

RESOLUTION NO. 3553

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

Grantor

M & M Rentals Company

Purpose

A permanent public utility easement 10 feet in even width across that property in Linn County deed reference MF Volume 741, page 486.

DATED this 27th day of September 1995.



Council President

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18 day of Aug, 1995, by and between M & M Rentals Company, 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:

The southern 10 feet of Tax Lot 8500, Linn County Assessors Map No. 11-3W-7AA. (Linn County Microfilm Deed Records Volume 741 page 486). (132.52' x 10') = 1,325.2 square feet, more or less. See attached map labeled Exhibit A.

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:

M & M Rentals Company

By: [Signature]
President

By: Melinda Boyle
Secretary

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

The foregoing instrument was acknowledged before me this 28 day of August, 1994, by Richard m mkesell, president, and by Melinda Boyle, secretary, of M & M Rentals Company, an Oregon corporation, on behalf of the corporation.

Mary Ann Bellamy
Notary Public for Oregon

My Commission Expires: 3-26-96

M & M.ca

File: SP-42-95



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 3553 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29th day of September, 1995.

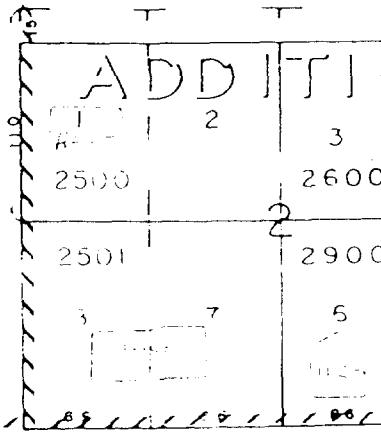
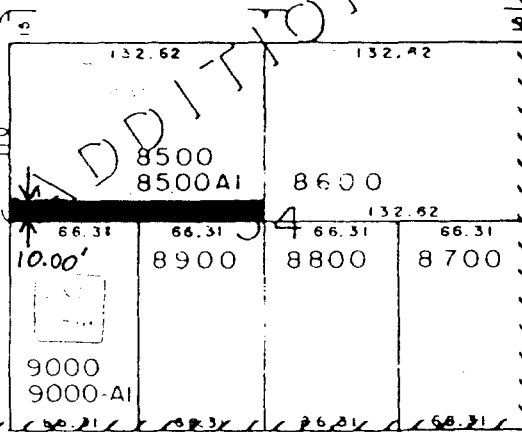
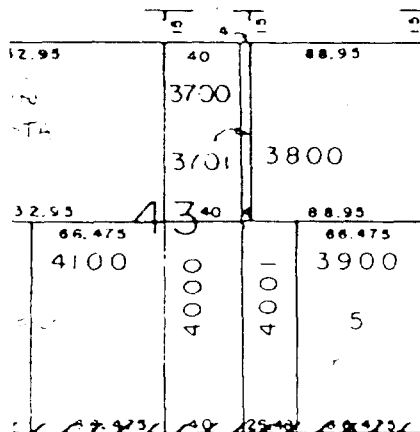
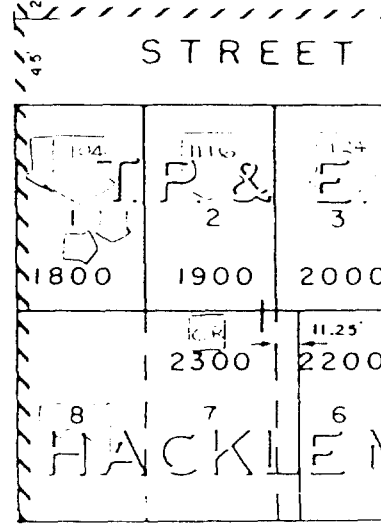
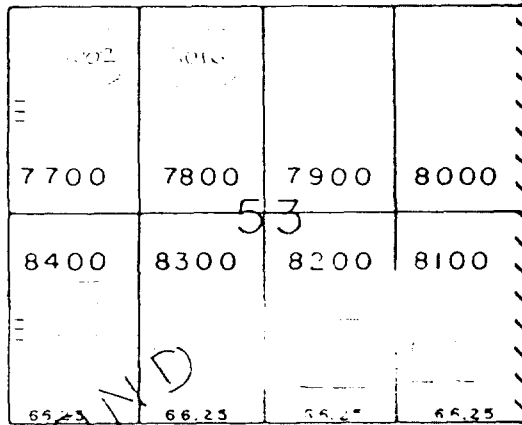
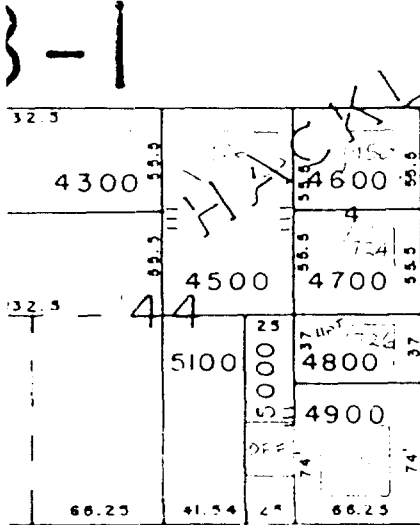
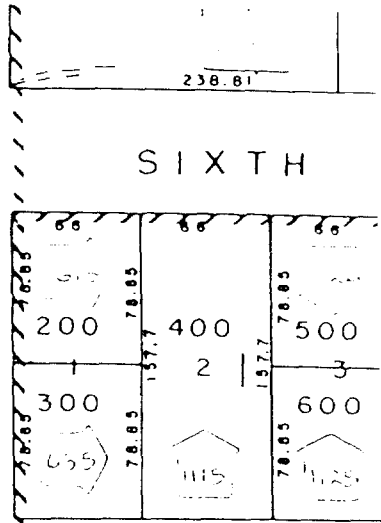
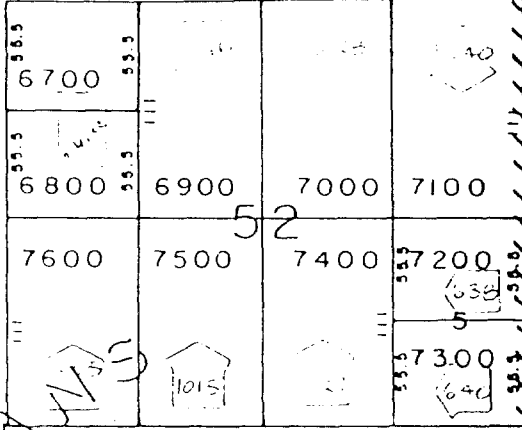
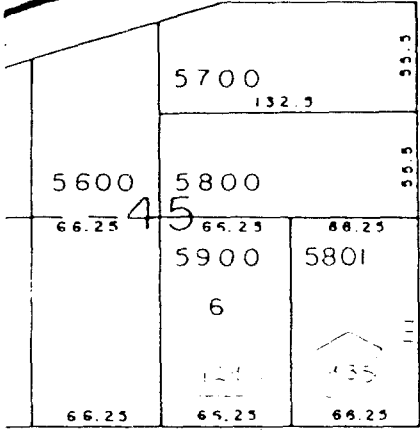
[Signature]
City Manager

ATTEST:

Mam C. Withrow
City Recorder (Deputa)



EXHIBIT A



HACKLEM STREET

SEVENTH STREET

PACIFIC HIGHWAY

NINTH STREET

STREET

MAIN STREET

SIXTH STREET

STREET

HIGHWAY

STREET

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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S 70
A
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MF 768
833
PAGE

8:30 O'clock a.m.

25

OCT 09 1995

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Recorded Document Recorder File No. 2635