

RESOLUTION NO. 3680

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

Grantor

Herbert E. Hoffer

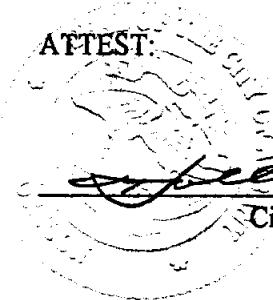
Purpose

Granting a temporary construction easement on Tract I to construct a sewer manhole, and a permanent easement over a sewer manhole on Tract II.

DATED THIS 14TH DAY OF AUGUST 1996.


Mayor

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23rd day of July, 1996, by and between Herbert E. Hoffer, 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 sanitary sewer services, including construction of a sanitary sewer manhole and maintenance of the manhole and lateral from the manhole to the public sanitary sewer on Second Avenue, 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:

TRACT I

A strip of land for the purposes of a temporary construction easement constructing a sewer manhole located in a portion of that property conveyed to Herbert E. Hoffer in Volume MF 756, Page 200, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northeast corner of the West half of the East half of the Northwest quarter of Block No.120 in Hackleman's Addition to the town of Albany, Linn County, Oregon; thence 12.0 feet in an Easterly direction along the North boundary line of said block to the true point of beginning of the temporary construction easement line; thence 24.0 feet in an Easterly direction along the North boundary line of said block; thence southerly and parallel with the West boundary line of said block 20.0 feet; thence Westerly and parallel with the Southern boundary line of said block 24.0 feet; thence Northerly and parallel with the West boundary line of said block 20.0 feet to the place of beginning.

TRACT II

A strip of land for the purposes of a permanent easement over a sewer manhole located in a portion of that property conveyed to Herbert E. Hoffer in Volume MF 756, Page 200, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northeast corner of the West half of the East half of the Northwest quarter of Block No.120 in Hackleman's Addition to the town of Albany, Linn County, Oregon; thence 26.0 feet in an Easterly direction along the North boundary line of said block to the true point of beginning of the permanent utility easement line; thence 10.0 feet in an Easterly direction along the North boundary line of said block; thence southerly and parallel with the West boundary line of said block 12.0 feet; thence Westerly and parallel with the Southern boundary line of said block 10.0 feet; thence Northerly and parallel with the West boundary line of said block 12.0 feet to the place of beginning.

- 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.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation, or maintenance purposes.

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P.O. Box 490, Albany, OR 97321

- 3. The easement granted is donated in 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.

GRANTOR:

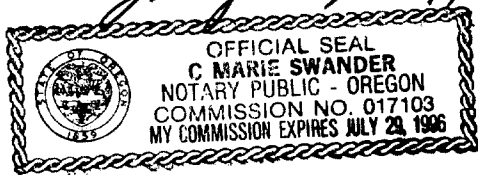
Herbert E. Hoffer
 Herbert E. Hoffer

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

The foregoing instrument was acknowledged before me this 23rd day of July, 1996, by Herbert E. Hoffer as his/her/their voluntary act and deed.

C. Marie Swander
 Notary Public for Oregon

My Commission Expires: July 29, 1996



herbert.eaa

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 3680, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of August, 1996.

Steve Bryant
 City Manager

ATTEST:

[Signature]
 City Recorder

EXHIBIT A

0822 PAGE 115

11-3W-6 DC - 10700
10800 -

2ND

AVENUE

PROVIDE 4" SERVICE SLUB
TEMP. CONST. EASEMENT

CONSTRUCT SS MANHOLE
PERMENANT UTILITY EASEMENT

PERMENANT UTILITY EASEMENT
TRACT II

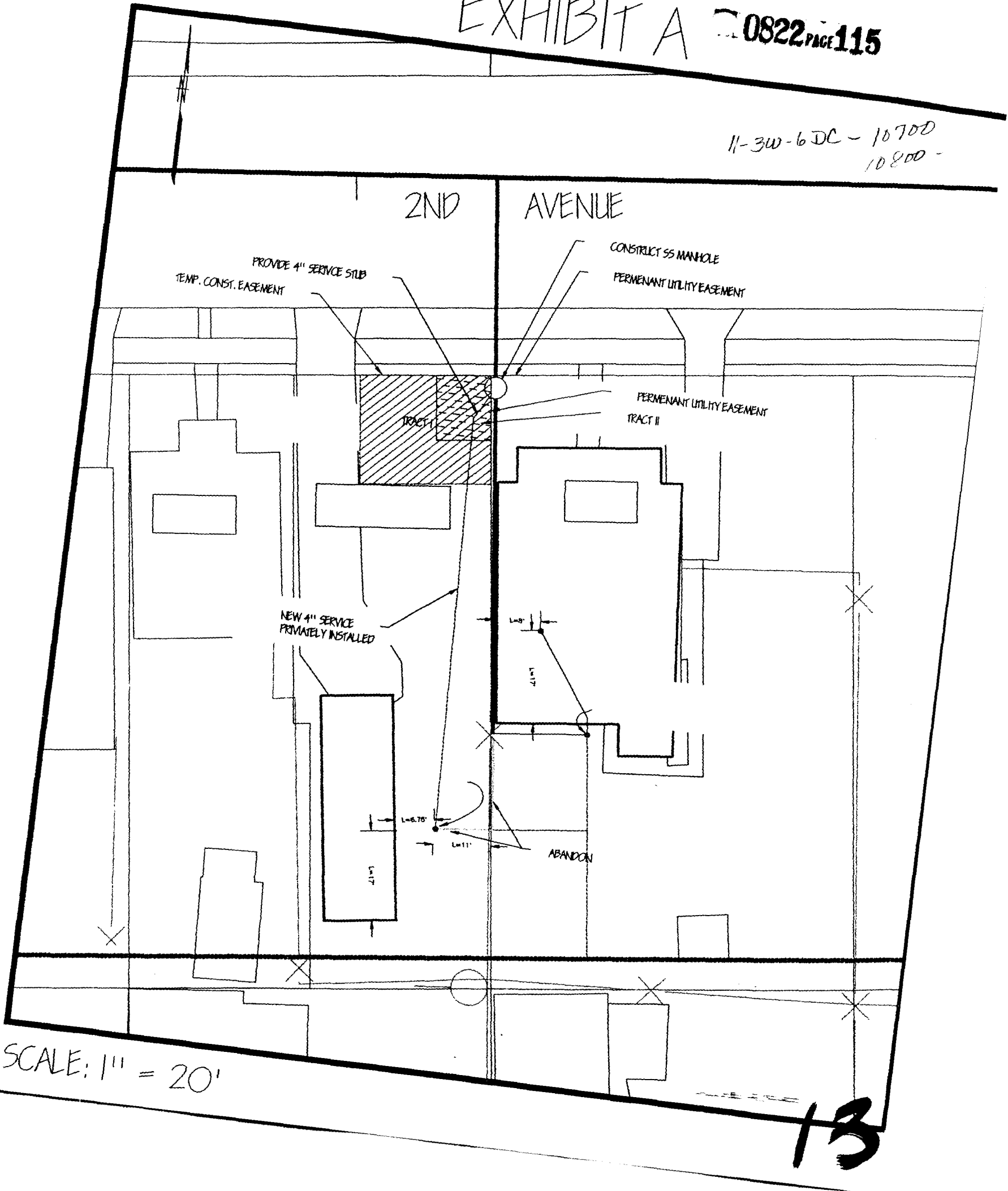
TRACT I

NEW 4" SERVICE
PRIVATELY INSTALLED

ABANDON

SCALE: 1" = 20'

13



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 PA, Deputy

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R/S
S/D
A
O

MF 822

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AUG 26 2 21 PM '96

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Recorded Document Recorder File No. 2825