

RESOLUTION NO. 4376

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

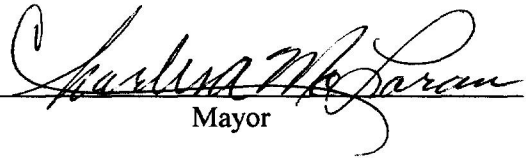
Sten E. Carlson and Stephanie L. Carlson

Purpose

A permanent 10-foot wide public utility easement more particularly described in the attached "EXHIBIT A," shown in the attached "EXHIBIT B," and located in the attached Vicinity Map.

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

DATED THIS 18TH DAY OF DECEMBER 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of December 2000, by and between **Sten E. Carlson and Stephanie L. Carlson**, herein called Grantor, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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 10-foot wide strip of land for public utility easement purposes as described in the attached legal description "EXHIBIT A" and shown on the attached map "EXHIBIT B."
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 Grantor may obtain therefrom.
4. The Grantor does 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 by Grantor on this easement.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year above written.

GRANTOR:

[Signature]
Sten E. Carlson

[Signature]
Stephanie L. Carlson

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

The foregoing instrument was acknowledged before me this 7th day of December 2000, by Sten E. Carlson and Stephanie L. Carlson as their voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: July 29, 2004



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 4376, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 18 day of December 2000.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

K & D ENGINEERING, Inc.

*Engineers • Planners • Surveyors***EXHIBIT "A"****Public Utility Easement for the Carlson Storm Drain**

A 10-foot wide strip of land for public utility easement purposes located in a portion of that Carlson Tract described by deed recorded Volume MF 812, Page 696 of the Linn County Deed Records on July 3, 1996 that is more particularly described as follows:

Beginning at a 1/2 inch pipe at the northeast corner of that Serrill Tract identified as Parcel II by deed recorded in Volume MF 636, Page 994 of the Linn County Deed Records on April 16, 1993, which point being North 89°22' West 61.73 feet from the northeast corner of Lot 15 of "CALAPOOYA ACRES", subdivision of record in the Linn County, Oregon; thence South 00°38'00" West, along the easterly boundary line of said Parcel II, a distance of 84.00 feet; thence North 89°22'00" West 10.00 feet; thence North 00°38'00" East, parallel to said easterly boundary line of said Parcel II, a distance of 84.00 feet to the northerly boundary line of said Parcel II; thence South 89°22'00" East 10.00 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Surrell

OREGON
JULY 14, 1978
JACK R. SURRELL
1630

RENEWAL DATE 12/31/01

October 11, 2000
EXHIBIT "A"
CARLSON STORM DRAIN EASEMENT
(00-56) JDM:nm
File: nm\legal\0056 easement description

PROPOSED PUBLIC UTILITY MAP
FOR
CITY OF ALBANY

LOCATED IN

SE 1/4 SEC. 13, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

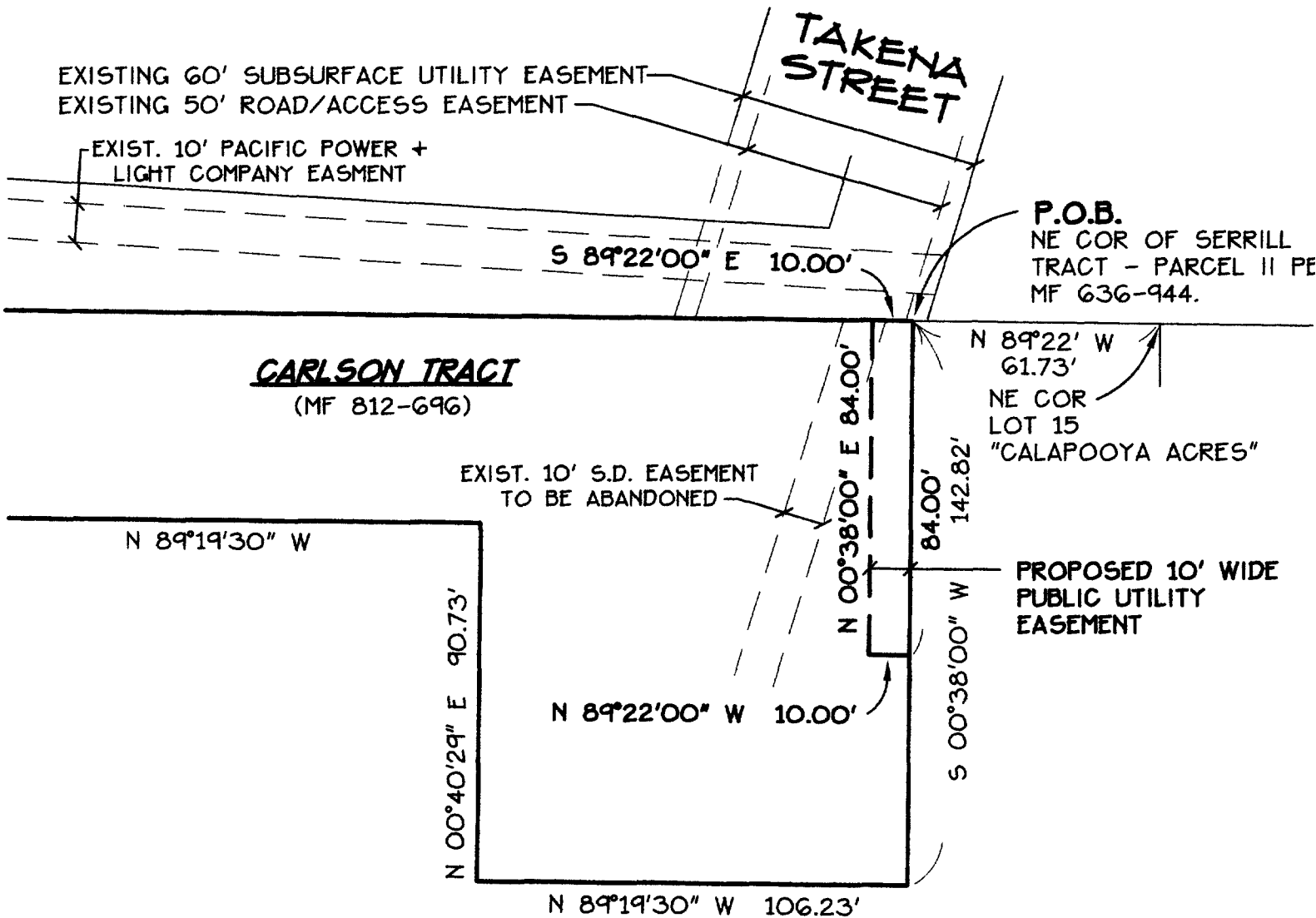
OCTOBER 10, 2000



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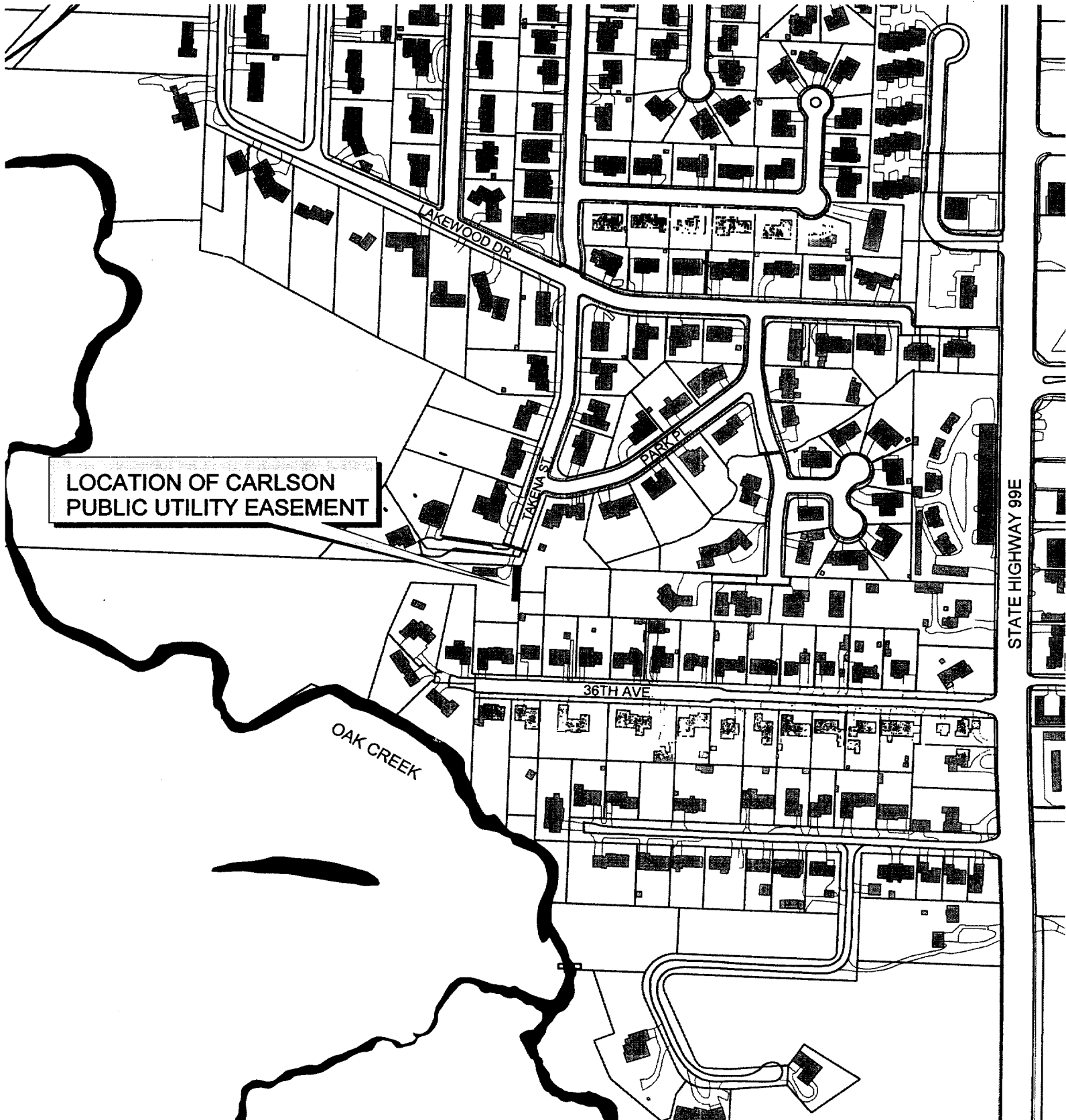
ORIG. SCALE: 1" = 40'





Vicinity Map

Sten E. Carlson and Stephanie L. Carlson
Public Utility Easement Dedication



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 DR, Deputy

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Resolution No. 4376

Recorded Document Recorder File No. 3738