

RESOLUTION NO. 4563

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Layne D. Westberg

Purpose

A permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 9TH DAY OF JANUARY, 2002.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14<sup>th</sup> day of DECEMBER, 2001, by and between **Layne D. Westberg**, 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 permanent public utility easement as shown on attached EXHIBIT B and described in attached 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 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 his hand and seal the day and year above written.

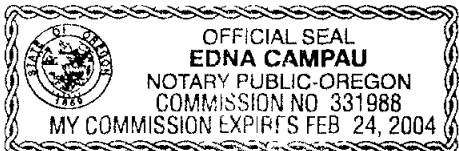
GRANTOR:

*[Signature]*  
Layne D. Westberg

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

The foregoing instrument was acknowledged before me this 14<sup>TH</sup> day of DECEMBER, 2001 by Layne D. Westberg as his voluntary act and deed.

*[Signature]*  
Notary Public for Oregon  
My Commission Expires: FEB. 24, 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 4563, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of January 2002.

*[Signature]*  
City Manager

ATTEST:

*[Signature]*  
City Recorder

# EXHIBIT B

VOL 1253 PAGE 687

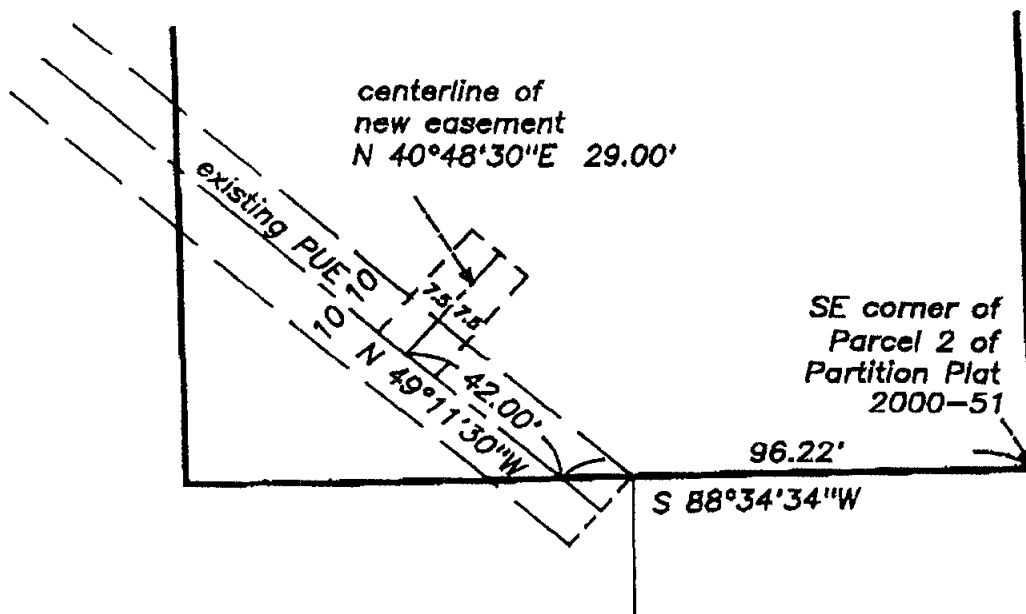
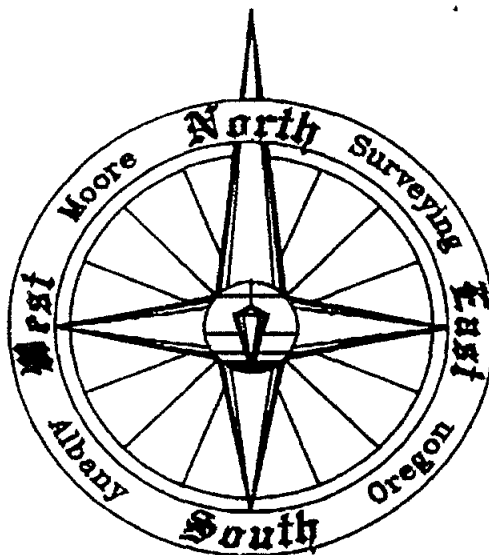


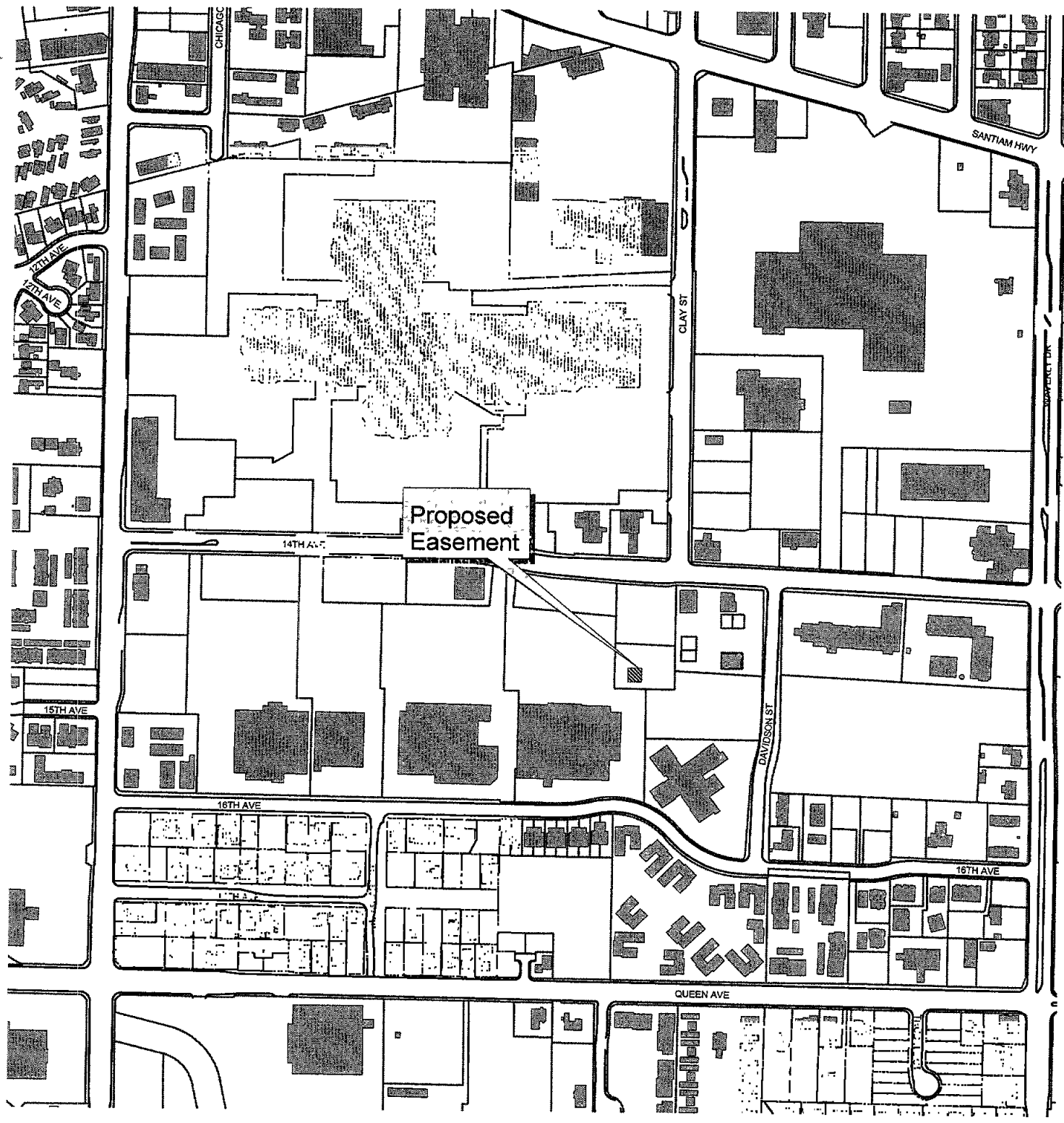
LOCATED IN THE SE 1/4  
SECTION 8 IN T 11 S, R 43W,  
LOT 11 OF HERITAGE PLAZA SUBDIVISION  
CITY OF ALBANY  
LINN COUNTY  
OREGON

WESTBERG EASEMENT

Scale: 1" = 40'

October 18, 2001





# VICINITY MAP

100 0 100 Feet



Westberg Easement		Public Utility Easement	
Gordon Steffensmeier		Engineering	
angies J VAV_PROJSITE_MAP APR		December 5, 2001	

The City of Albany's Infrastructure records, drawings and other documents have been gathered over many decades using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect and thus its accuracy is not warranted. Prior to making any property purchase or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



**Exhibit A**

A 15.00 foot waterline easement, the centerline of which is as follows:

Beginning at a point in the centerline of a 20.00 foot wide public utility easement, which point is 96.22 feet South 88°34'34" West and 42.00 feet North 49°11'30" West from the southeast corner of Parcel 2 of Partition Plat 2000-51, Linn County Book of Partition Plats, Linn County, Oregon; thence North 40°48'30" East 29.00 feet and there terminating.

46

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 SR, Deputy

M  
R 25  
S 70  
A 11  
O

1253

MF

685

PAGE

2002 JAN 11 A 11:53

Resolution No. 4563

Recorded Document Recorder File 4005