

RESOLUTION NO. 3548

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

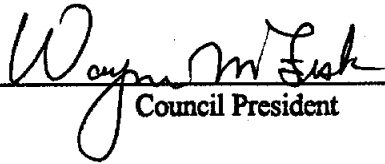
Grantor

Clem H. Reding and Leroy Mary

Purpose

Permanent public utility easement (approximately 20 feet wide) for sanitary sewer on that property in Linn County deed reference MF Volume 425, page 492.

DATED this 13th day of September 1995.



Council President

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20th day of Aug., 1995, by and between Clem H Reding and Leroy Mary, 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 permanent public utility easement across that tract conveyed to Grantors by deed recorded in Volume 425, Page 492, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the northeast corner of the South half of Lot 6, John Millard's Plat in Section 7, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 88° 30' 30" West 206.00 feet to a 5/8-inch iron rod; thence along the east right-of-way line of U. S. Highway 99E (Pacific Blvd.) North 30° 06' 14" East 35.50 feet to a 1/2-inch iron rod; thence South 64° 55' 48" East 347.84 feet to a 1/2-inch iron rod at the northeast corner of said Volume 425, Page 492, said point being the TRUE POINT OF BEGINNING; and running thence North 64° 55' 48" West 27.08 feet; thence South 08° 58' 30" East 115.71 feet; thence North 81° 01' 13" East 22.44 feet; thence North 08° 58' 30" West 100.54 feet to the TRUE POINT OF BEGINNING.

Containing 2426 square feet of land, 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.

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

GRANTOR:

Clem H. Reding
Clem H. Reding

Leroy Mary
Leroy Mary

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

The foregoing instrument was acknowledged before me this 29 day of Aug, 1995, by Clem H Reding as his/her/their voluntary act and deed.

Diane M Wood
Notary Public for Oregon

My Commission Expires: 6-23-99

CITY OF ALBANY:

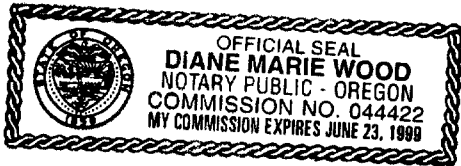
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3548, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of September, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder (Deputa)



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

The foregoing instrument was acknowledged before me this 28 day of Aug, 1995, by Leroy Mary as his/her/their voluntary act and deed.

Diane M Wood
Notary Public for Oregon

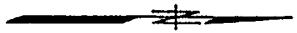
My Commission Expires: 6-23-99

reid.ess

SI-94-27



SCALE: 1" = 60'



S. PACIFIC BLVD. (U.S. HWY. 99E)

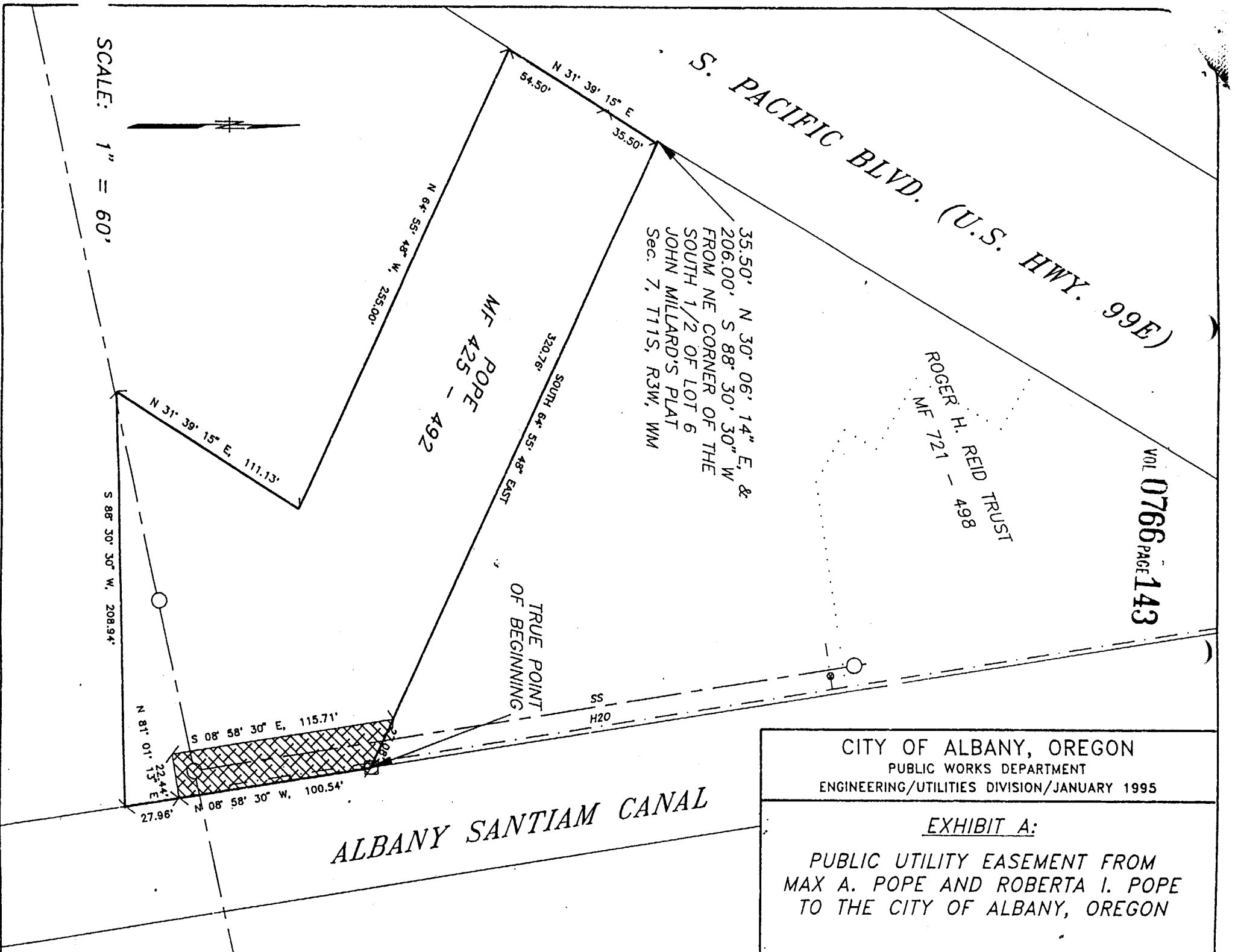
35.50' N 30° 06' 14" E, &
206.00' S 88° 30' 30" W
FROM NE CORNER OF THE
SOUTH 1/2 OF LOT 6
JOHN MILLARD'S PLAT
Sec. 7, T11S, R3W, WM

MF POPE
425 - 492

ROGER H. REID TRUST
MF 721 - 498

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PAGE 143

TRUE POINT
OF BEGINNING



CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JANUARY 1995

EXHIBIT A:

PUBLIC UTILITY EASEMENT FROM
MAX A. POPE AND ROBERTA I. POPE
TO THE CITY OF ALBANY, OREGON

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 [Signature], Deputy

M 15
R 10
S 10

A
O
766

MF 141
PAGE

8:30 O'clock a.m.

25

SEP 21 1995

Resolution No. 3548

Recorded Document Recorder File No. 2643