

RESOLUTION NO. 3782

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Roy N. and Anita F. Ruiz

Purpose

A slope easement along the eastern boundary of that tract of land conveyed to Roy N. and Anita F. Ruiz by Deed recorded in volume 577, Page 411 of the Linn County Deed Records.

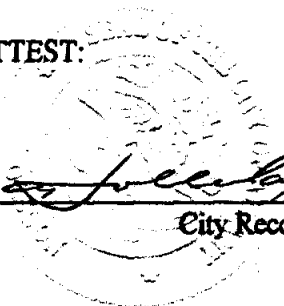
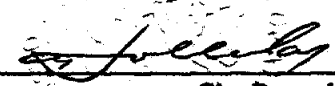
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 14TH DAY OF MAY 1997.



Mayor

ATTEST:

City Recorder

SLOPE EASEMENT

THIS AGREEMENT, made and entered into this 11th day of April, 1997, by and between Roy N. And Anita F. Ruiz, 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 slope easement along the eastern boundary of that tract of land conveyed to Roy N. and Anita F. Ruiz by Deed recorded in volume 577, Page 411 of the Linn County Deed Records, said easement being 5 feet in width for the northerly 60 feet and increasing in width from 5 feet to a width of 10 feet along the southerly 60 feet.

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.

GRANTOR:

[Signature]
Roy N. Ruiz

[Signature]
Anita F. Ruiz

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

CITY OF ALBANY:

STATE OF OREGON)
Countys of Linn and Benton) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3782, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of May 1997.

The foregoing instrument was acknowledged before me this 11th day of April 1997, by Roy N. and Anita F. Ruiz as their voluntary act and deed.

[Signature]
City Manager

ATTEST:

[Signature]
Notary Public for Oregon
My Commission Expires: 11-27-99

[Signature]
City Recorder



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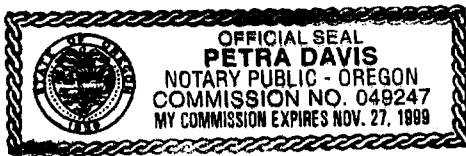
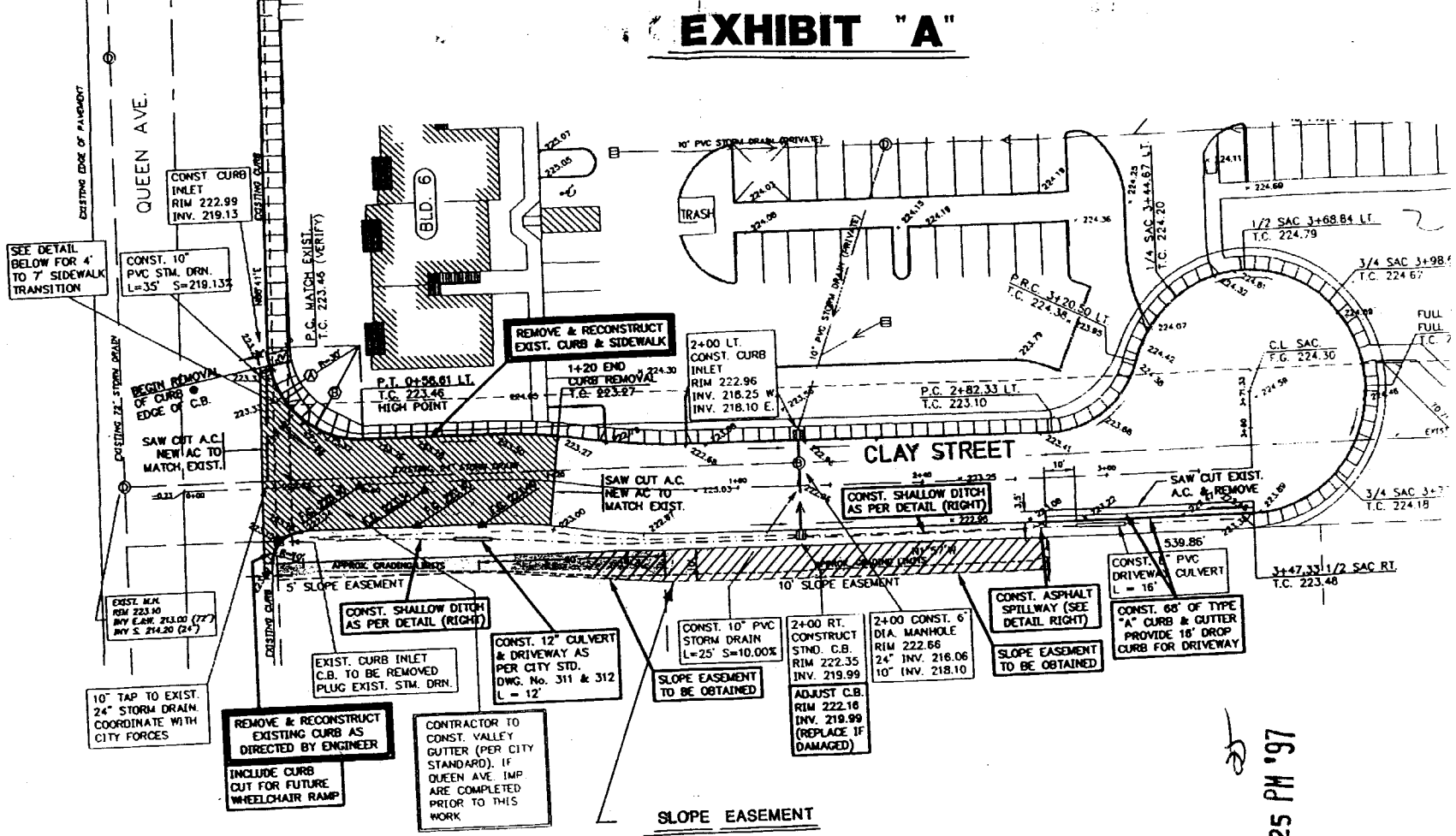


EXHIBIT "A"



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STATE OF OREGON
 County of Linn

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

STEVE DRUC KENMILLER MF 870
 Linn County Clerk

By PA, Deputy PAGE 925

Resolution No. 3782

Recorded Document Recorder File No. 2965