

RESOLUTION NO. 2992

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

Grantor

Peter J. Ryan
Kathleen I. Ryan
Eleanor S. Lewis
Joseph A. Barrett, Jr.
Louis T. Seith
Marjorie E. Seith
Jack Ligterink

Purpose

20-foot wide permanent utility easement for proposed sanitary sewer and waterline extensions along northline of their property located approximately 395 feet south of Allen Lane in the City of Albany, Linn County, Oregon.

DATED this 10th day of October, 1990.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11th day of December, 1990, by and between Peter J. Ryan and Kathleen L. Ryan, as tenants by the entirety, as to an undivided 1/4 interest; Eleanor S. Lewis, as to an undivided 1/4 interest; Joseph A. Barrett, as to an undivided 1/4 interest; Louis T. Seith Trust dated May 6th, 1986, Louis T. Seith and Marjorie E. Seith, trustees, as to an undivided 2/12 interest; Jack Ligterink, as to an undivided 1/12 interest; together as tenants in common, 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 consists of:

A 20.00-foot wide permanent utility easement across that property conveyed to Peter J. Ryan and Kathleen L. Ryan, as tenants by the entirety, as to an undivided 1/4 interest; Eleanor S. Lewis, as to an undivided 1/4 interest; Joseph A. Barrett, as to an undivided 1/4 interest; Louis T. Seith Trust dated May 6th, 1986, Louis T. Seith and Marjorie E. Seith, trustees, as to an undivided 2/12 interest; Jack Ligterink, as to an undivided 1/12 interest; together as tenants in common, in Volume MF 486, Page 435, Linn County Microfilm Deed Records, said 20-foot wide permanent utility easement is parallel, adjacent to, and south of the north line of said property and is more particularly described as follows and as shown on the attached EXHIBIT A:

Beginning at the Northeast corner of the Southeast Quarter of Section 25, in Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence South 00° 31' 30" West 604.10 feet; thence North 89° 16' 30" West 41.50 feet to the Northeast corner of said parcel of land conveyed to Peter J. Ryan and Kathleen L. Ryan, et. al. in Volume MF 486, Page 435, Linn County Microfilm Deed Records, said point being on the south line of that parcel of land conveyed to Marie H. Simons in Deed Volume 335, Page 347, Linn County Deed Records, said point being on the westerly right-of-way line of U. S. Highway 99 East at engineer's station 161+22.2, said point also being the TRUE POINT OF BEGINNING; thence on the north line of said parcel conveyed to Peter J. Ryan and Kathleen L. Ryan, et. al. in Volume MF 486, Page 435, Linn County Microfilm Deed Records, North 89° 36' 00" West 1,278.00 feet, more or less, to the west line of said parcel of land and there terminating.

EXCEPT that portion deeded to the State of Oregon, by and through it's Department of Transportation, Highway Division, by deeds recorded in Volume MF 448, Page 337 and Volume MF 448, Page 341, Linn County Microfilm Deed Records.

Containing 0.5868 acres, more or less.

- 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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
- 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 above written.

[Handwritten signature of Peter J. Ryan]

Peter J. Ryan

STATE OF Oregon
County of Multnomah ss.
City of Portland

The foregoing instrument was acknowledged before me this 7th day of December, 1990, by Peter J. Ryan, as his voluntary act and deed.

[Handwritten signature of Notary Public]

Notary Public for Oregon

My Commission Expires: 1/5/93



Kathleen L. Ryan

Kathleen L. Ryan

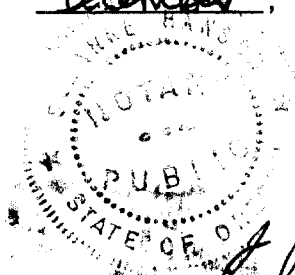
STATE OF Oregon)
County of Washington ss.
City of Portland)

The foregoing instrument was acknowledged before me this 7th day of December, 1990, by Kathleen L. Ryan, as her voluntary act and deed.

Suzanne Hansen

Notary Public for Oregon

My Commission Expires: 11/5/93



Eleanor S. Lewis

Eleanor S. Lewis

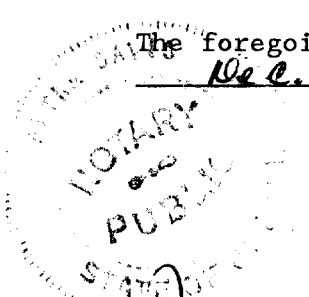
STATE OF Oregon)
County of Clatsop ss.
City of Astoria)

The foregoing instrument was acknowledged before me this 10th day of Dec., 1990, by Eleanor S. Lewis, as her voluntary act and deed.

Petra Davis

Notary Public for ERA Ransom + Smith

My Commission Expires: 11-9-91



Joseph A. Barrett Jr.

Joseph A. Barrett. Jr.

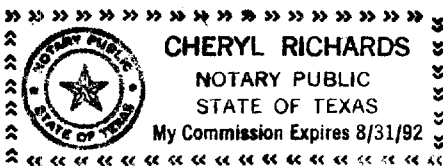
STATE OF TEXAS)
County of TARRANT ss.
City of ABLINGTON)

The foregoing instrument was acknowledged before me this FIFTH day of November, 1990, by Joseph A. Barrett. Jr., as his voluntary act and deed.

Cheryl Richards

Notary Public for Tarrant Co, Texas

My Commission Expires: 8-31-92



Louis T. Seith

Louis T. Seith

14th day OF Nov-90
County of Fairfax) ss.
City of McLean, Va.)

The foregoing instrument was acknowledged before me this 13th day of Nov, 1990, by Louis T. Seith, as his voluntary act and deed.

Margaret A. Wheeler
Notary Public for Commonwealth of Virginia
My Commission Expires: 3-19-93

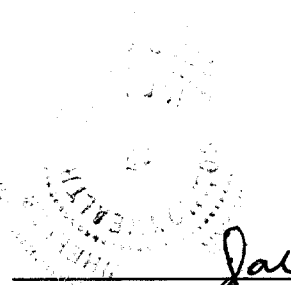


Marjorie E. Seith
Marjorie E. Seith

14th day OF Nov-90
County of Fairfax) ss.
City of McLean, Va.)

The foregoing instrument was acknowledged before me this 13th day of Nov, 1990, by Marjorie E. Seith, as her voluntary act and deed.

Margaret A. Wheeler
Notary Public for Commonwealth of Virginia
My Commission Expires: 3-19-93



Jack Ligterink
Jack Ligterink

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

The foregoing instrument was acknowledged before me this 11 day of December, 1990, by Jack Ligterink, as his voluntary act and deed.

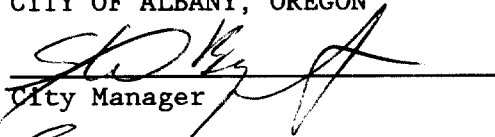
Retra Davis
Notary Public for ERA Randall Smith
My Commission Expires: 11-9-91



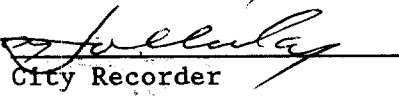
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2992, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 2nd day of January, 1991.

CITY OF ALBANY, OREGON



City Manager



City Recorder



P.O.B. the NE Cor.
of the SE 1/4 of
Sec. 25, in
T 11 S, R 4 W, WM
City of Albany,
Linn County, Oregon.

Allen Lane

Tax Lot 1400

Tax Lot 2000

N 89° 36' 00" W
1278.00'

Tax Lot 2001

S 00° 31' 30" W 604.10'

True Point of Beginning

N 89° 16' 30" W
41.50'

Hwy 99E

20-Foot Wide Permanent
Utility Easement

Peter J. Ryan and
Kathleen L. Ryan, et. al.
Volume MF 486, Page 435
T 11 S, R 4 W, 25
Tax Lot 2102

VOL 552 PAGE 191

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

20-Foot Wide Permanent
Utility Easement From
Peter J. Ryan, et. al.
to the City of Albany

ENTERED JAN 14 1991

STATE OF OREGON
County of Linn

I hereby certify that the attached was
received and duly recorded by me in
Linn County records:

Volume: MF 552 Page: 186

At 8:30 O'clock a.m.
STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]*, Deput
City of Albany

Resolution No. 2992

Recorded Document Recorder File No. 2013