

RESOLUTION NO. 3464

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

Grantor

Kevin K. Schlegel and Jennifer L. Schlegel

Purpose

a ten-foot wide permanent public utility easement  
across property located at 2450 Marion Street SE

DATED this 25th day of January, 1995.



*Charles W. Moran*  
\_\_\_\_\_  
Mayor

ATTEST:

*Noam C. Withrow*  
\_\_\_\_\_  
Deputy City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of Dec, 1994, by and between Kevin K. Schlegel and Jennifer L. Schlegel, 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 tract of land across a portion of that property described in Purchaser's Assignment of Contract for Sale of Real Property and Deed recorded in Volume 628, Page 905, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

The southerly ten feet of even width of Parcel 2, Partition Plat No. 1994-81, as recorded in the Linn County Record of Partition Plats, Linn County, Oregon.

Containing 0.062 acre of land, 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

GRANTOR:

Kevin K. Schlegel  
Kevin K. Schlegel  
Jennifer L. Schlegel  
Jennifer L. Schlegel

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 3464, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of January, 1995.

Steve Bryant  
City Manager

ATTEST:

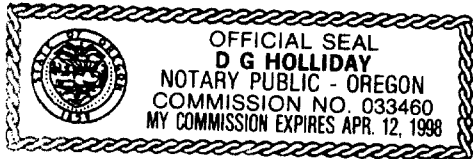
Angela  
City Recorder

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

The foregoing instrument was acknowledged before me this 23 day of Dec, 1994, by Kevin K. Schlegel and Jennifer L. Schlegel, husband and wife, as their voluntary act and deed.

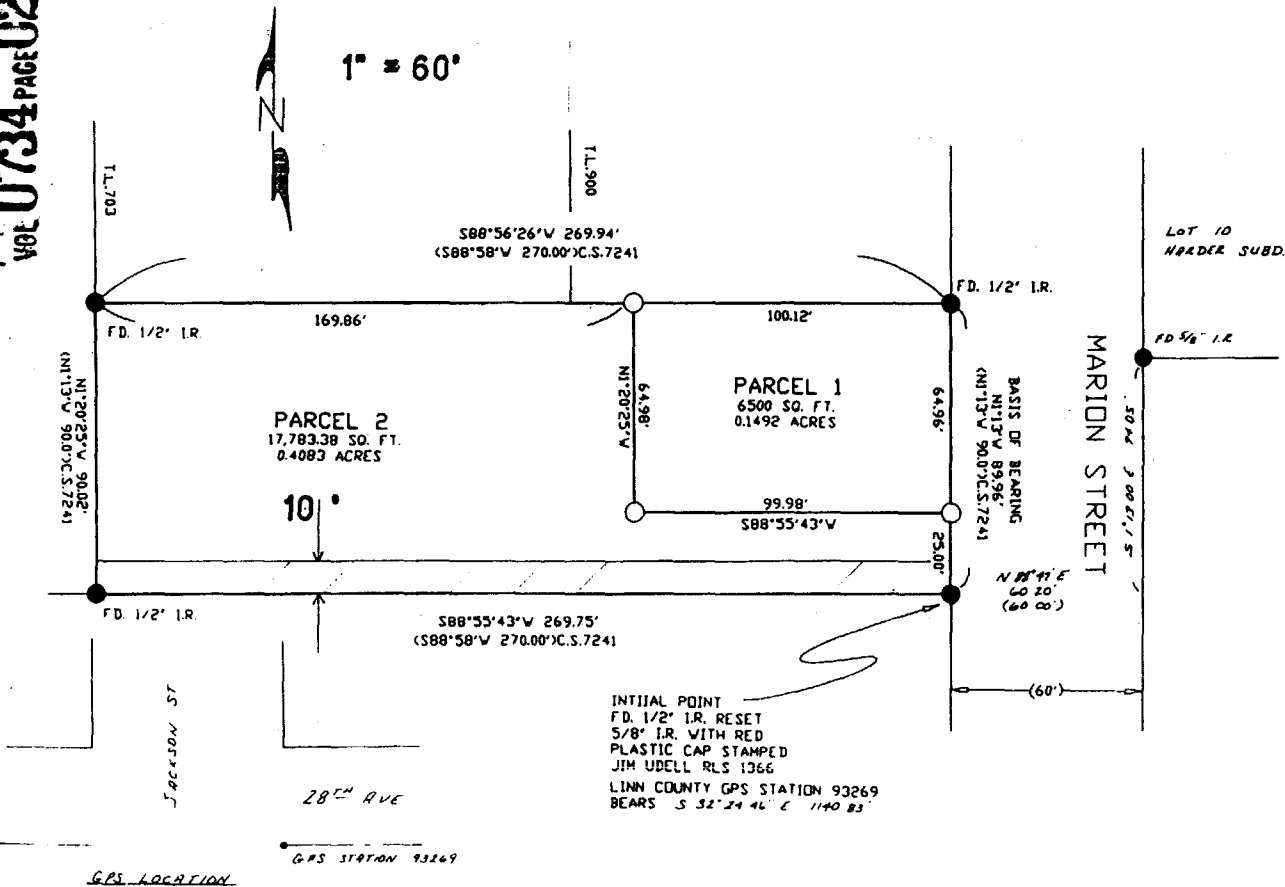
Angela  
Notary Public for Oregon

My Commission Expires: 4/12/98



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P. U.E. FROM SCHLEGEL 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 MF 734

By PA, Deputy PAGE 20

8:30 O'clock a.m.  
 JAN 30 1995

EXHIBIT A:

Resolution No. 3464

Recorded Document Recorder File No. 2579