

RESOLUTION NO. 4668

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

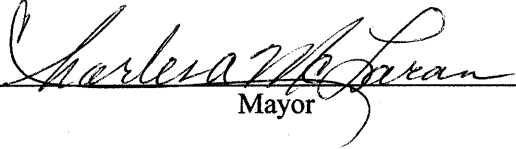
City of Albany

Purpose

A 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 27TH DAY OF MARCH 2002.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of March, 2002, by and between **City of Albany**, an Municipal Corporation, 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 does bargain, sell, convey, and transfer unto the City of Albany, 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, 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 by Grantor on this easement.

Return to: City of Albany - Recorder
P.O. Box 450, Albany, OR 97321

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

GRANTOR:
City of Albany

By

Ken Thompson
Ken Thompson, Assistant City
Manager/Administrative Services Director

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

The instrument was acknowledged before me this 15th
day of March, 2002, by Ken Thompson,
Assistant City Manager/Administrative Services
Director, the City of Albany.



Angelia M. Sousa
Notary Public for Oregon
My Commission Expires Oct 17, 2005

CITY OF ALBANY:

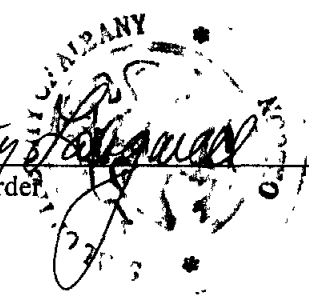
STATE OF OREGON)
County of Linn) ss
City of Albany)

I, Steve Bryant as City Manager of the City of Albany,
Oregon, pursuant to Resolution Number 4668, do
hereby accept on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this
1st day of April, 2002

Steve Bryant
City Manager

ATTEST

Betty [Signature]
City Recorder

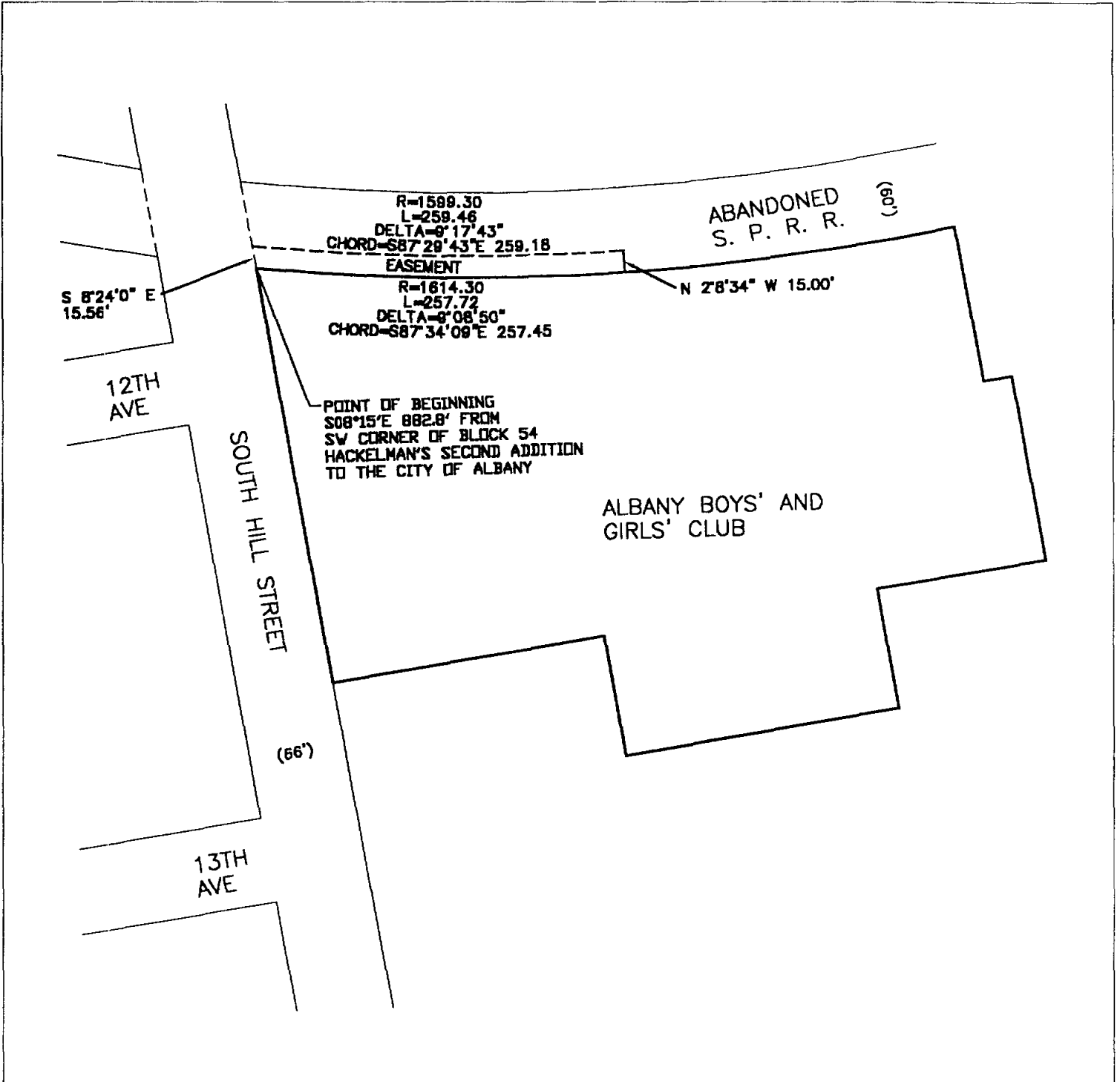


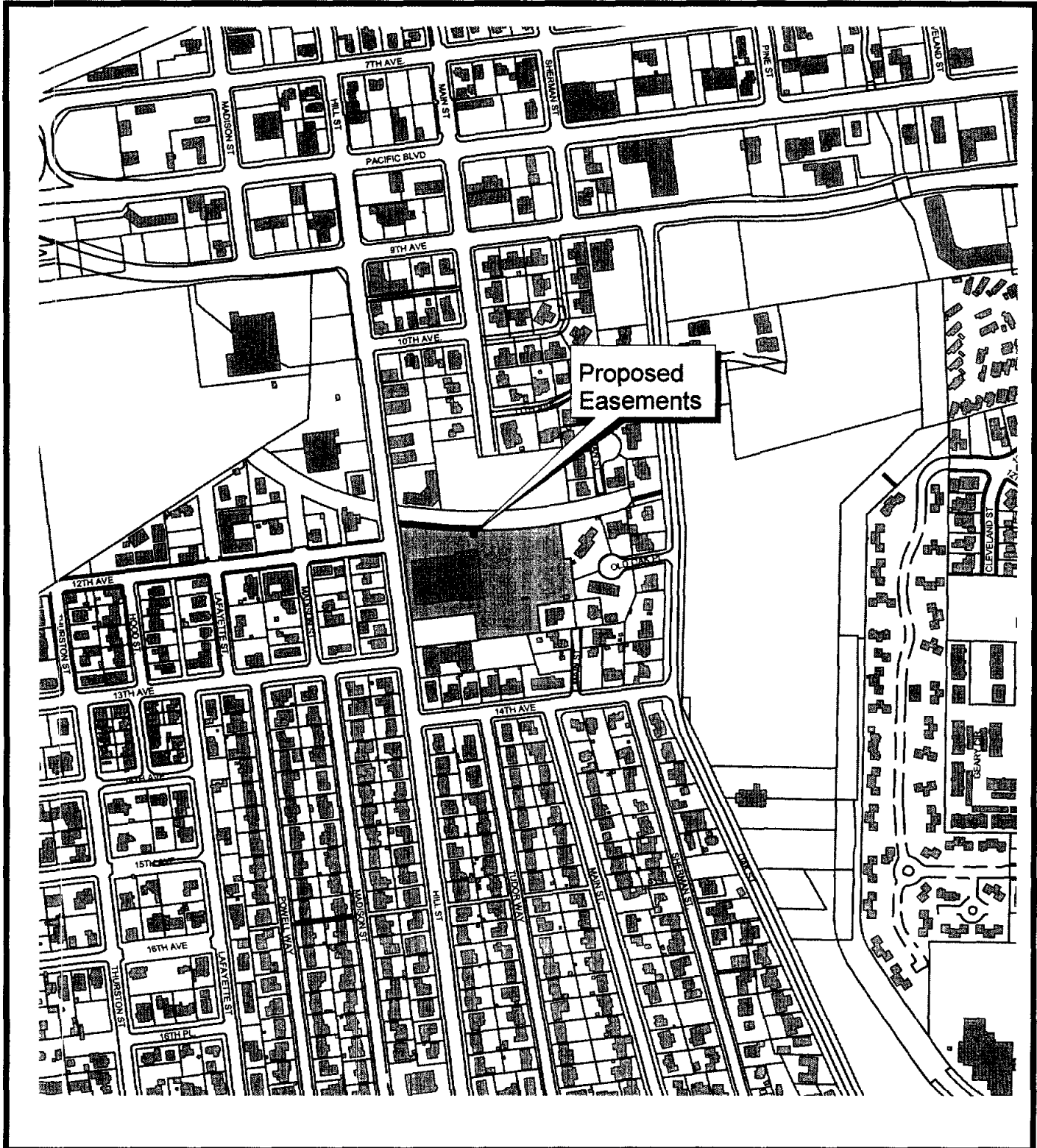


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EXHIBIT B

CITY OF ALBANY
PUBLIC UTILITY
EASEMENT

BLOCK 54 OF:
HACKLEMAN'S SECOND ADDITION
SECTION 7, T 11 S, R 3 W, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON





VICINITY MAP



Albany Boys' and Girls' Club
City of Albany

Mike Brash

angles J W\ PROJ\SITE_MAP APR

Engineering

March 15, 2002

Public Utility Easements
Block 54 Hackleman's
Second Addition



EXHIBIT A

City of Albany Easement Legal Discription

A portion of land located in the Northeast ¼ of Section 7, Township 11 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon, more described as follows:

Beginning at a point South 08°15' East 882.8 feet, from the Southwest corner of Block 54 of Hackleman's second addition to the City of Albany which is the intersection of the east right-of-way of South Hill Street and South right-of-way of the abandoned S.P.R.R., thence along a curve to the left with a radius of 1,614.30 feet which chord bears South 87°34'09" East 257.45 feet, thence North 02°08'34" West 15.00 feet, thence along a curve to the right with a radius of 1,599.30 feet which chord bears North 87°29'43" East 259.18 feet to the east right-of-way of South Hill Street, thence along said east right-of-way South 08°24'00" East 15.56 feet to the point of beginning.

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 JD, Deputy

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R 25
S 20
A 11
O

1281

MF

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Recorded Document Recorder File No. 4095