

RESOLUTION NO. 3591

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

Grantor

Bob G. Mitchell

Purpose

A permanent public utility easement 20 feet in even width across that parcel conveyed to Bob G. Mitchell by Linn County deed record MF Volume 608, Page 597.

DATED THIS 24TH DAY OF JANUARY 1996.

ATTEST:


[Signature]
City Recorder

[Signature]
Mayor

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24 day of Jan., 1996, by and between Bob G. Mitchell, 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 public utility easement, centered over an existing sanitary sewer line, across that parcel conveyed to Bob G. Mitchell by deed recorded as MF Volume 608, Page 597, Linn County Microfilm Deed Records, being 10 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the east line of Lot 7 of Block 73, Monteith's Southern Addition in the City of Albany, Section 7, Township 11 South, Range 3 West, of the Willamette Meridian, Linn County, Oregon, said point being South 8° 55' 32" East, 4.0 feet from the northeast corner of said Lot 7; running thence East 93 feet, more or less, to the westerly right-of-way of Pacific Boulevard to its point of terminus.

- 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.

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

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

GRANTOR:

Bob G. Mitchell
Bob G. Mitchell

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
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 3591, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24th day of January, 19 96.

The foregoing instrument was acknowledged before me this 21 day of December, 1995, by Bob G. Mitchell as his voluntary act and deed.

Karla Parish
Notary Public for Oregon

Steve Bryant
City Manager

ATTEST:

My Commission Expires: 3/31/98

[Signature]
City Recorder

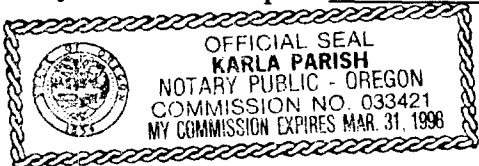


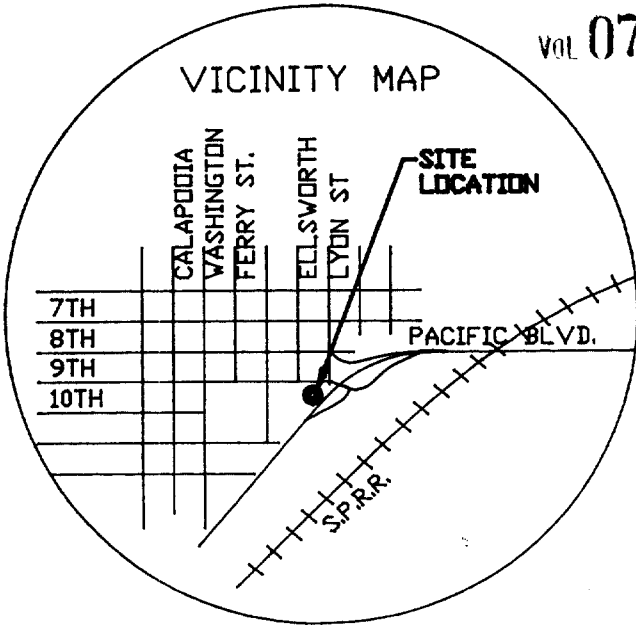
EXHIBIT 'A'

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**PUBLIC UTILITY EASEMENT
CITY OF ALBANY**

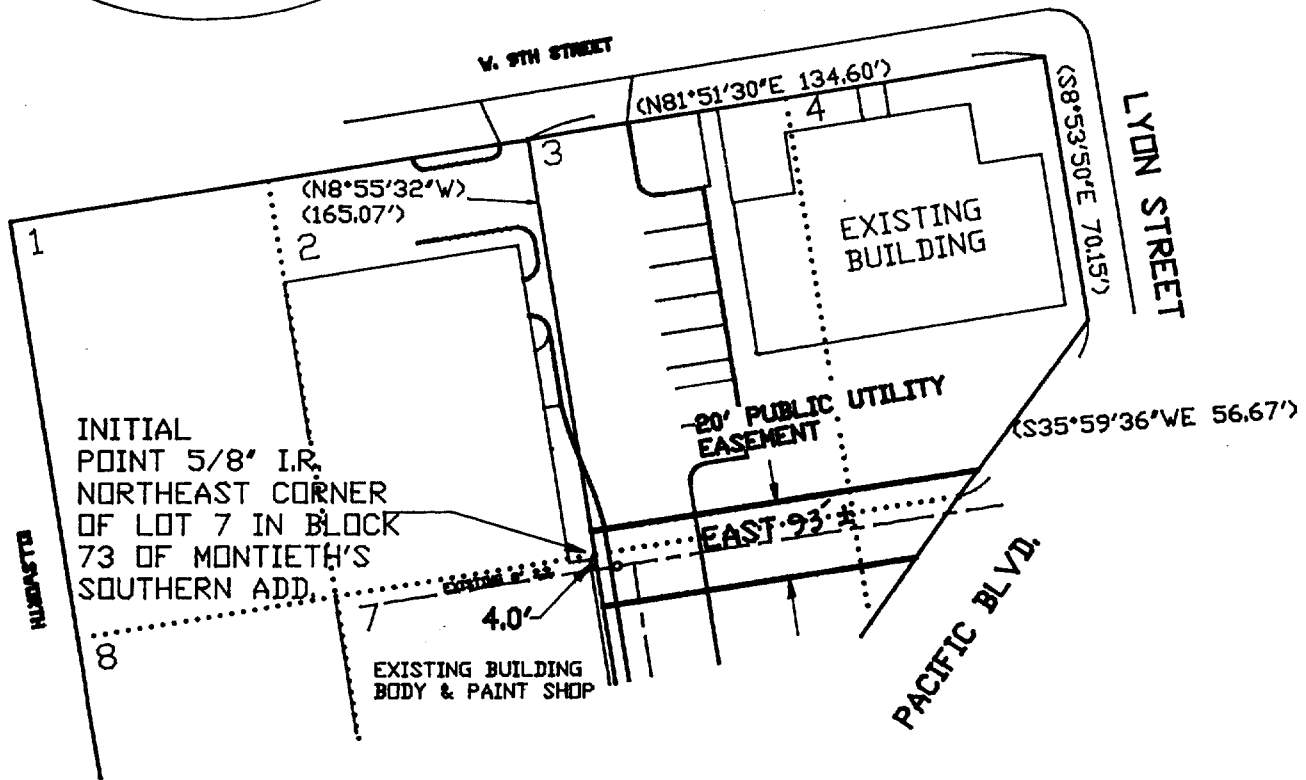
MAP 11-3W-7BC / T.L.2500
IN A PORTION OF BLOCK 73
IN MONTIETH'S SOUTHERN ADD.

TO THE CITY OF ALBANY, LINN COUNTY, OREGON



SCALE 1" = 50'

DECEMBER 18, 1995



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 PA, Deputy

M 15
R 20
S
A
O
785
MF 468

JAN 31 9 40 AM '96

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Udell
OREGON
September 23, 1977
JIM UDELL
1366

ENGINEER
8072

SURVEYOR
1366

JAMES F. UDELL
ENGINEERING & SURVEYING
32388 BERLIN ROAD
LEBANON, OREGON
97355

PH. (503) 451-5125

EXPIRES 06-30-96

Resolution No. 3591

Recorded Document Recorder File No. 2700