

RESOLUTION NO. 4824

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Dale Kern

Purpose

A 17.00 foot wide permanent public utility easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 14TH DAY OF MAY 2003.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16th day of April, 2003, by Dale Kern, herein called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That the Grantor has this day granted 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 17.0-foot wide permanent public utility easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
2. In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry for construction access to the City, its representatives and to the Contractor, for access to, upon and over our property for planning and construction of a sanitary sewer, service connection, and such appurtenances as are required to make the project complete. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.
3. 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.
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. The Grantor and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.
7. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure requires the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

Return to: City of Albany
Attn: City Clerk
P.O. Box 1490
Albany, OR 97321

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

GRANTOR:

Dale Kern

Dale Kern

STATE OF OREGON)
County of ~~Linn~~ Benton) ss.
City of ~~Albany~~ Corvallis)

The foregoing instrument was acknowledged before me this 16 day of April, 2003, by **Dale Kern** as his voluntary act and deed.



Darlene M Kolb

Notary Public for Oregon

My Commission Expires: 4-24-05

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 4824, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of May 2003.

Steve Bryant
City Manager

ATTEST:

Ken Thompson
City Recorder

EXHIBIT "A"

17.00 FOOT SEWER EASEMENT

Beginning at a point which is North 07°08'12" West 5.00 feet from the Northwest corner of Lot 6 Block 3 of D.D. Hackleman's Woodland Addition, a duly recorded subdivision in Linn County, Oregon, and being the Southwest corner of that tract of land described in MF Volume 769 Page 676 in Linn County Deed Records; thence North 82°50'46" West 117.02 feet along the south line of said tract to the westerly right-of-way line of Geary Street; thence South 00°44'53" West 17.16 feet along said right-of-way; thence South 82°50'46" West 114.66 feet to the west line of said Lot 6; thence North 07°08'12" West 17.00 feet long said west line to the point of beginning.

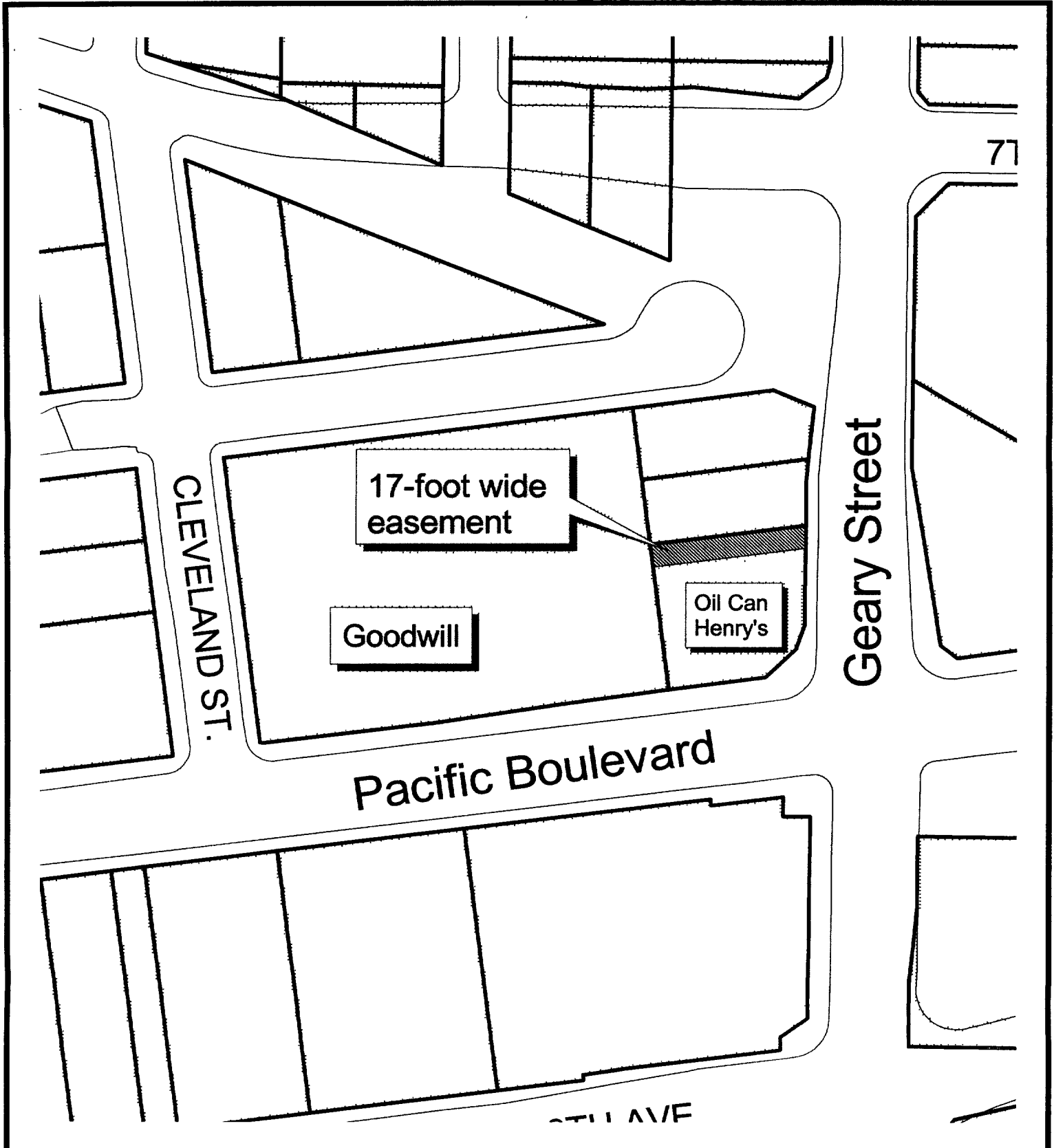


EXHIBIT B Easement Map



Public Works

gordons nil

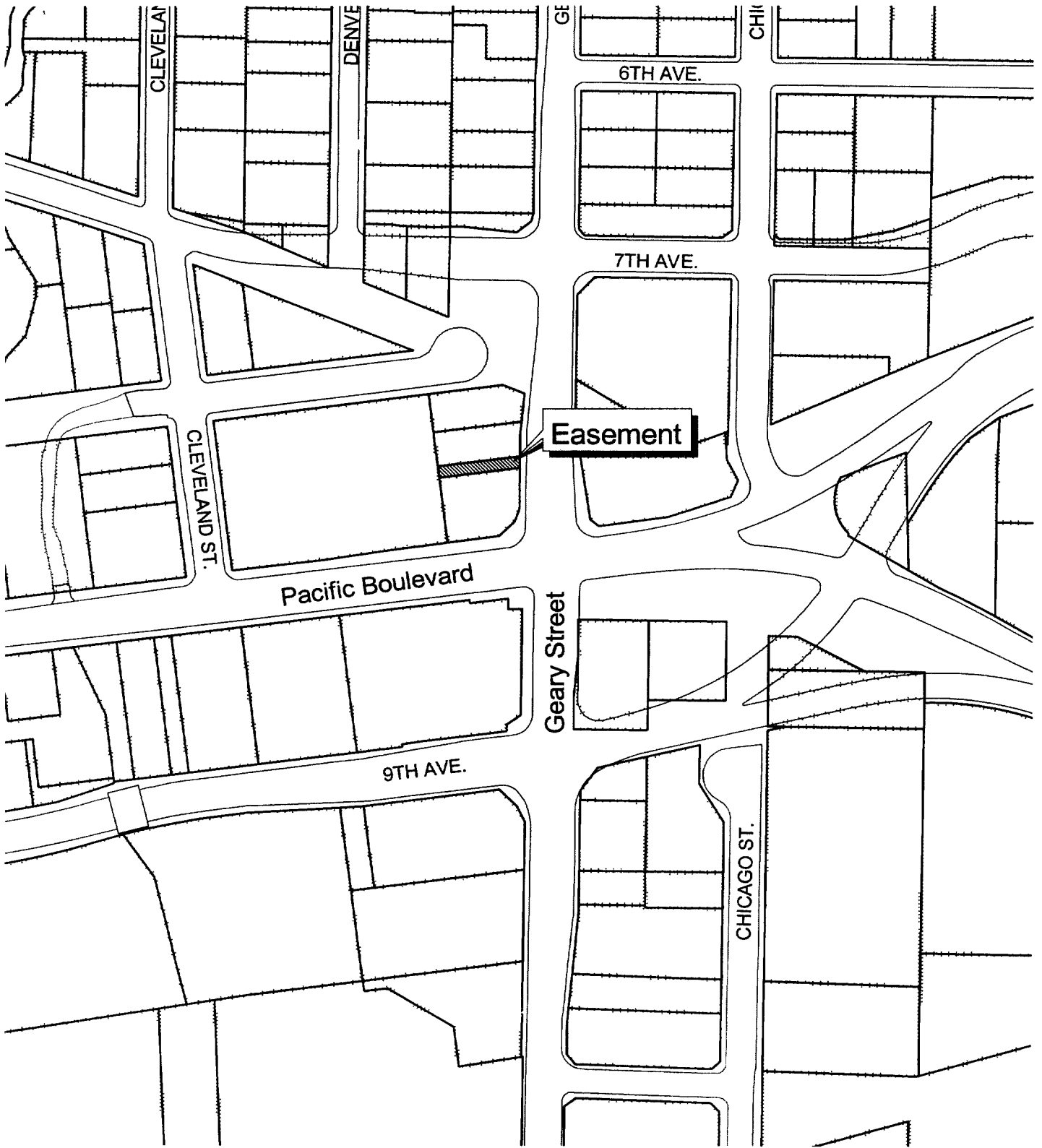
Gordon Steffensmeier

Mar 26, 2003

0 100 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 hold verify the information contained within our records.





Vicinity Map for sewer easement



Public Works

gordons nil

Gordon Steffensmeier

Mar 26, 2003

0 200 Feet



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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

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MF 1427

By SW Deputy PAGE 749

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Recorded Document Recorder File No. 4217