

RESOLUTION NO. 3835

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

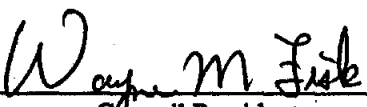
Gilbert L. W. Renz
Billie Jean Renz

Purpose

Easement for extending a sanitary sewer line to Harrison Street, between 1st and 2nd Avenues.

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

DATED THIS 13TH DAY OF AUGUST 1997.



Council President

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6th day of August, 1997, by and between Gilbert L. W. and Billie Jean Renz, 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 permanent public utility easement across that property conveyed to Gilbert L. W. and Billie Jean Renz by deed recorded in MF 759-992, Linn County Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the northeast corner of Lot 5, Block 5, of the Hackelman's Fourth Addition to Albany, Oregon, said point also being on the westerly right-of-way line of Harrison Street; thence running southerly along the east line of said Lot 5, South 9° East 20.00 feet; thence South 89° 36' 56" West 66.75 feet to a point on the west line of said Lot 5; thence North 9° West 10.00 feet along the westerly boundary to the northwest corner of said Lot 5; thence North 81° East 66.00 feet along the north line to the northeast corner of said Lot 5, Block 5, said corner also being the point of beginning.

Containing 990 square feet of land, 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, upon prior notification to the owner, 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 Grantors, 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTORS:

Gilbert L. W. Renz
Gilbert L. W. Renz

Billie Jean Renz
Billie Jean Renz

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

The foregoing instrument was acknowledged before me this 6th day of August, 1997, by Gilbert L. W. and Billie Jean Renz as their voluntary act and deed.

Nicole M. Loney
Notary Public for Oregon
My Commission Expires: 10-29-00

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 3835, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of August, 1997.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

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EASERENZ.610



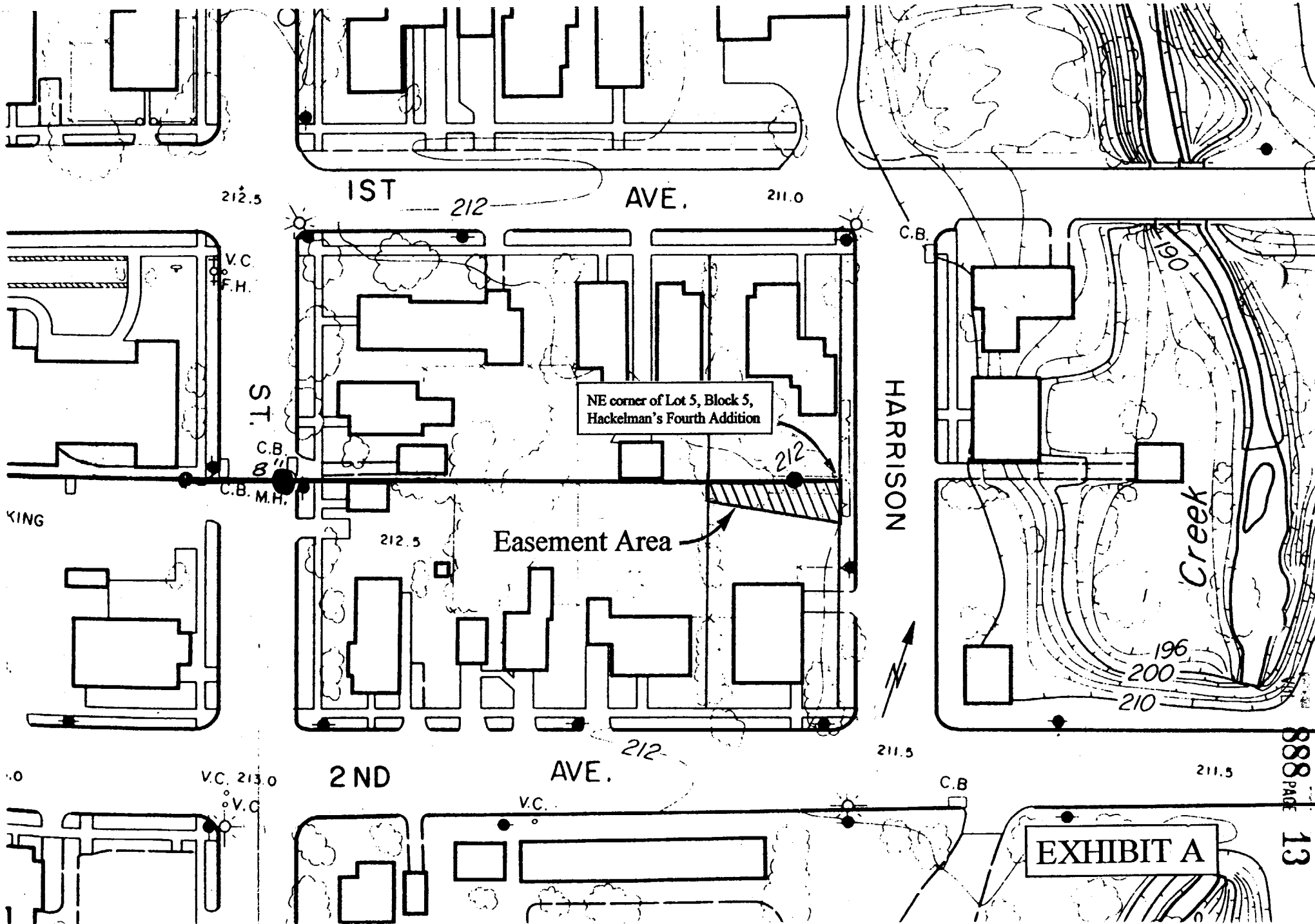


EXHIBIT A

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 Sm, Deputy

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