

RESOLUTION NO. 4313

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

Melvin A. Yeager

Purpose

A permanent public utility easement more particularly described in the attached legal description labeled "EXHIBIT A", shown in the attached map labeled "EXHIBIT B", and located in the attached vicinity map.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this public utility easement.

DATED THIS 26TH DAY OF JULY 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3RD day of JULY, 2000, by and between **Melvin A. Yeager**, herein called Grantor, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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:

See attached legal description "EXHIBIT A" and attached map "EXHIBIT B".
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, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom.
4. The Grantor does 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 by Grantor on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

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

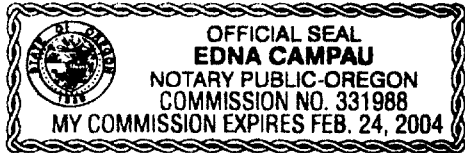
GRANTOR:

Melvin A. Yeager
Melvin A. Yeager

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

The foregoing instrument was acknowledged before me this 3rd day of July, 2000, by Melvin A. Yeager as his voluntary act and deed.

Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2004



CITY OF ALBANY:

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

Ken Thompson Acting
I, ~~Steve Bryant~~ as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4313, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of July, 2000.

Ken Thompson
City Manager Acting City Manager

ATTEST:

Betty Lougwell
City Recorder Clerk

EXHIBIT A

Description of a permanent Public Utility Easement

A 10.0 foot wide permanent public utility easement across that property conveyed to Melvin A. Yeager, described in Volume 1058, Page 605, Linn County Microfilm Deed Records, said easement being parallel, adjacent and south of the line described below and as shown on the attached map labeled "EXHIBIT A".

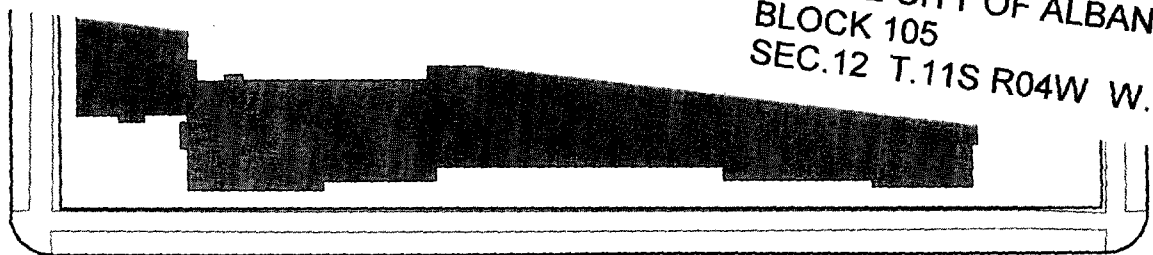
Beginning at the northwest corner of Lot 6, Block 105 of Monteith's Southern Addition to the City of Albany, Section 12, T.11S., R.4W., Willamette Meridian, Linn County, Oregon; thence easterly, parallel with the northern boundary line of said block, a distance of 66.66 feet, and there terminating.

Containing 0.0153 acres of land, more or less.

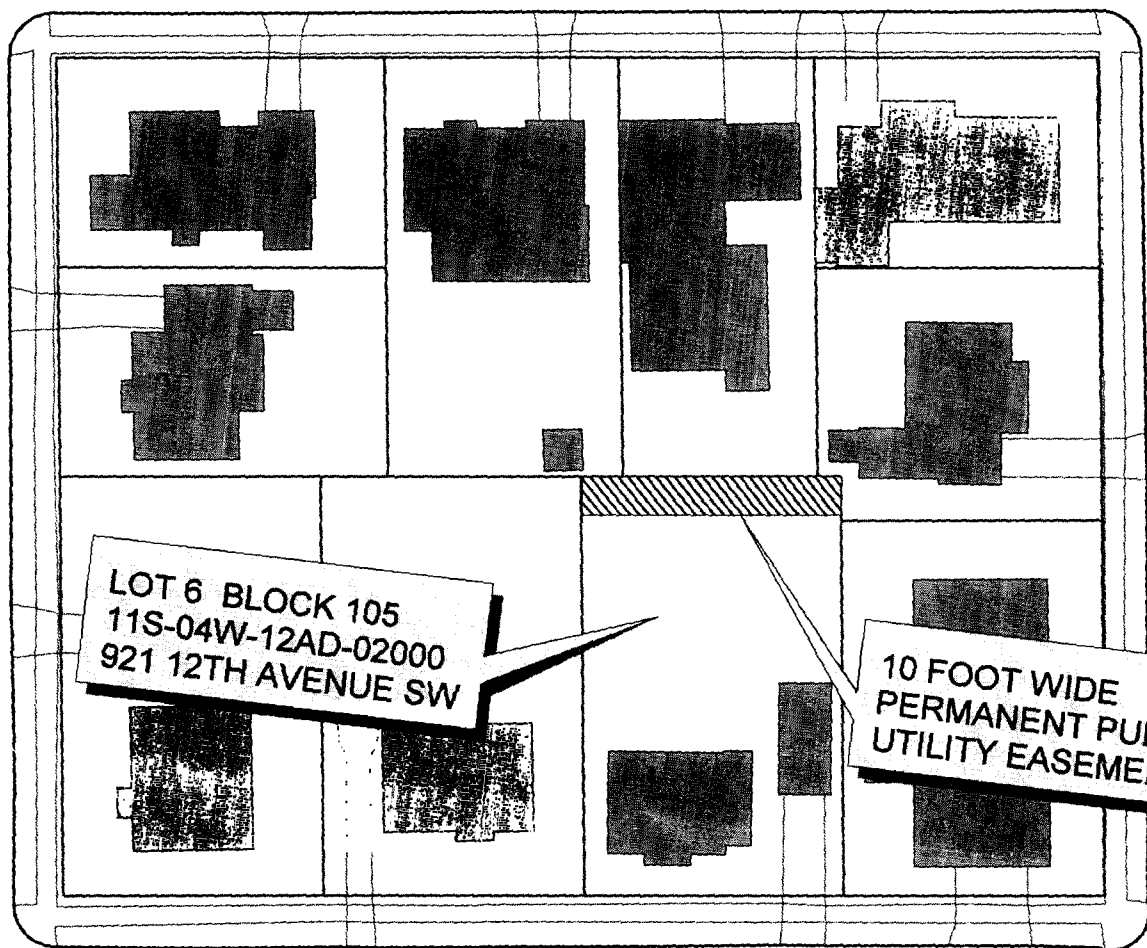


EXHIBIT B

MONTEITH'S SOUTHERN ADDITION
TO THE CITY OF ALBANY, OREGON
BLOCK 105
SEC. 12 T. 11S R. 04W W.M.



11TH AVE



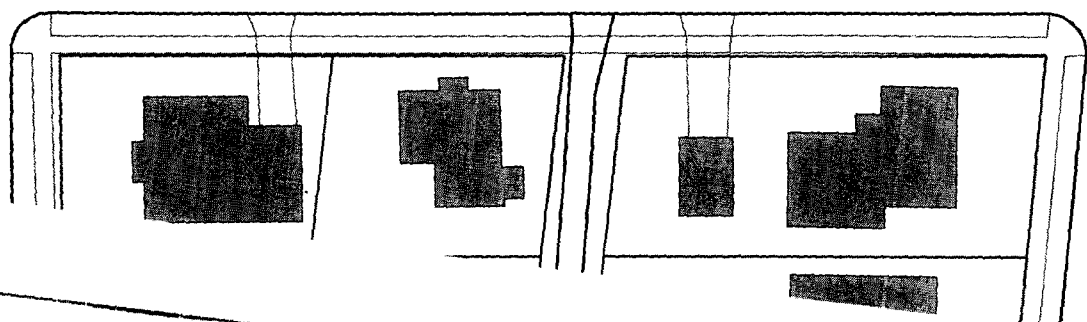
ELM ST

WALNUT ST

LOT 6 BLOCK 105
11S-04W-12AD-02000
921 12TH AVENUE SW

10 FOOT WIDE
PERMANENT PUBLIC
UTILITY EASEMENT

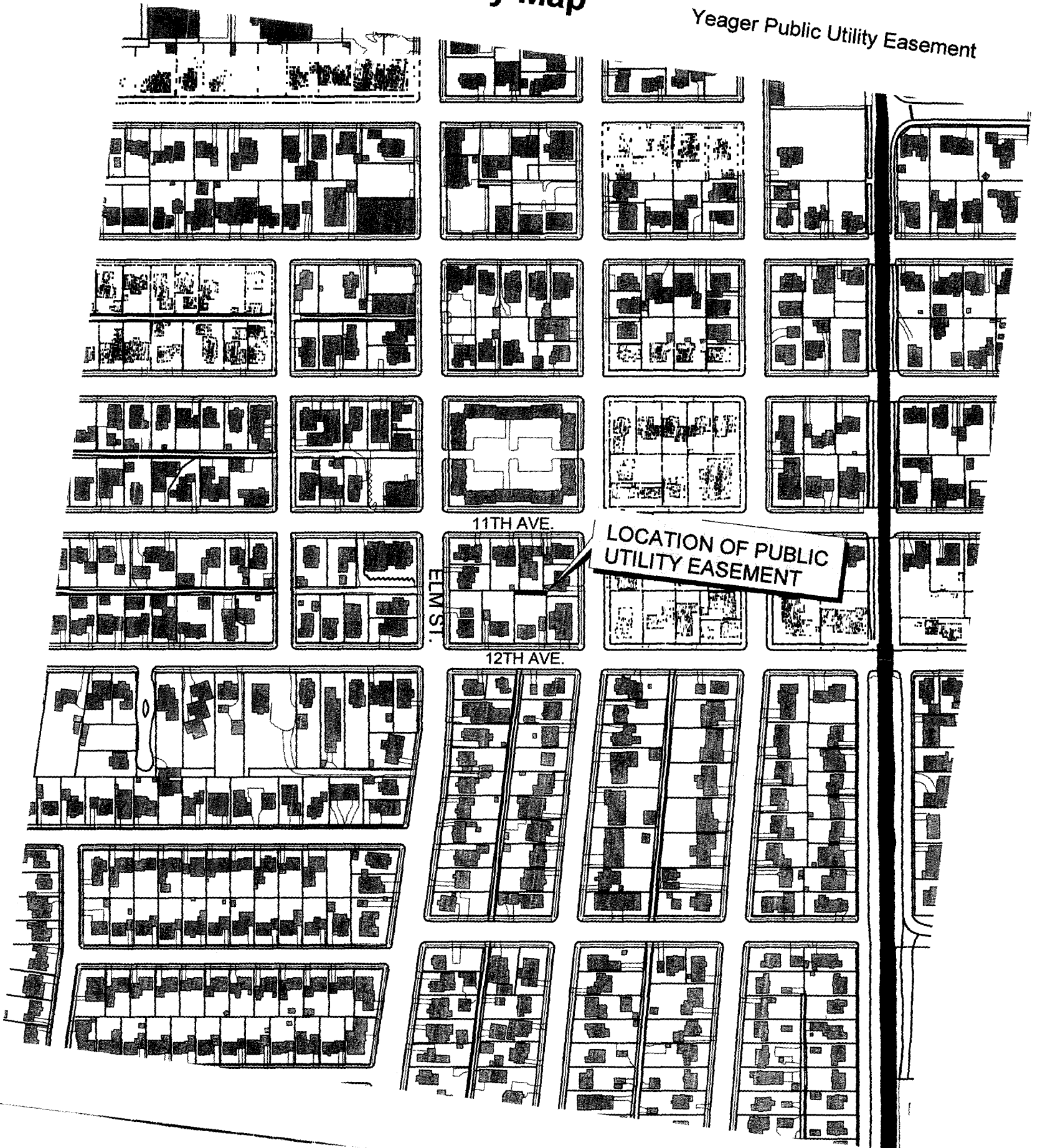
12TH AVE





Vicinity Map

Yeager Public Utility Easement



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 JK, Deputy

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R 25
S 10
A 11
O

MF 1120
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Recorded Document Recorder File No. 3653