

RESOLUTION NO. 2930

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

Grantor

O. Eugene Lemons and  
Vira J. Lemons

Purpose

20-foot permanent utility easement over an existing sanitary sewer line across that property located at 224 13th Avenue SE, Albany, Linn County, Oregon.

DATED this 10th day of January, 1990.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15 day of December, 1989, by and between O. Eugene Lemons and Vira J. Lemons, and Lemons Investments a partnership consisting of Orin Eugene and Vira J. Lemons, 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 20-foot wide permanent utility easement, lying equally on both sides of the following described centerlines, along the south property line and those accessible portions of the sewer line which runs northerly through the existing building across those properties conveyed to O. Eugene Lemons and Vira J. Lemons, and to Lemons Investments a partnership consisting of Orin Eugene and Vira J. Lemons, in Volume MF 450, Page 296 and Volume MF 302, Page 302 Linn County Microfilm Deed Records, City of Albany, Linn County, Oregon, more particularly described as follows and as shown on the specified maps:

Beginning at the Southeast corner of that parcel conveyed to Lemons Investments, in Volume MF 302, Page 302, Linn County Microfilm Deed Records, City of Albany, Linn County, Oregon, said point being the Northeast corner of Lot 20, Block 1, Bacon Addition to the City of Albany in the SW 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian, as recorded in Subdivision Plat Records Book 3, Page 4, and as County Survey Number 2068A, Linn County Survey Records, all in Linn County, Oregon; thence South 81° West 613.00 feet, more or less, to the intersection of the south line of said parcel with the centerline of an existing sanitary sewer line, said point also being the true point of beginning; thence along the centerline of the existing sanitary sewer line North 11° West, 160.32 feet, more or less, to the north property line of said parcel and there terminating as shown on EXHIBIT A.

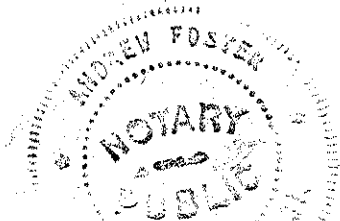
## ALSO INCLUDING:

Beginning at the Southeast corner of that parcel conveyed to Lemons Investments, in Volume MF 302, Page 302, Linn County Microfilm Deed Records, City of Albany, Linn County, Oregon, said point being the Northeast corner of Lot 20, Block 1, Bacon Addition to the City of Albany, in the SW 1/4 of Section 7, Township 11 South, Range 3 West, Willamette Meridian, as recorded in Subdivision Plat Records Book 3, Page 4, and as County Survey Number 2068A, Linn County Survey Records, all in Linn County, Oregon; thence South 81° West, 961.00 feet, more or less, to the intersection of the centerline of an existing sanitary sewer line with the south property line of that parcel of land as described in Volume MF 450, Page 296, Linn County Microfilm Deed Records, City of Albany, Linn County, Oregon; thence continuing on said south property line South 81° West, 10.00 feet, thence North 9° West, 10.00 feet, to the true point of beginning; thence North 81° East, 875.00 feet, parallel to the south property lines of those parcels described in Volume MF 450, Page 296, and Volume MF 302, Page 302, Linn County Microfilm Deed Records, City of Albany, Linn County, Oregon, and there terminating as shown on 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 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. The Grantors and the City acknowledge that, as of the date of Grantor signature on this easement document, a structure exists on the public utilities easement described herein. The existing structure is located on the public utility easement as shown on the attached EXHIBIT A. Neither additional permanent structures nor additions to the existing structure may be constructed on the public utilities easement. If the existing structure is removed from its location shown in EXHIBIT A, no permanent structure may be reconstructed in its place.

- 7. When, in the City's opinion, it is necessary to reconstruct those public utilities that are located in that portion of the easement described herein that is under the existing structure shown in EXHIBIT A, the City shall notify the property owner in writing of the need for the major reconstruction and the time which will be allowed for said reconstruction. Major reconstruction shall mean replacement or realignment of any or all of the public utilities on the grantor's property that are located in that portion of the easement described herein that is under the existing structure shown in EXHIBIT A. Routine maintenance such as cleaning, root removal, and grouting of the public utilities is not intended to be included as part of major reconstruction and such activities shall continue to be performed by the City.
- 8. No permanent structure shall be constructed on the easements as shown on EXHIBITS A, B, ~~C, OR D.~~  
*At City of Albany*

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



*Orin Eugene Lemons*  
 Orin Eugene Lemons  
*Vira J. Lemons*  
 Vira J. Lemons

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

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

The foregoing instrument was acknowledged before me this 15 day of December, 1999, by grantor(s) as his/her/their voluntary act and deed.

*Andrew Foster*  
 Notary Public for Oregon  
 My Commission Expires: 3-27-1992

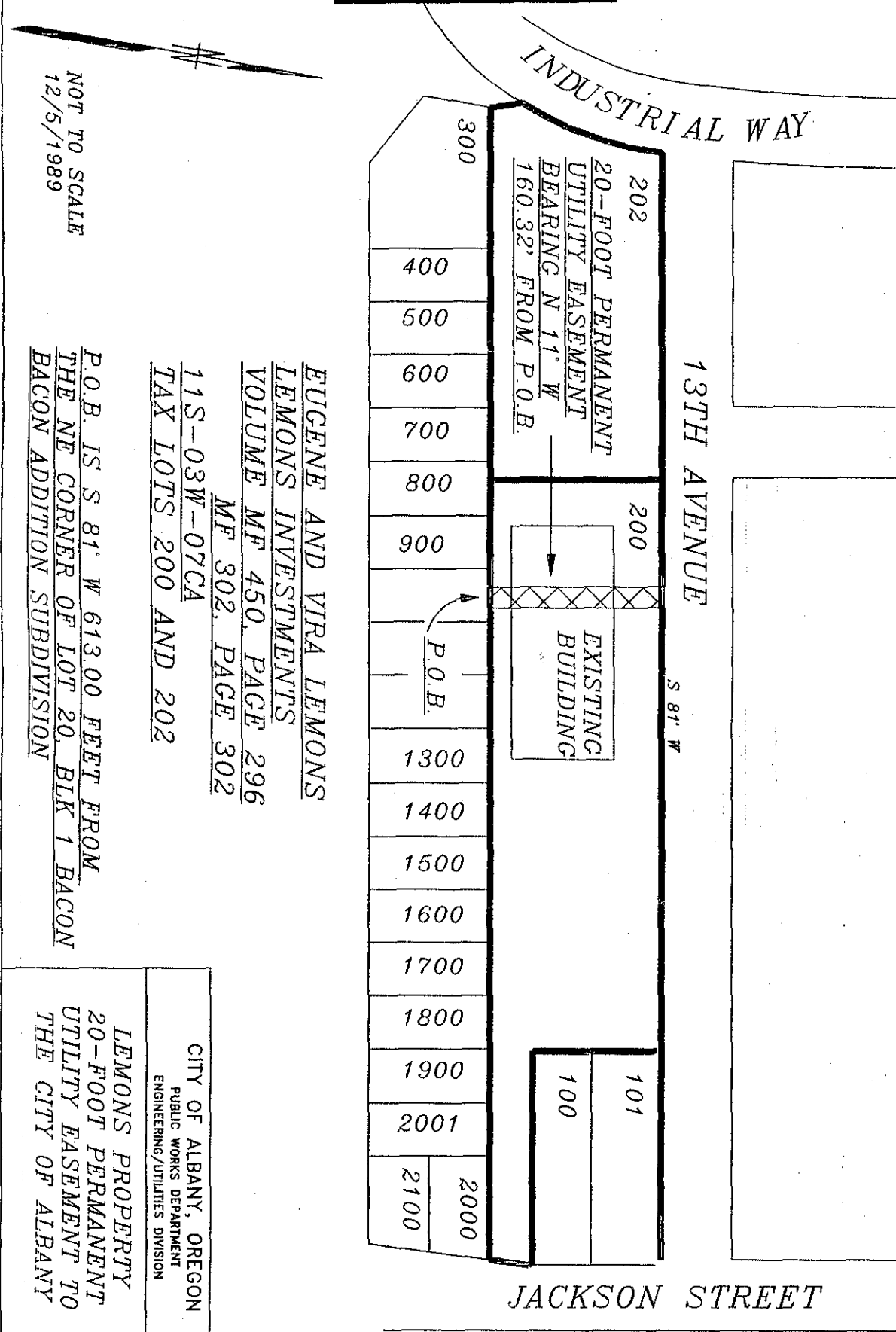
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2930, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of January, 1990.

CITY OF ALBANY, OREGON

*Steve Bryant*  
 City Manager

*[Signature]*  
 City Recorder

EXHIBIT A



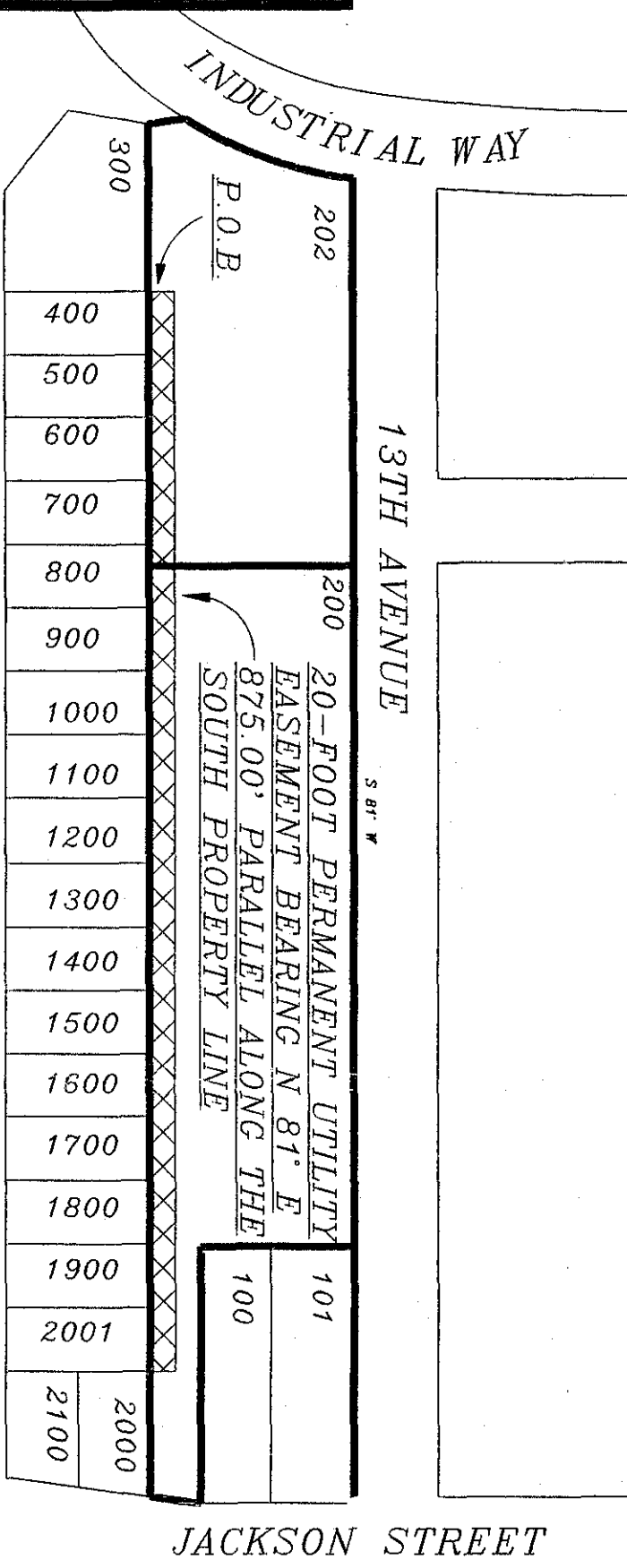
NOT TO SCALE  
12/5/1989

EUGENE AND VIRA LEMONS  
LEMONS INVESTMENTS  
VOLUME MF 450, PAGE 296  
MF 302, PAGE 302  
11S-03W-07CA  
TAX LOTS 200 AND 202  
P.O.B. IS S 81° W 613.00 FEET FROM  
THE NE CORNER OF LOT 20, BLK 1 BACON  
BACON ADDITION SUBDIVISION

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION  
LEMONS PROPERTY  
20-FOOT PERMANENT  
UTILITY EASEMENT TO  
THE CITY OF ALBANY

EXHIBIT B

NOT TO SCALE  
12/5/1989



EUGENE AND VIRA LEMONS  
LEMONS INVESTMENTS  
VOLUME MF 450, PAGE 296  
MF 302, PAGE 302  
11S-03W-07CA  
TAX LOTS 200 AND 202

P.O.B. IS S 81° W 971.00 FEET  
FROM THE NE CORNER OF  
LOT 20, BLK 1, BACON ADDITION

LEMONS PROPERTY  
20-FOOT PERMANENT  
UTILITY EASEMENT TO  
THE CITY OF ALBANY

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

35-

Jan 29 3 31 PM '90

STATE OF OREGON  
County of Linn

I hereby certify that the attached was  
received and duly recorded by me in  
Linn County records:

Volume: MF 522 Page: 217

STEVE DRUCKENMILLER  
Linn County Clerk

By *[Signature]*, Deputy  
City of Albany  
P.O. 490  
Albany

Resolution No. 2930

Recorded Document Recorder File No. 0589