

RESOLUTION NO. 3853

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

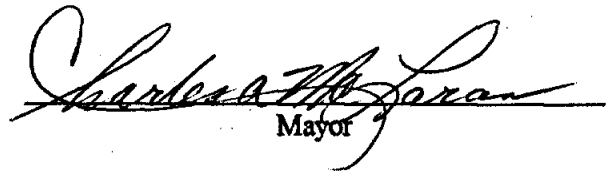
Evelyn B. F. Orr

Purpose

A permanent public utility easement for the construction of public sanitary sewer as shown in EXHIBIT "A" attached.

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

DATED THIS 10TH DAY OF SEPTEMBER 1997.


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26 day of August, 1997, by and between Evelyn B. F. Orr, herein called Grantor, 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 grantor has 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 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 Evelyn B. F. Orr by deed recorded in MF 246-358, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

The southerly 10 feet of Lot 4, Block 5, of Hackelman's Fourth Addition to Albany, Oregon.

Containing 660 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, 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 Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does 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:

Evelyn B F Orr
Evelyn B. F. Orr

STATE OF WASHINGTON)
County of Chelan) ss.
City of Wenatchee)

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 3853, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of September, 1997.

The foregoing instrument was acknowledged before me this 26th day of August, 1997, by Evelyn B. F. Orr as her voluntary act and deed.

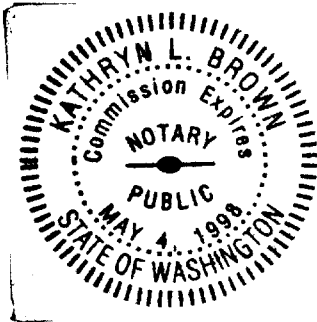
Steve Bryant
City Manager

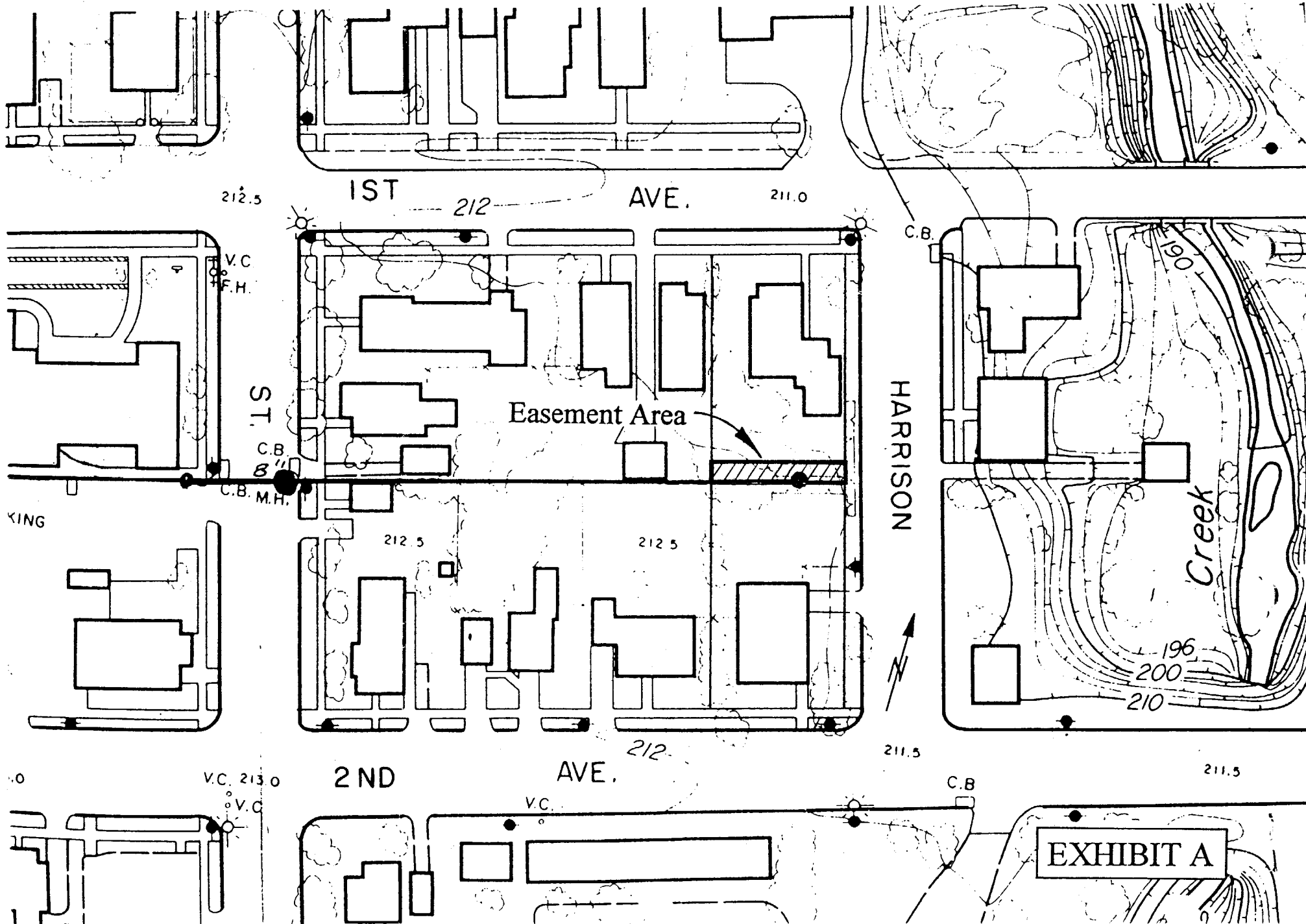
Kathryn L Brown
Notary Public for Washington
My Commission Expires: 5/4/98

ATTEST:

[Signature]
City Recorder

SI-96-10
EASEORR.610





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 RV, Deputy

M
R 15
S 70
A
O

SEP 23 2 35 PM '97

25

MF 894

PAGE 761

Resolution No. 3853

Recorded Document Recorder File No. 3025