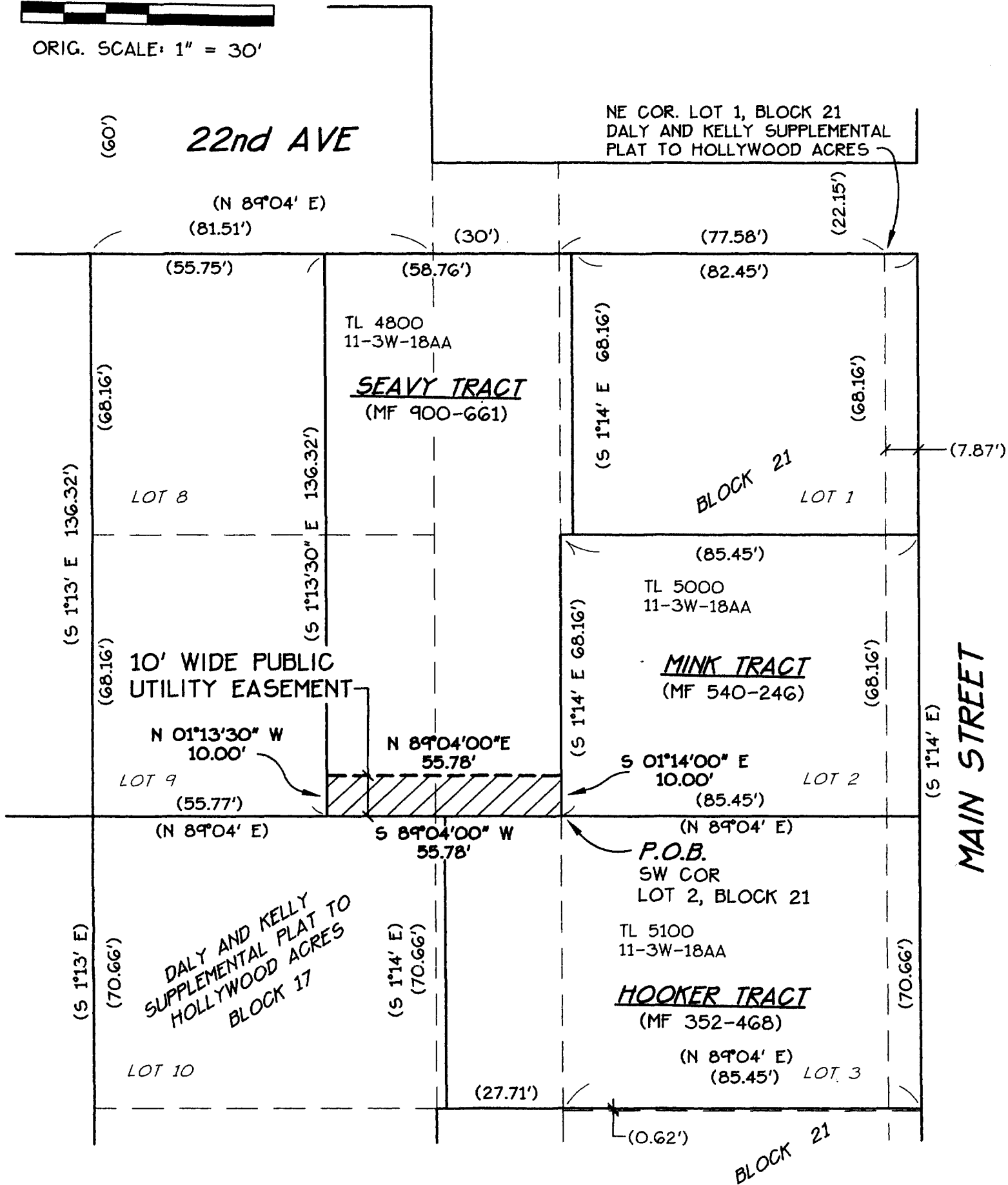
DECEMBER 12, 2000

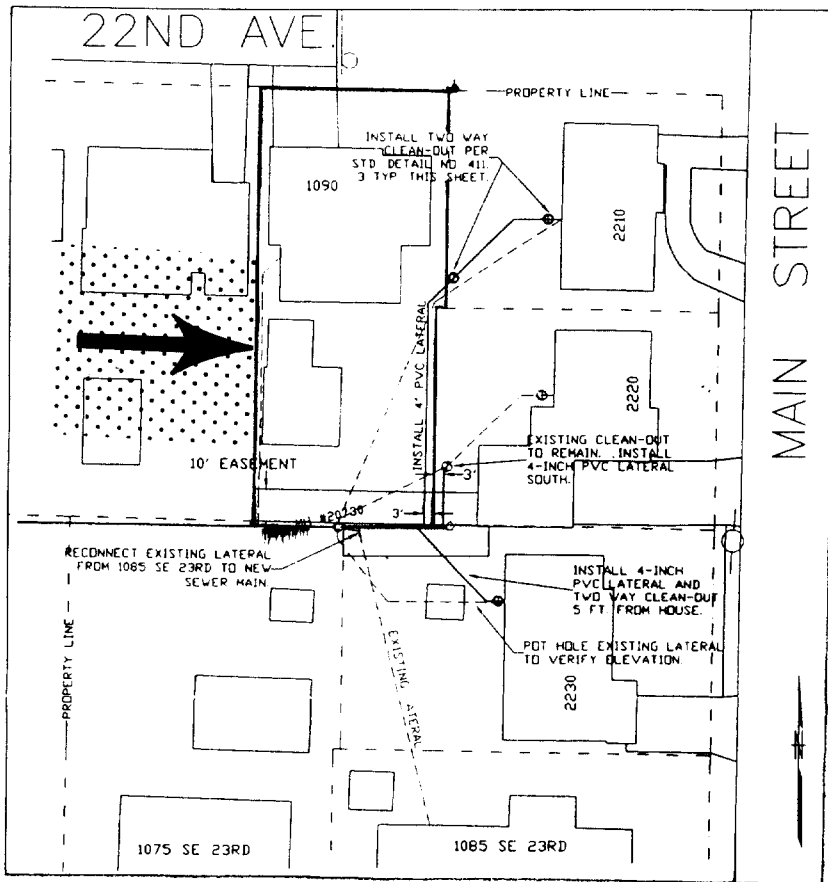
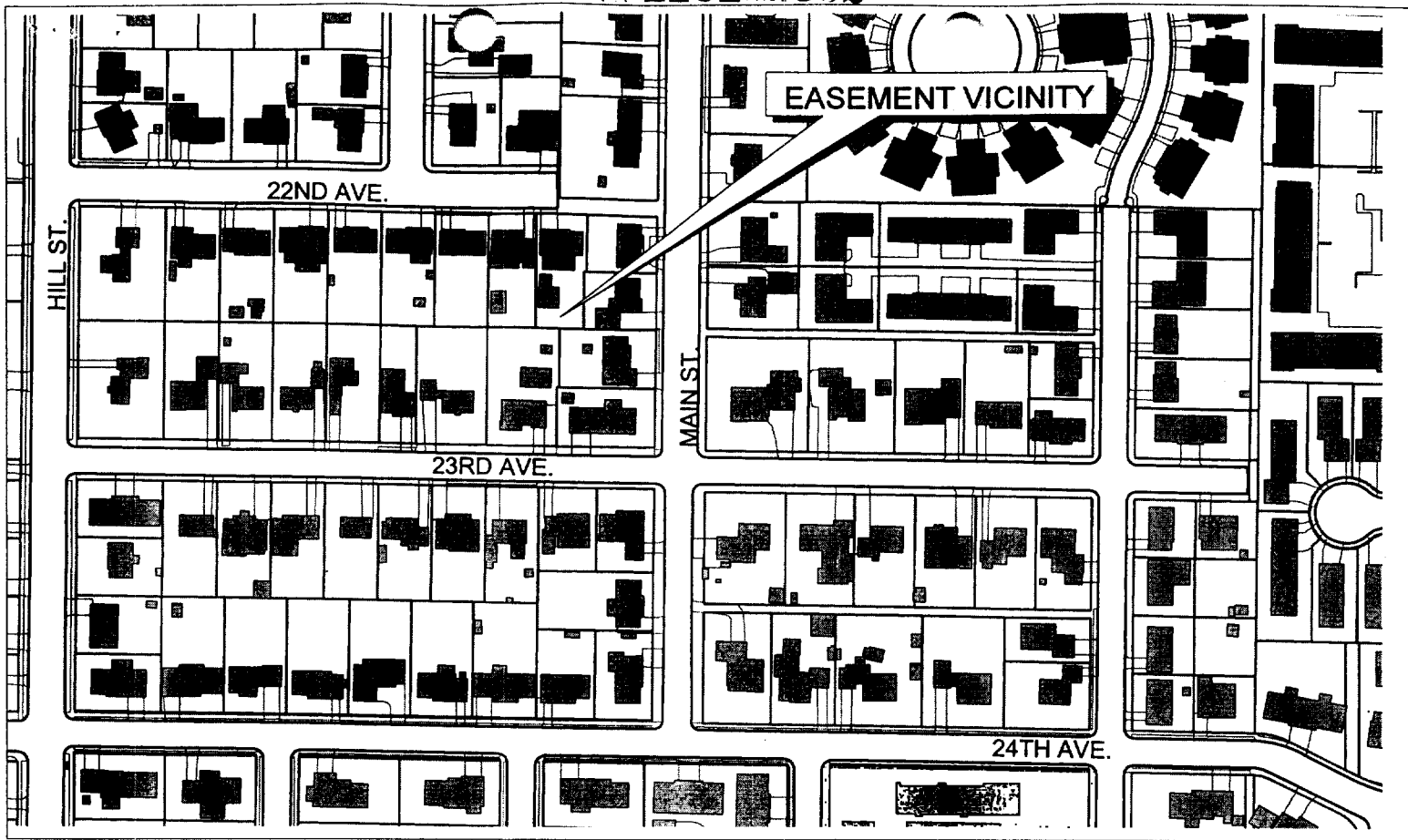


0 30 60 FT.



ORIG. SCALE: 1" = 30'





### Vicinity Map

Seavy  
Easement Dedication  
11S-03W-18AA-04800

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 SR, Deputy

M  
R  
S  
A  
O

MF 1151

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Recorded Document Recorder File No. 3749