

RESOLUTION NO. 3113

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

Grantor

Thomas and Pamela Parten
345 - 7th Avenue SE
Albany, OR 97321

Purpose

A seven and one-half foot wide permanent utility easement across that parcel located at 345 - 7th Avenue SE (new addresses will be 660 and 680 Railroad Street SE)

DATED this 20 day of November, 1991.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of October, 1991, by and between **Thomas O. Parten**, 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 seven and one-half foot wide permanent utility easement across that parcel conveyed to Thomas O, Parten in MF 550, Page 327, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A seven and one-half foot wide strip of land parallel, adjacent and south of the north property line of Lot 5, Block 9, Hackleman's Second Addition in Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 533 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.
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.



 Thomas O. Parten

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

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

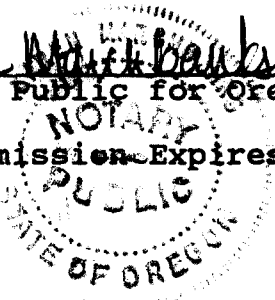
The foregoing instrument was acknowledged before me this 29 day of October, 1991, by grantor(s) as his/her/their voluntary act and deed.

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3113, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 22nd day of November, 1991.




 Notary Public for Oregon


My Commission Expires: 9-13-92



CITY OF ALBANY, OREGON



 City Manager



 City Recorder



Block 9
Hackleman's Second Addition



7.5' Wide Permanent
Utility Easement

Thomas O. Parten
MF 550, Page 327

Map 11-3W-78A
Tax Lot 7400

Railroad Street

111'

Lot 5

71.02'

Seventh Street



SCALE: 1" = 20'

<p>CITY OF ALBANY, OREGON PUBLIC WORKS DEPARTMENT ENGINEERING/UTILITIES DIVISION/OCTOBER 1991</p>
<p>EXHIBIT A</p> <p><i>Permanent Utility Easement from Thomas and Pamela Parten to the City of Albany</i></p>

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Dec 11 11 01 AM '91

STATE OF OREGON
County of Linn

STEVE DRUCKENMILLER
Linn County Clerk

I hereby certify that the attached was
received and duly recorded by me in
Linn County records:

Volume: MF 583 Page: 835

By DM, Deputy
City of Albany
Box 490, Albany

ATTN: NORM

Resolution No. 3113

Recorded Document Recorder File No. 2151