

RESOLUTION NO. 3552

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


Grantor

David and DeAnna Love

Purpose

A permanent public utility easement 5 feet in even width across the property in Linn County deed reference MF Volume 597, page 975.

DATED this 27th day of September, 1995.

  
\_\_\_\_\_  
Council President

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16<sup>th</sup> day of August, 1995, by and between David and DeAnna Love, 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:

The north 5.00 feet of even width of Lots 4 and 5, Block 6 of the Epauline Addition to the City of Albany; otherwise described as the north 5.00 feet of Tax Lot 7700, Linn County Assessor's Map No. 11-3W-07DB. (Linn County Microfilm Deed Records Volume 597 page 975). (100' x 5.00') = 500 square feet, more or less. See attached map labeled 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 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:

*David L. Love*

David L. Love

*DeAnna Love*

DeAnna Love

STATE OF OREGON )

County of Linn ) ss.

City of Albany )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of August, 1995, by David L. & DeAnna Love as his/her/their voluntary act and deed.

*C. Marie Swander*

Notary Public for Oregon

My Commission Expires: 7/29/96

Love.ess

LA-11-95



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 3552, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27<sup>th</sup> day of September, 1995.

*Steve Bryant*

City Manager

ATTEST:

*Norm C. Withrow*

City Recorder (Deputy)





STATE OF OREGON  
County of Linn

M 15  
R 10  
S 10  
A       
O     

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

STEVE DRUCKENMILLER  
Linn County Clerk

MF 768  
829

By [Signature], Deputy

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8:30 O'clock a.m. <sup>25</sup>

OCT 09 1995

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Recorded Document Recorder File No. 2636