

RESOLUTION NO. 4441

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

John C. Burr

Purpose

A permanent 10-foot wide permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 13TH DAY OF JUNE 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30th day of April, 2001, by and between **JOHN C. BURR**, 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, 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 10.0 foot wide permanent public utility easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
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 Grantor 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 by Grantor on this easement.

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

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

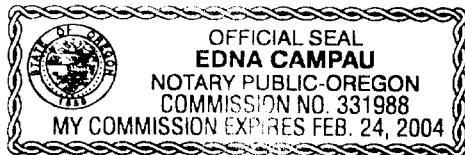
GRANTOR:

John C. Burr
JOHN C. BURR

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

The foregoing instrument was acknowledged before me this 30th day of April, 2001 John C. Burr as his voluntary act and deed.

Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 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 4441, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of June 2001.

Steve Bryant
City Manager

ATTEST:

Ken Thayer
City Recorder

EXHIBIT A

A 10.0 foot wide permanent public utility easement across that property conveyed **John C. Burr**, described in Volume 1128, Page 504, Linn County Microfilm Deed Records, said easement being Southern 10 feet as shown on the attached map labeled "EXHIBIT B".

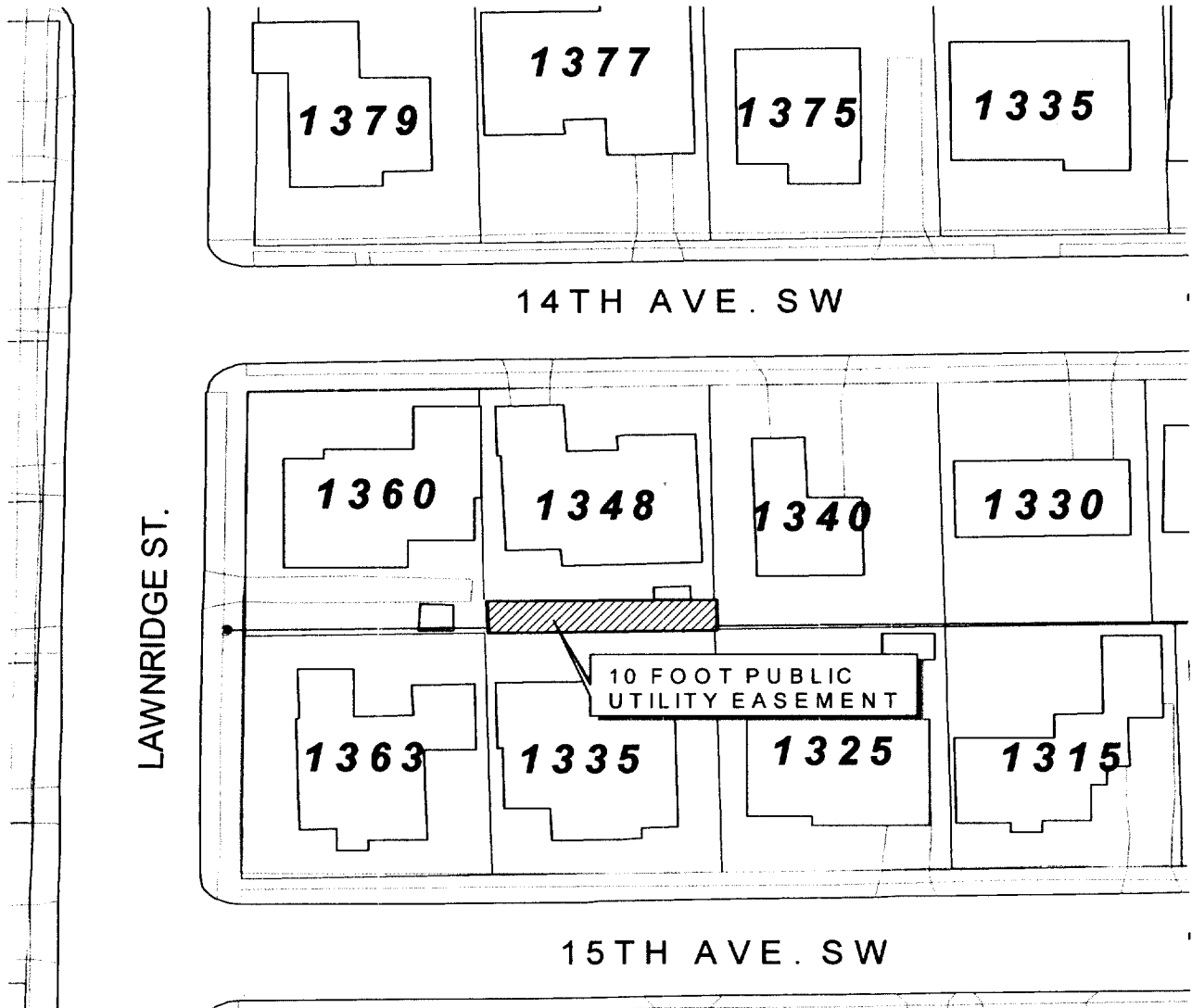
Beginning at the southwest corner of Lot 11, Block 4 of Linnmont Addition to the City of Albany, Section 12, T.11S., R.4W., Willamette Meridian, Linn County, Oregon, thence easterly, parallel with the southern boundary line of said block, a distance of 52.54 feet, and there terminating.

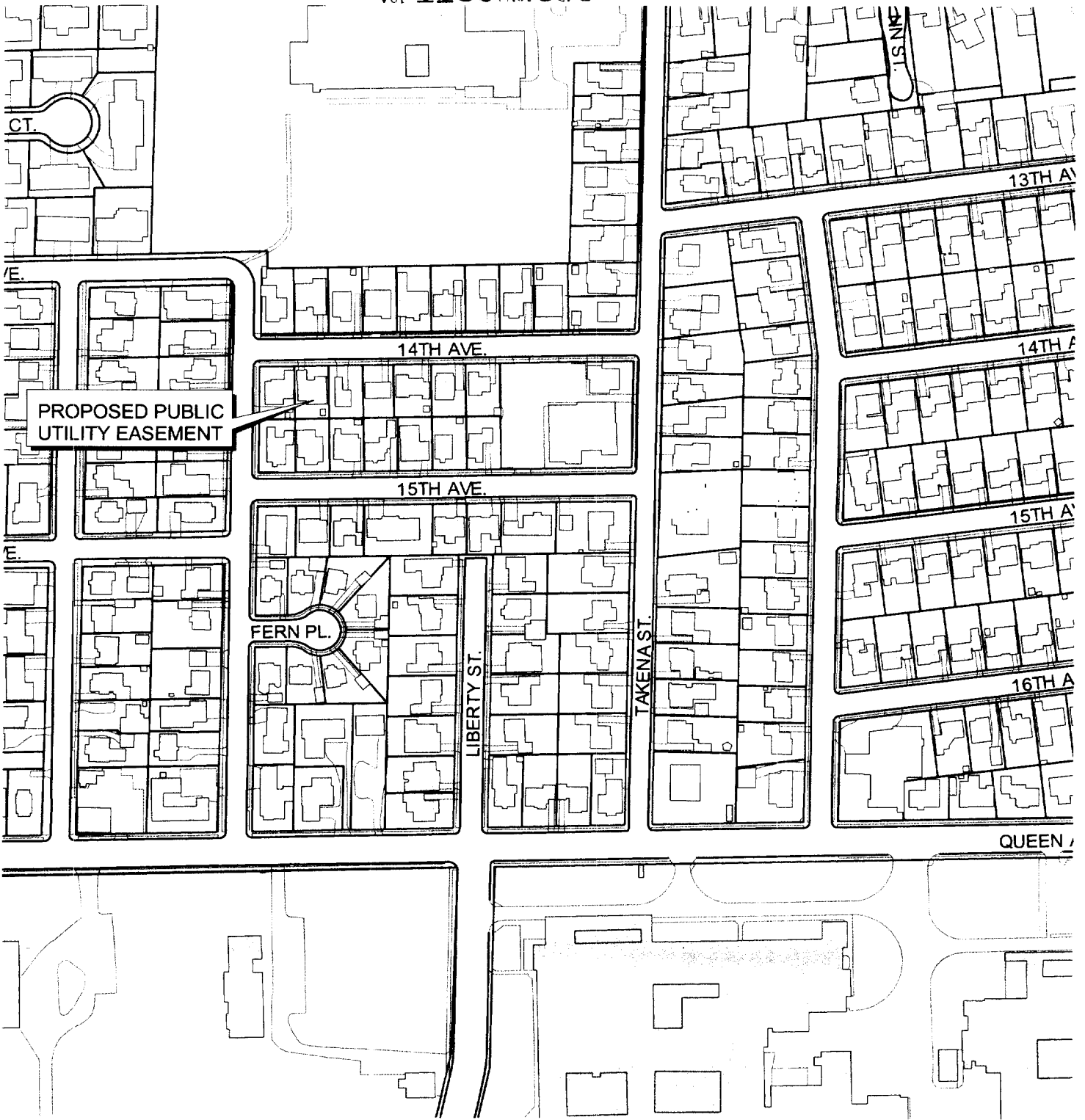
Containing 0.01206 acres of land, more or less.

EXHIBIT B

BURR
PUBLIC UTILITY
EASEMENT

LOT 11, BLOCK 4 OF LINN MONT ADDITION
SECT. 12, T. 11S., R.4W., WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.





VICINITY MAP



Engineering

johnnd1 J:\AV_PROJ\SITE_MAP.APR

John Downing

May 29, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



46

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 *[Signature]*, Deputy

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PAGE 632

2001 JUN 18 P 3:30

Resolution No. 4441

Recorded Document Recorder File No. 3810