

RESOLUTION NO. 5212

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Rogelio J. Cuevas and Autumn Cuevas

Purpose

A public utility easement for sanitary sewer. The sewer line and property line are skewed, so the easement width is 22 feet to allow a uniform easement over the property. This easement replaces an existing easement that is being quitclaimed and released.

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


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 9TH DAY OF NOVEMBER 2005.



Mayor
Council President

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19th day of August, 2005, by and between Rogelio J. Cuevas and Autumn Cuevas, 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:
See attached Legal Description labeled Exhibit A and attached Vicinity Map labeled 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 to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

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

GRANTORS:

Rogelio J. Cuevas
Rogelio J. Cuevas

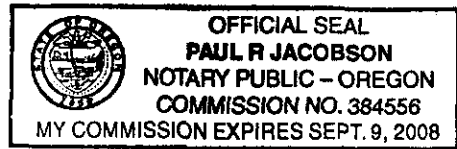
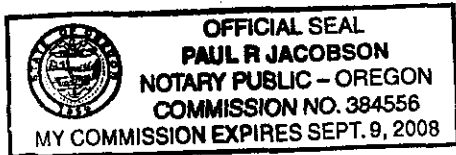
Autumn Cuevas
Autumn Cuevas

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

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

The foregoing instrument was acknowledged before me this 19th day of August, 2005, by Rogelio J. Cuevas as their voluntary act and deed.

The foregoing instrument was acknowledged before me this 19th day of August, 2005, by Autumn Cuevas by as their voluntary act and deed.



Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

CITY OF ALBANY:

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

I, ~~Steve Bryant~~ Was Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5212, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of November 2005.

Was Hare
City Manager

ATTEST: Butty Langmuir
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Rogelio J. Cuevas and Autumn Cuevas, described in Volume 1424, Page 846, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

The Southern 22 feet of the North half of Lot 7, Block 5, Birky and Beam Addition to Hollywood Acres, Section 7, T. 11S, R.3W, Willamette Meridian, Linn County, Oregon, recorded November 4, 1946.

EXHIBIT B

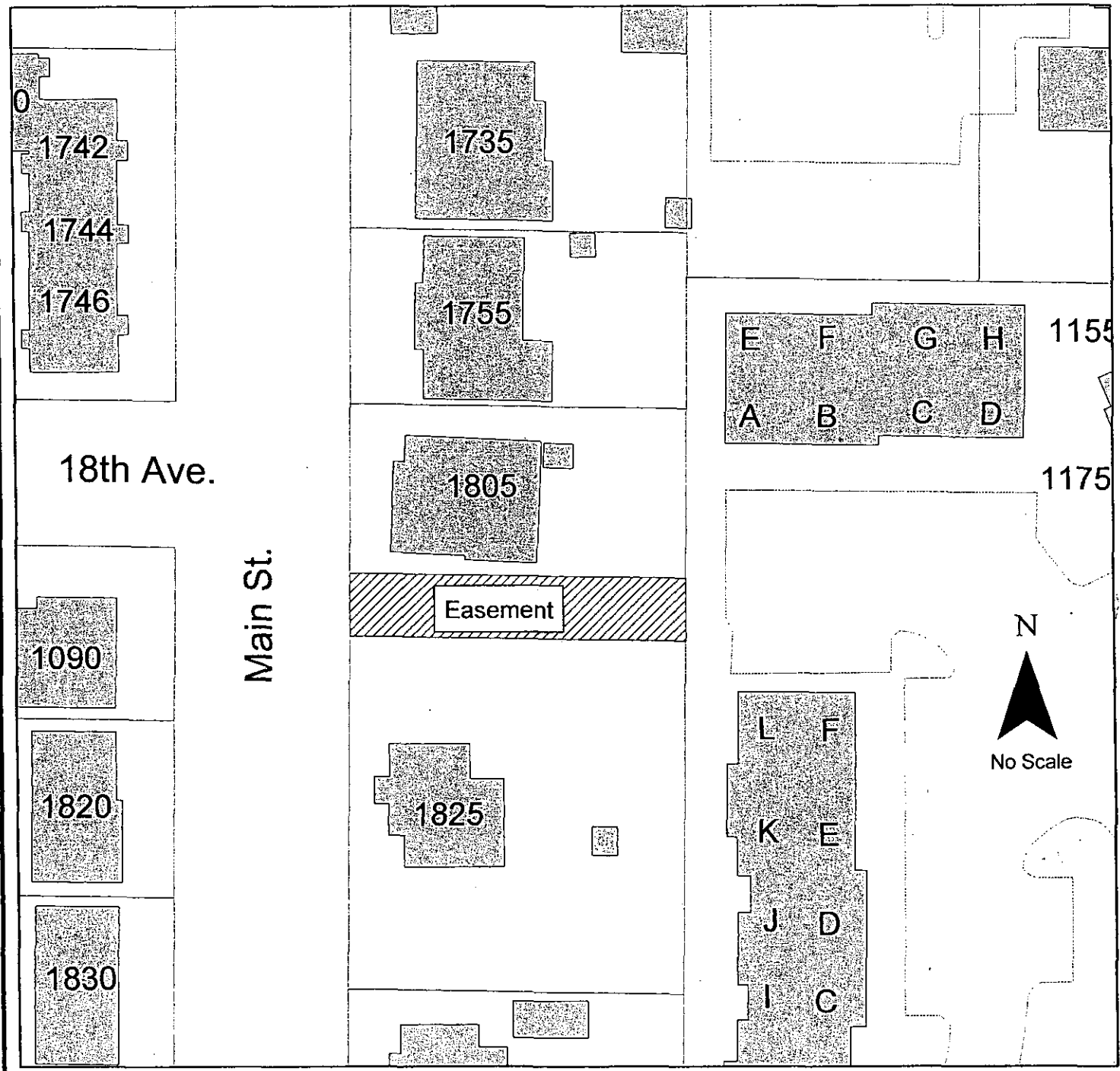
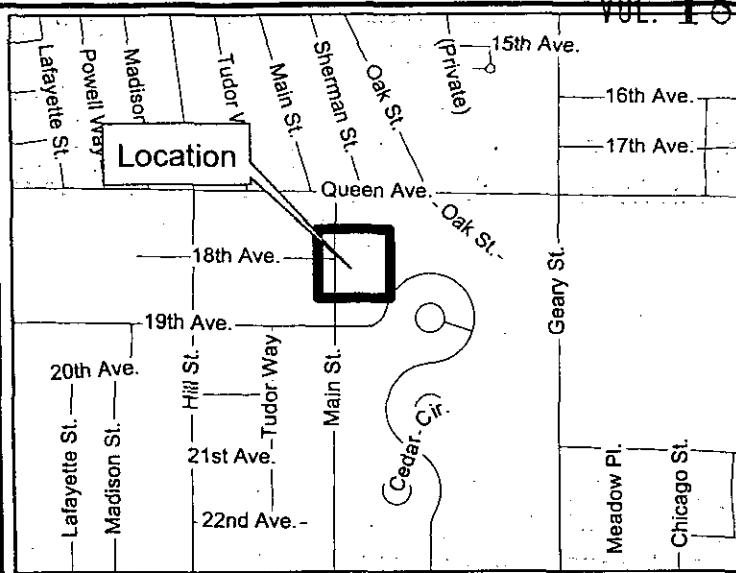
1805 Main St. SE

A 22 foot wide sewer easement across the southern width of the property

SS-05-01
Main & 19th Sewer Replacement



Geographic Information Services



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 [Signature], Deputy

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A
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PAGE 164

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41

Resolution No. 5212

Recorded Document Recorder File 4712