

RESOLUTION NO. 3369

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

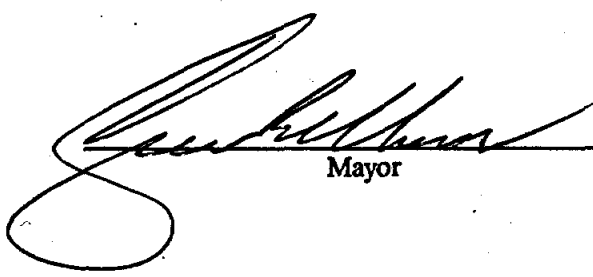
Grantor

Richard Hews

Purpose

a permanent public utility easement across an existing sanitary sewer per Site Plan Review Case No. SP-86-92

DATED this 8th day of June, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18 day of May, 1994, by and between Richard Hews, 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 ten-foot wide strip of land across Parcel 1 as conveyed to Richard Hews by deed recorded in Volume 594, Page 202, Linn County Microfilm Deed Records, said strip being a portion of Block 32, Albany, more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the South line of Block 32, Albany, said point being Westerly along said South line 80.37 feet from the Southeast corner of said block; and running thence Northerly parallel to the East boundary of said Block 32 a distance of 110.03 feet to Northwest corner of said Hews Parcel 1 and the TRUE POINT OF BEGINNING; thence Westerly parallel with the Northerly boundary of said Block 32 a distance of 54 feet to the Northwest corner of the Southeast quarter of said block; thence Southerly parallel to the Easterly boundary of said Block 32 10 feet; thence Easterly parallel with the Northerly boundary of said Block 32 a distance of 54 feet to a point on the East line of said Hews Parcel 1; thence Northerly on said East line of Hews Parcel 1 running parallel to the East boundary of said Block 32 a distance of 10 feet to the True Point of Beginning and there terminating.

Containing 540 square feet, 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.

Return to: City of Albany - Recorder  
P.O. Box 490, Albany, OR 97321

*Richard Hews*

GRANTOR:

*Richard Hews*  
Richard Hews

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 3369, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of June, 1994.

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

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 1994, by Richard Hews as his voluntary act and deed.

*Diane M Wood*  
Notary Public for Oregon

My Commission Expires: 6-23-95

*Steve Bryant*  
City Manager

ATTEST:

*Norm C. Withrow*  
City Recorder - Deputy

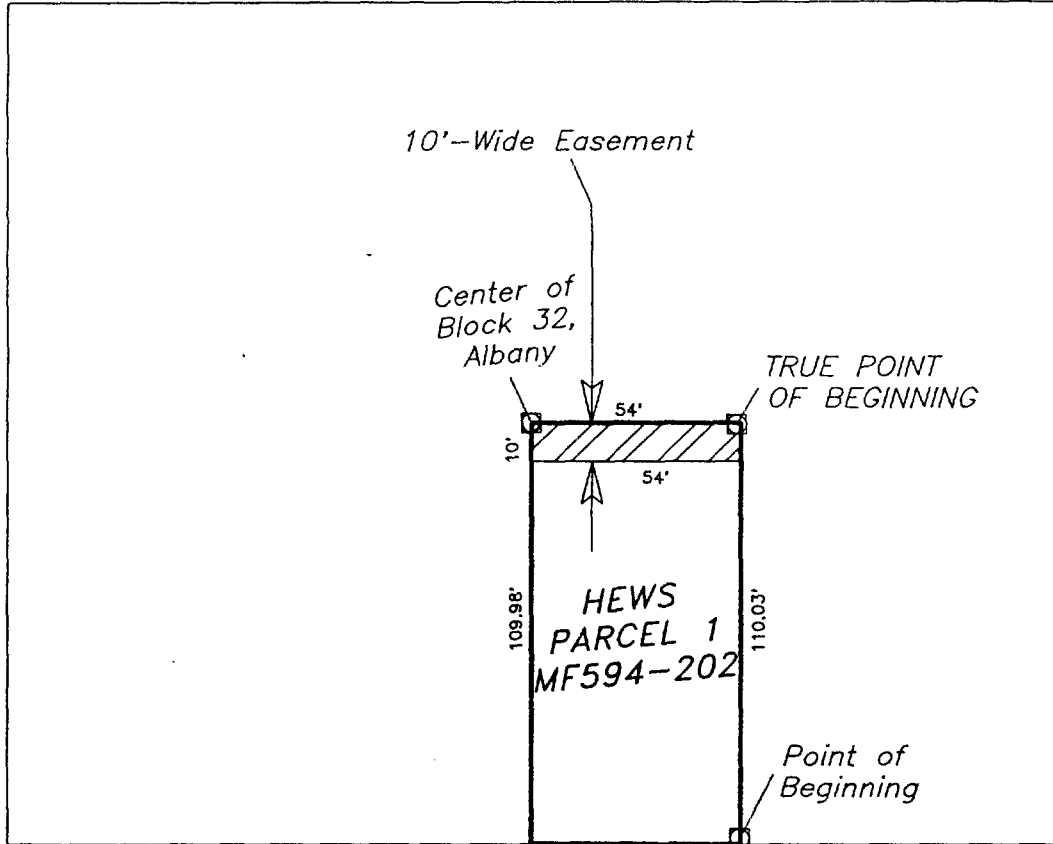




5th Avenue

Broadalbin Street

ELLSWORTH STREET



6th Avenue

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/NOVEMBER 1993

EXHIBIT A:  
10-Foot Wide Permanent Easement  
from Richard Hews to the  
City of Albany

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 PA, Deputy

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