

RESOLUTION NO. 3182

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

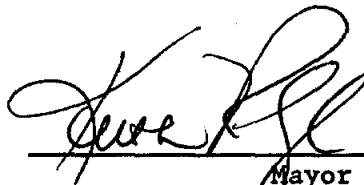
Grantor

Warren M. Herbert and Grace M. Herbert

Purpose

a fifteen-foot wide permanent public utility easement centered over an existing sanitary sewer across that property located at 2211 Old Salem Road NE, City of Albany, Linn County, Oregon

DATED this 8th day of July, 1992.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22nd day of JUNE, 1992, by and between Warren M. Herbert and Grace M. Herbert, husband and wife, 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, undergrowth, 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 15-foot wide permanent public utility easement across that parcel conveyed to Warren M. Herbert and Grace M. Herbert, husband and wife, in MF Volume 474, Page 870, Linn County Microfilm Deed Records, being 7.5 feet on either side of the following described centerline:

Beginning at a point which is 1951.62 feet South 1° 10' West, 1341.60 feet North 79° 33' East along the center of Salem Avenue to the southwest corner of said Herbert parcel, 30 feet North 9° 55' 10" West along the west line of said Herbert parcel, 8.48 feet North 79° 33' East, 153.94 feet North 7° 38' 01" West to the center of a manhole, and 84.14 feet North 64° 07' 57" East of the northwest corner of the Leander C. Burkhart Donation Land Claim No. 50, in Section 5, Township 11 South, Range 3 West of the Willamette Base and Meridian, City of Albany, Linn County, Oregon; and running thence North 64° 07' 57" East 112.71 feet to the east line of Parcel 2 of Linn County Partition Plat 1992-25 and there terminating.

Containing 0.039 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

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P.O. Box 490, Albany, OR 97321

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:

Warren M. Herbert  
Warren M. Herbert

Grace M. Herbert  
Grace M. Herbert

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

The foregoing instrument was acknowledged before me this 22 day of June, 1992, by grantor(s) as his/her/their voluntary act and deed.

Nicola Barrett  
Notary Public for Oregon

My Commission Expires: 9-25-93

CITY OF ALBANY:

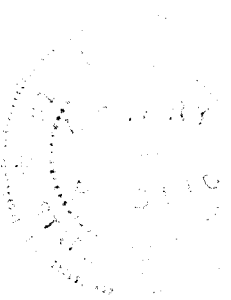
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3182, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of July, 1992.

Steve Bryant  
City Manager

ATTEST:

Norm C. Wathen  
City Recorder - Deputy



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 606

By Clw, Deputy PAGE 015

M  
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JUL 17 1992  
2:38 p.m.

26

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Recorded Document Recorder File No. 2200