

RESOLUTION NO. 3429

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

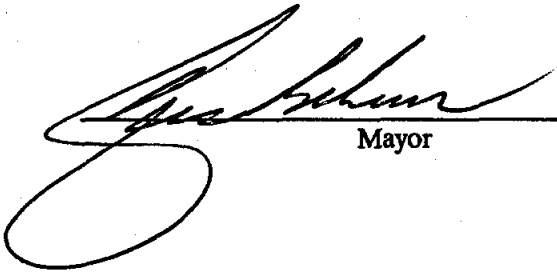
Grantor

Duane Sellon

Purpose

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

DATED this 26th day of October, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1<sup>st</sup> day of Oct, 1994, by and between Duane Sellon, 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-foot wide permanent public utility easement across that parcel conveyed to Duane Sellon by deed recorded in Volume 625, Page 470, Linn County Microfilm Deed Records, the easterly line of said easement being more particularly described as follows and as shown on the a 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 29.10 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 South 0° 37' 21" East 44.71 feet; thence South 0° 33' East 158.79 feet to the south line of said Sellon parcel (MF625-470).

Containing 0.140 acre of lane, more or less. (Bearings based on Linn County Survey 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:

Duane Sellon  
Duane Sellon

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 3429, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27<sup>th</sup> day of October, 1994.

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

Steve Bryant  
City Manager

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of Oct., 1994, by Duane Sellon as his voluntary act and deed.

ATTEST:

Sarah J. Giboney  
Notary Public for Oregon

Miriam C. Withrow  
City Recorder - Deputy

My Commission Expires: March 8, 1998



*U.S. HIGHWAY 99 E*

POINT OF  
BEGINNING

DLC LINE

WEST LINE (US HWY 99E)  
R = 19,058.60'  
DELTA = 0° 35'  
L = 194.04'  
T = 97.02'  
C = 194.04'

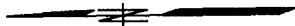
11-4W-24, T.L. 701

N 89° 37' 32" W 359.90'  
(S 89° 38' E 360')

R = 19,058.60' (19,060')

30' PUBLIC  
UTILITY  
EASEMENT

SELLON  
MF625-470  
11-4W-24AD, T.L. 103



SCALE: 1" = 100'

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

- ① 29.10' N 89° 37' 32" W  
(N 89° 38' W)
- ② S 0° 37' 21" E 44.71'  
(S 0° 37' E)
- ③ S 0° 33' E 158.79'

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

EXHIBIT A:  
30' PUBLIC UTILITY EASEMENT  
FROM DUANE SELLON  
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 DRUCKENMILLER  
Linn County Clerk

By [Signature], Deputy

M 15  
R 10  
S 10  
A      
O    

MF 723

PAGE 297

8:30 O'clock a.m.

NOV 01 1994

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Resolution No. 3429

Recorded Document Recorder File No. 2533