

RESOLUTION NO. 2958

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

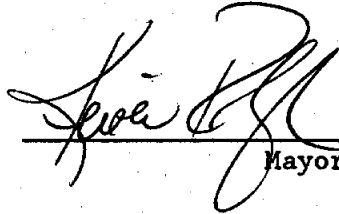
Grantor

Peter J. Ryan  
Kathleen I. Ryan  
P.K.R. Investments Inc.

Purpose

a 25-foot easement over an existing sanitary sewer line between Marion Street and Ferry Street in the City of Albany, Linn County, Oregon. This easement is being created in conjunction with Linn County Partition Plat No. 1990-4.

DATED this 13th day of June, 1990.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

LA-03-90  
PA-01-90

THIS AGREEMENT, made and entered into this 9th day of May, 1990, by and between Peter J. Ryan and Kathleen I. Ryan husband and wife, and P.K.R. Investments, Inc., 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 25-foot permanent utility easement across those properties conveyed to Kathleen K. Ryan in Volume MF 450, Page 208, Peter J. Ryan and Kathleen I. Ryan husband and wife in Book 349, Page 108, and P.K.R. Investments in Volume MF 326, Page 280 Linn County Deed and Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 25-foot permanent utility easement being 10-feet on the south side of the existing sanitary sewer line and 15-feet on the north side of the existing sanitary sewer line, said strip of land is reserved for easement purposes, and is labeled new sanitary sewer easement as shown and dedicated on the Linn County Partition Plat No. 1990-4, filed in the office of the Linn County Recorder.

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 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.
- 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.

*Peter J. Ryan*  
 Peter J. Ryan  
*Kathleen I. Ryan*  
 Kathleen I. Ryan

P.K.R. Investments  
 By: *Peter J. Ryan*  
 Peter J. Ryan, President  
 By: *Kathleen I. Ryan*  
 Kathleen I. Ryan, Secretary

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

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

The foregoing instrument was acknowledged before me this 9th day of May, 1990, by Peter J. Ryan and Kathleen I. Ryan as individuals and Peter J. Ryan, president, and by Kathleen I. Ryan, secretary, of P.K.R. Investments Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11 day of May, 1990.

*Barbe Bass*  
 BARBE BASS  
 NOTARY PUBLIC - OREGON  
 My Commission Expires 12-21-93  
 My Commission Expires: \_\_\_\_\_

CITY OF ALBANY, OREGON  
*Steve Bryant*  
 City Manager

*Steve Bryant*  
 City Recorder



Resolution No. 2958

Recorded Document Recorder File No. 0591