

RESOLUTION NO. 4079

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

M & M Rentals

Purpose

A permanent public utility easement, 19 feet in even width, as shown in attached EXHIBIT A.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 10TH DAY OF FEBRUARY 1999.



~~Mayer~~

Council President Pro Tem

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22 day of December, 1998, by and between **M & M Rentals**, 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 easterly 19 feet of Lots 18 and 19, Block 1, of the Central Addition to Albany Linn County Oregon Subdivision Plat, dated September 3, 1910. 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, receipt of which is acknowledged by the Grantor, 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 structures shall be constructed on this easement that would hinder or limit public vehicle access over the easement.

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

GRANTOR:

M & M Rentals Co., an Oregon Corporation

By:

Title Richard M. "Rick" Mikesell,
President

By: Mary H. Mikesell
Title Mary H. Mikesell, Secretary

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4079, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of February, 1999.

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

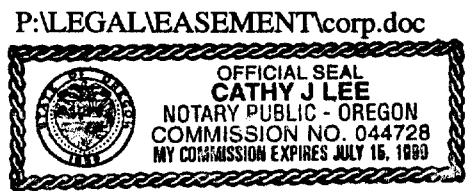
The foregoing instrument was acknowledged before me this 22-day of December, 1998 by Richard M. "Rick" Mikesell Title President, and Mary H. Mikesell Title Secretary, of M&M Rentals Co., an Oregon corporation, on behalf of the corporation.

Steve Bryant
City Manager

ATTEST:

Cathy J. Lee
Notary Public for Oregon
My Commission Expires: 7/15/99

[Signature]
City Recorder



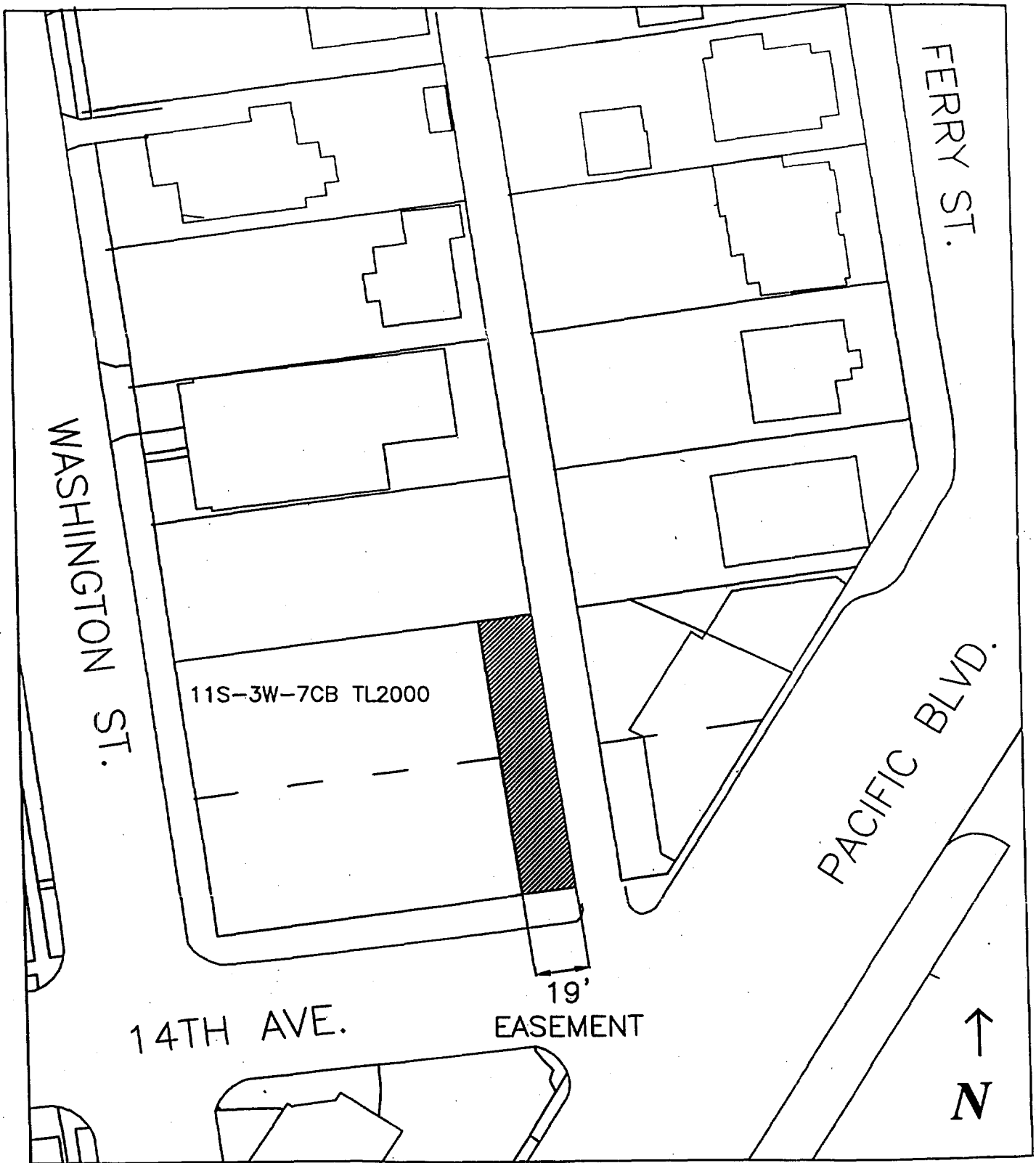


EXHIBIT A

PUBLIC ACCESS EASEMENT
11S-3W-7CB-2000
1335 WASHINGTON 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 *Sm*, Deputy

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