

RESOLUTION NO. 3088

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

Grantor

Ron C. Dunigan and Judy A. Dunigan  
dba Mechanical Contractors North, Inc.  
1650 Century Drive NE  
Albany, OR 97321


Purpose

A five-foot wide permanent public utility easement across that parcel located at 1600 Century Drive NE

DATED this 11 day of September, 1991.

  
\_\_\_\_\_  
Council President

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23 day of Aug, 1991, by and between Ron C. Dunigan and Judy A. Dunigan, dba Mechanical Contractors North, 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 five-foot wide strip of land across that parcel conveyed to Ron C. Dunigan and Judy A. Dunigan, husband and wife, as tenants by the entirety, in Volume MF557, Page 672, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A five-foot wide strip of land across the entire length of said Ron C. Dunigan and Judy A. Dunigan parcel, said strip of land being parallel, adjacent, and north of a line; said line being parallel and 22 feet north of the centerline of David Avenue as shown on Supplemental Plat To Tracts 69 & 70 Of Sudtell Acres in the southeast quarter of Section 33, Township 10 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

EXCEPT that property conveyed to the State of Oregon, State Highway Commission by deed recorded October 8, 1956 in Deed Book 251, Page 162 and by deed recorded September 19, 1957 in Deed Book 256, Page 75, Linn County Deed Records.

CONTAINING 2001 square feet, more or less.

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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.

- 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.

Mechanical Contractors North, Inc.

By: Ron C. Dunigan  
President

By: Judy A. Dunigan  
Secretary

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

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

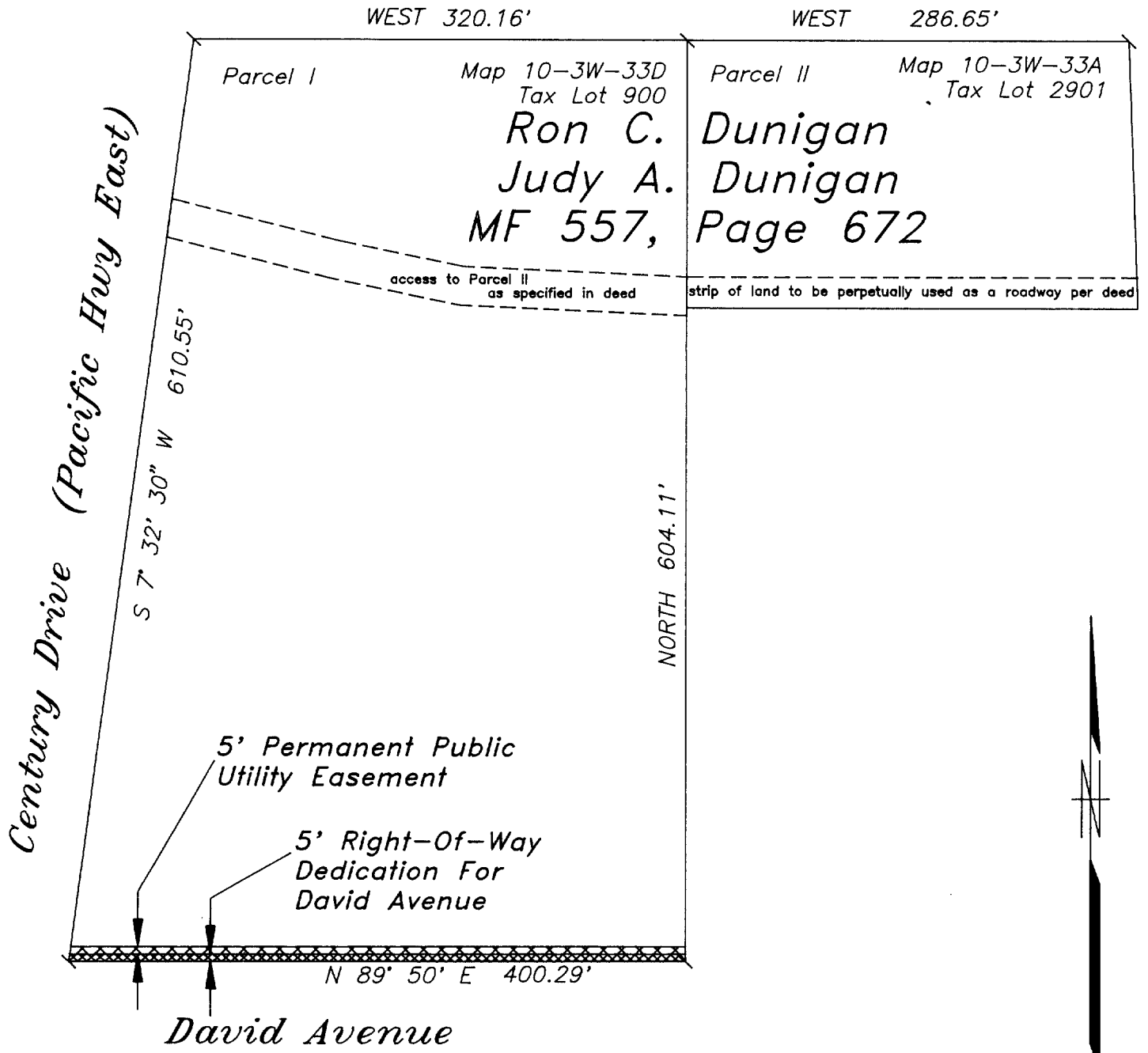
The foregoing instrument was acknowledged before me this 23rd day of August, 1991, by Ron C. Dunigan, president, and by Judy A. Dunigan, secretary, of Mechanical Contractors North, Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3088 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of September, 1991.

Patricia Ann Norton  
Notary Public for Oregon  
My Commission Expires: 1-20-93

CITY OF ALBANY, OREGON  
Steve Bryant  
City Manager

W. J. Kelley  
City Recorder



Supplemental Plat To Tracts 69 & 70  
Of Sudtell Acres  
Linn County, Oregon

SCALE: 1" = 100'

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/AUGUST 1991

**EXHIBIT A**  
Right-Of-Way Dedication  
And  
Permanent Public Utility Easement  
From Dunigan To The City Of Albany

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SEP 27 11 09 AM '91

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  
City of Albany

Resolution No. 3088

Recorded Document Recorder File No. 2103