

RESOLUTION NO. 4488

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

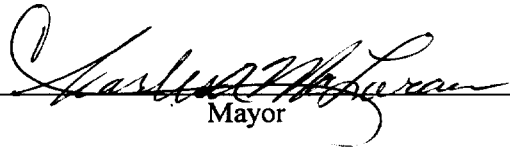
Rita L. Martin

Purpose

A permanent 10-foot-wide permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 12TH DAY OF SEPTEMBER, 2001.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26<sup>th</sup> day of July, 2001, by and between Rita L. Martin, hereinafter 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 does 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 5-foot wide public utility easement, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
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.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Rita L. Martin  
Rita L. Martin

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 4488 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of September, 2001.

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

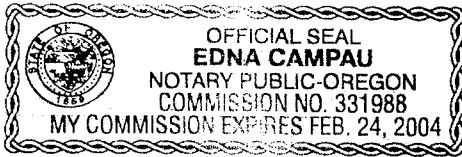
The foregoing instrument was acknowledged before me this 26th day of July, 2001, by Rita L. Martin as his/her voluntary act and deed.

Steve Bryant  
City Manager

ATTEST:

Edna Campau  
Notary Public for Oregon  
My Commission Expires: Feb. 24, 2004

Ken Thomas  
City Recorder



**Exhibit "A"**

**(Legal Description for Public Utility Easement from Reta L. Martin)**

**The southern five (5) feet of Lot 17 of Draper's Subdivision, Linn County, Oregon, a subdivision recorded in the Linn County Records Book of Plats, Volume 9 Page 27, recorded September 24, 1947.**

240

11S03W03A 02500  
Block: Draper Subdivision  
Lot: 17

230

5 Foot  
Utility  
Easement

220

210

MARILYN ST.

**Exhibit B**



Engineering

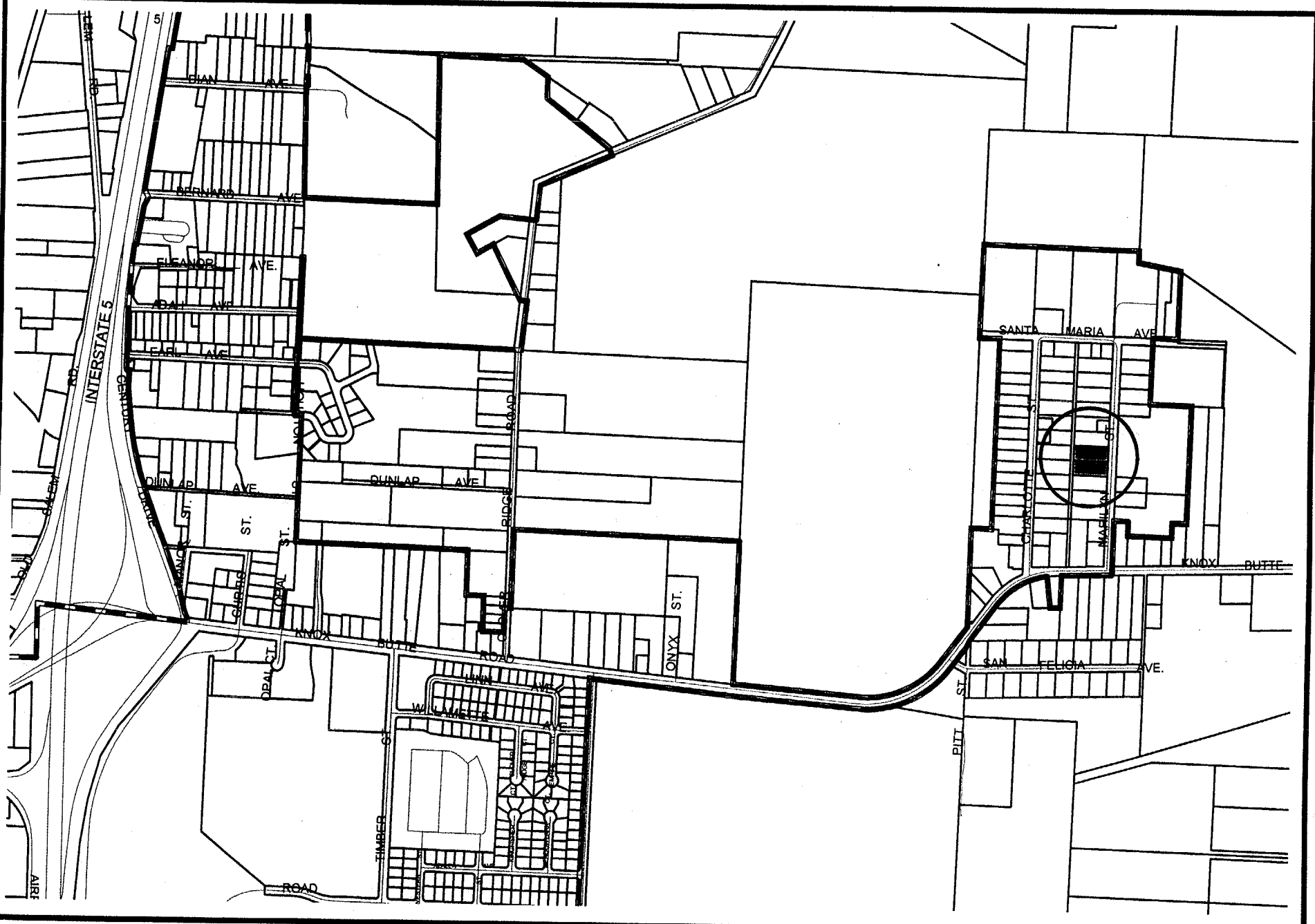
Mark Shepard

Jun 14, 2001

0 50 Feet

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchase or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.





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### VICINITY MAP FOR EXHIBIT B



Engineering

Mark Shepard

Jun 14, 2001



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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 SR, Deputy

M  
B 25  
S 10  
A 11  
O

MF 1216

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Recorded Document Recorder File No. 3887