

RESOLUTION NO. 3497

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

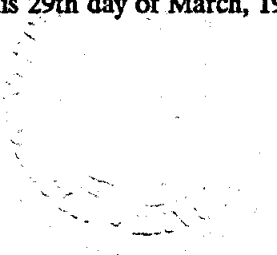
Grantor


Thomas F. Ahlers and Linda J. Ahlers

Purpose

a permanent public utility easement (over an existing sanitary sewer) across property located at 1101 and 1117 Pacific Blvd. SE

DATED this 29th day of March, 1995.




Mayer

ATTEST:


Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of May, 1995, by and between Thomas F. Ahlers and Linda J. Ahlers, 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 seven-foot wide permanent public utility easement across those parcels conveyed to Grantors by deeds recorded in Volume 659, Page 723 and in Volume 704, Page 078, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

The most northerly seven feet of Lot 8, Block 1, T. P. & E. L. Hackleman Addition to the City of Albany, Linn County, Oregon.

TOGETHER WITH The most northerly seven feet of Lot 7 and (the most northerly seven feet of) the westerly 11 feet 3 inches of Lot 6, said T. P. & E. L. Hackleman Addition.

Containing 0.023 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.

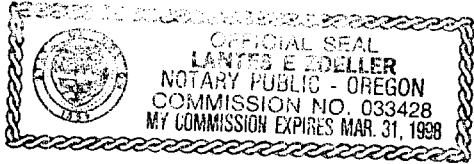
IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

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

GRANTOR:

Thomas F. Ahlers
Thomas F. Ahlers

Linda J. Ahlers
Linda J. Ahlers



STATE OF OREGON)
County of Benton) ss.
City of Cave Hill)

The foregoing instrument was acknowledged before me this 3 day of March, 1995, by Thomas F. Ahlers and Linda J. Ahlers as their voluntary act and deed.

Lantje E. Edeller
Notary Public for Oregon

My Commission Expires: March 31/1998

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 3497, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 30th day of April, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder - Deputy



SEVENTH ST.

BLOCK 53
HACKLEMAN'S
2ND ADDN.

LOT 1
BLOCK 1
T.P.&E.L.HACKLEMAN ADDN.

LOT 2

LOT 3

LOT 4

7' EASEMENT

MAIN ST.

ADDITION

EXG. BLDG.

AHLERS
MF704-078

AHLERS
MF659-723

LOT 8

LOT 7

11' - 3"

LOT 6

LOT 5

SHERMAN ST.

VOL 0741 PAGE 838

SCALE
1" = 50'

PACIFIC BLVD.

BLOCK 54
HACKLEMAN'S
2ND ADDN.

BLOCK 2
T.P.&E.L.HACKLEMAN ADDN.

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JANUARY 1995

EXHIBIT A:
7'-WIDE PUBLIC UTILITY EASEMENT
FROM THOMAS F. AHLERS & LINDA J. AHLERS
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 PA, Deputy

M
R 15
S 10
A
O

MF 741
PAGE 836

8:30 O'clock a.m.

APR 03 1995

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Recorded Document Recorder File No. 2590