

RESOLUTION NO. 3289

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


Grantor

Scott David Lepman as trustee under S One Family Trust

Purpose

A permanent public utility easement around a fire hydrant constructed under a permit for a site improvement project (Davidson Street Waterline/SI-92-16).

DATED this 8th day of September, 1993.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1st day of September 1993, by and between Scott David Lepman as Trustee under S One Family Trust, 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 permanent public utility easement (for a fire hydrant) across a portion of land conveyed as Parcel 1 to S One Family Trust by deed recorded on June 29, 1993 in Volume 646, Page 671, Linn County Microfilm Deed Records more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the east line of Davidson Street, said point being 96.90 feet South 19° 38' 30" East, 210.34 feet South 64° 14' 30" West, and 504.24 feet South 88° 50' West from a point on the west line of and 1069.86 feet South 01° 25' East from the Northwest Corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South, Range 3 West of the Willamette Base and Meridian, in the City of Albany, Linn County, Oregon; and running thence North 70° 21' 30" East 8.0 feet; thence South 19° 38' 30" East 10.0 feet; thence South 70° 21' 30" West 8.0 feet to the easterly right-of-way of Davidson Street; thence North 19° 38' 30" West along said easterly right-of-way 10.0 feet to the point of beginning.

Containing 80 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.

The purpose of this easement is for a fire hydrant.

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

GRANTOR:

*Scott David Lepman*  
\_\_\_\_\_  
Scott David Lepman

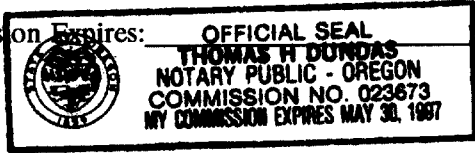
CITY OF ALBANY:

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

The foregoing instrument was acknowledged before me  
this 1st day of September 1993, by Scott David  
Lepman, Trustee under S One Family Trust, as his  
voluntary act and deed.

*Thomas H Dundas*  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires:



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 3289,  
do hereby accept on behalf of the City of Albany, the  
above instrument pursuant to the terms thereof this  
8th day of September, 1993.

*Steve Bryant*  
\_\_\_\_\_  
City Manager

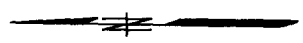
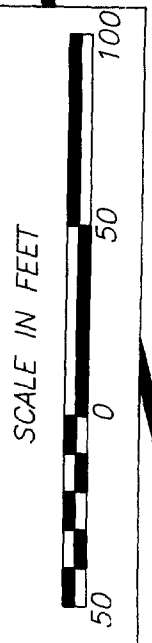
ATTEST:

*Norm C. Withman*  
\_\_\_\_\_  
City Recorder - Deputy



504.24' S 88° 50' W  
from a point on the West line of  
and 1069.86' S 01° 25' E  
from the Northwest Corner of the  
Anderson Cox DLC No.49  
Linn County, Oregon

S ONE FAMILY TRUST  
MF 646-671, LCDR



S 64° 14' 30" W 210.34'

S 19° 38' 30" E 96.90'  
N 19° 38' 30" W 10.0'  
N 70° 21' 30" E 8.0'  
S 81° 38' 30" E 8.0'  
S 70° 21' 30" W 8.0'  
N 70° 21' 30" E 10.0'

POINT OF BEGINNING

DAVIDSON STREET

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

*EXHIBIT A:*  
PERMANENT PUBLIC UTILITY EASEMENT  
(for a fire hydrant)  
FROM S ONE FAMILY TRUST  
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 [Signature], Deputy

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MF 657

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Resolution No. 3289

Recorded Document Recorder File No. 2352