

RESOLUTION NO. 3013

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

Grantor

William E. Ekman
Barbara S. Ekman

Purpose

9.0-foot wide utility easement across their property (11S-03W-18BD tax lot 401) located at 2580 Marion Street SE, City of Albany, Linn County, Oregon.

DATED this 12th day of December, 1990.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30th day of November, 1990, by and between William E. Ekman and Barbara S. Ekman, husband and wife, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

CU-17-90

WITNESSETH:

VR-17-90

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 9.0-foot wide permanent utility easement across that property conveyed to William E. Ekman and Barbara S. Ekman, husband and wife, in Volume MF 507, Page 993, Linn County Microfilm Deed Records, said parcel also being Lot 1, Block 3, Dorris Addition subdivision as recorded at the Linn County Records Office, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 9.0-foot wide strip of land over said William E. Ekman and Barbara S. Ekman, husband and wife property, said strip of land being parallel, adjacent, and east of the west line of said parcel in the north 1/2 of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 848 square feet, more or less.

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.

William E. Ekman
 William E. Ekman
Barbara S. Ekman
 Barbara S. Ekman

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 30th day of November, 1990, by grantor(s) as ~~his/her~~ their voluntary act and deed.

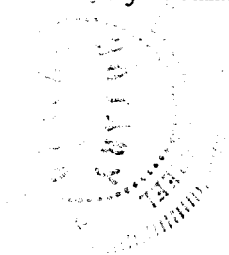
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3013, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of December, 1990.

Susan P. Creel
 Notary Public for Oregon
 My Commission Expires: 6-21-92

CITY OF ALBANY, OREGON

Steve Bryant
 City Manager

J. J. [Signature]
 City Recorder



11S-03W-18BD
Tax Lot 302

11S-03W-18BD
Tax Lot 300

Scale 1" = 30'

60.00'

63.75'

63.75'

S 88° 58' 10" W

25th Avenue

50.00'

S 88° 58' 10" W

63.75'

63.75'

11S-03W-18BD
Tax Lot 407

11S-03W-18BD
Tax Lot 401

N 01° 14' W
94.20'

N 01° 14' W
94.20'

N 01° 14' W
94.20'

9.00-foot wide permanent utility easement that is parallel, adjacent, and east of the west line of Lot 1, Block 3, Dorris Addition subdivision

William E. Ekman
Barbara S. Ekman
Volume MF 507,
Page 993
Tax Lot 401

S 88° 58' 10" W

77.00'

9.00'

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

9.00-foot wide permanent utility easement from Ekman to the City of Albany

25

DEC 18 11 12 AM '90

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 *fdr*, Deputy

Volume: MF 550 Page: 137

Resolution No. 3013

Recorded Document Recorder File No. 1981