

RESOLUTION NO. 3438

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

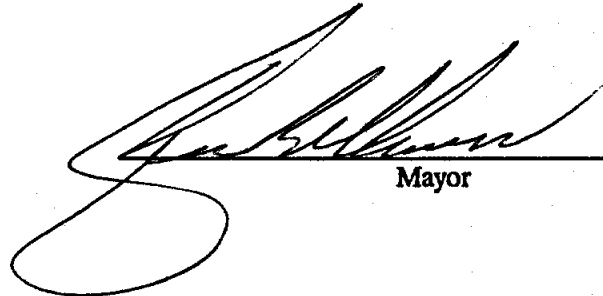
Grantor

Michael L. Hylton and Sherry L. Hylton

Purpose

a permanent public utility easement (for a sanitary sewer to be constructed under SI-94-18) across property located at 4522 Pacific Blvd. SW

DATED this 16th day of November, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 21<sup>st</sup> day of November 1994, by and between Michael L. Hylton and Sherry L. Hylton, 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 thirty-four foot wide permanent public utility easement across that parcel conveyed to the State of Oregon, acting by and through the Director of Veteran's Affairs, by deed recorded in Volume 400, Page 730, Linn County Microfilm Deed Records, the easterly line of said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the westerly right-of-way of U. S. Highway 99 East, said point being North 89° 37' 32" West 25.10 feet from the northeast corner of the Robert E. Harmon Donation Land Claim No. 77 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; and running thence North 0° 50' 43" West, on said westerly right-of-way, 100 feet to the northeast corner of that property described in Memorandum of Contract recorded in Volume 511, Page 772, Linn County Microfilm Deed Record.

Containing 0.078 acre of land, more or less. (Bearings based on Linn County Survey No. 14996)

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.

GRANTOR:

CITY OF ALBANY:

Oregon Department of Veterans Affairs  
By it's Customer Service MGR

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

Michael L. Hylton

Michael L. Hylton

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3438, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 16th day of November, 19 94.

Sherry L. Hylton

Sherry L. Hylton

\*  
see below

Steve Bryant  
City Manager

ATTEST:

STATE OF OREGON )  
County of ~~Linn~~ Marion ) ss.  
City of ~~Albany~~ Salem )

Norm C. Withrow  
City Recorder - Deputy

The foregoing instrument was acknowledged before me this 21 day of Oct, 19 94, by R O JOHNSON as representative of Oregon Department of Veterans Affairs their voluntary act and deed.

Tina Withrell  
Notary Public for Oregon

My Commission Expires: 07-05-96



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

The foregoing instrument was acknowledged before me this 2nd day of Nov, 19 94, by Michael L. Hylton and Sherry L. Hylton as their voluntary act and deed.

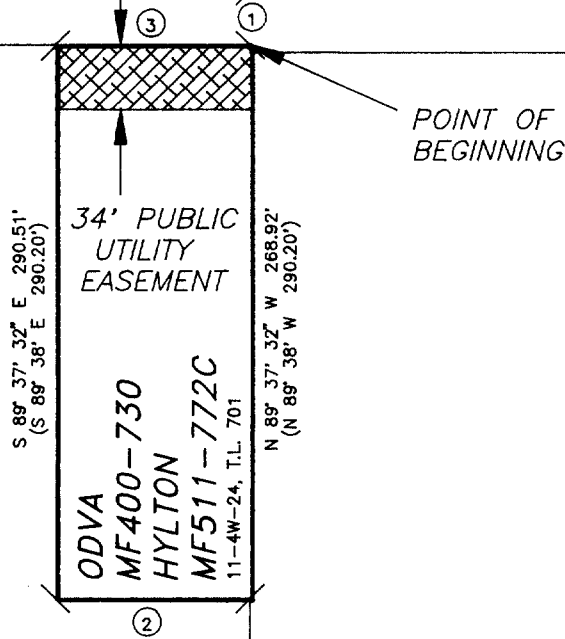
Sarah J. Giboney  
Notary Public for Oregon

My Commission Expires: March 8, 1996

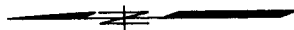


*U.S. HIGHWAY 99 E*

DLC LINE



11-4W-24AD, T.L. 103



SCALE: 1" = 100'

BASIS OF BEARINGS = C.S.14996  
(DEED INFORMATION)

- ① 25.1' N 89° 37' 32" W  
(25.1' N 89° 38' W)
- ② N 1° 05' 28" W 100'  
(N 0° 53' W 100')
- ③ S 0° 50' 45" E 100'

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/SEPTEMBER 1994

*EXHIBIT A:*  
34' PUBLIC UTILITY EASEMENT FROM  
OREGON DEPARTMENT OF VETERANS AFFAIRS,  
MICHAEL L. HYLTON AND SHERRY L. HYLTON  
TO THE CITY OF ALBANY, OREGON

STATE OF OREGON  
County of Linn

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

STEVE DRUCENMILLER  
Linn County Clerk

By [Signature], Deputy

M  
R 75  
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A  
O

MF 727  
PAGE 346

8:30 O'clock a.m. 25

DEC 05 1994

Resolution No. 3438

Recorded Document Recorder File No. 2554