

RESOLUTION NO. 2778

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:


Grantor

Lloyd and Roberta Scheid

Purpose

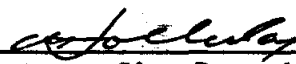
A 10-foot right-of-way easement granted to the City of Albany for purposes of conveying and maintaining public utilities.

DATED this 13 day of April, 1987.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1 day of March, 1988, by and between Lloyd and Roberta Scheid, herein called grantors, 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 grantors have 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 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 consist of:

A strip of land ten feet in width located in the City of Albany, Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon that is more particularly described as follows:

Commencing at a point that is on the westerly right-of-way line of Calapooia Street S.W., said point being N 17°45'00"W, 188.38 feet from the northeast corner of Lot 1 of "34 AVENUE INDUSTRIAL PARK", a subdivision of record in Linn County, Oregon; thence S 88°57'00"W leaving said westerly right-of-way line, 285.44 feet; thence N 01°03'00"W, 10.00 feet; thence N 88°57'00"E, 282.44 feet to the said westerly right-of-way; thence S 17°45'00"E, 10.44 feet to the point of beginning.

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 true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
 - a. the sum of one dollars (\$1.00) for the permanent easement.
4. The Grantors do 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 below written.

Lloyd Scheid
Roberta Scheid

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 ___ day of _____, 19___, by _____, president, and by _____, secretary, of CON-MEL Manufacturing, an Oregon corporation, on behalf of the corporation.

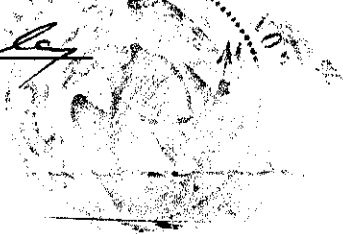
I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____ do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 17 day of March, 1988

CITY OF ALBANY, OREGON

William B. Barrons
 City Manager

 Notary Public for Oregon
 My Commission Expires: _____

[Signature]
 City Recorder



CORPORATE ACKNOWLEDGMENT

NO. 202

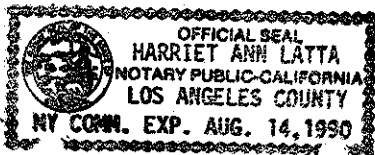
State of California }
 County of Los Angeles } SS.

On this the 17 day of March, 1988, before me,

Harriet Ann Latta
 the undersigned Notary Public, personally appeared

Lloyd J. and Roberta Scheid
 personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument as President & Secretary or on behalf of the corporation therein named, and acknowledged to me that the corporation executed it. WITNESS my hand and official seal.



Harriet Ann Latta
 Notary's Signature

Resolution No. 2778

Recorded Document Recorder File No. 0548