

RESOLUTION NO. 3998

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

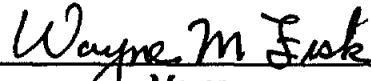
Matthew C. Ponzoha and  
Margie A. Ponzoha

Purpose


A permanent public utility easement, 10 feet in even width, as shown in attached "Exhibit A", across that property conveyed to Grantor by deed recorded in Volume 16, Page 27, Linn County Records, Book of Plats.

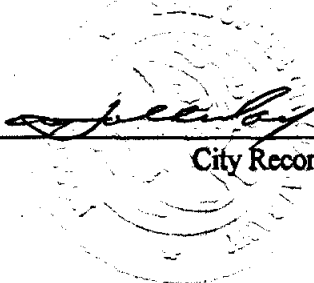
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 12TH DAY OF AUGUST 1998.

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

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28 day of May, 1998, by and between **Matthew C. Ponzoha and Margie A. Ponzoha**, 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 southernmost 10 feet of even width of Lot 2, Block 2 of Montanya Vista Subdivision, as platted and recorded in Volume 16, Page 27, Linn County Records, Book of Plats.

(See attached 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, receipt of which is acknowledged by the Grantor, 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:

Matthew C. Ponzoha  
Matthew C. Ponzoha

Margie A. Ponzoha  
Margie A. Ponzoha

CITY OF ALBANY:

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

STATE OF OREGON )  
County of ~~Linn~~ Benton ) ss.  
City of ~~Albany~~ Corvallis ) *SS*

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3998, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of August, 1998.

The foregoing instrument was acknowledged before me this 28 day of May, 1998, by Matthew C. Ponzoha and Margie A. Ponzoha as ~~his/her~~ their voluntary act and deed.

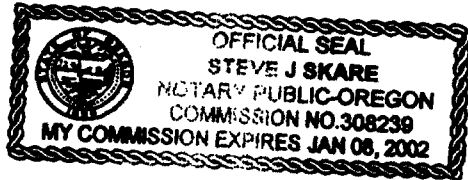
Steve Bryant  
City Manager

Steve J Skare  
Notary Public for Oregon

ATTEST:

My Commission Expires: 01-08-2002

[Signature]  
City Recorder



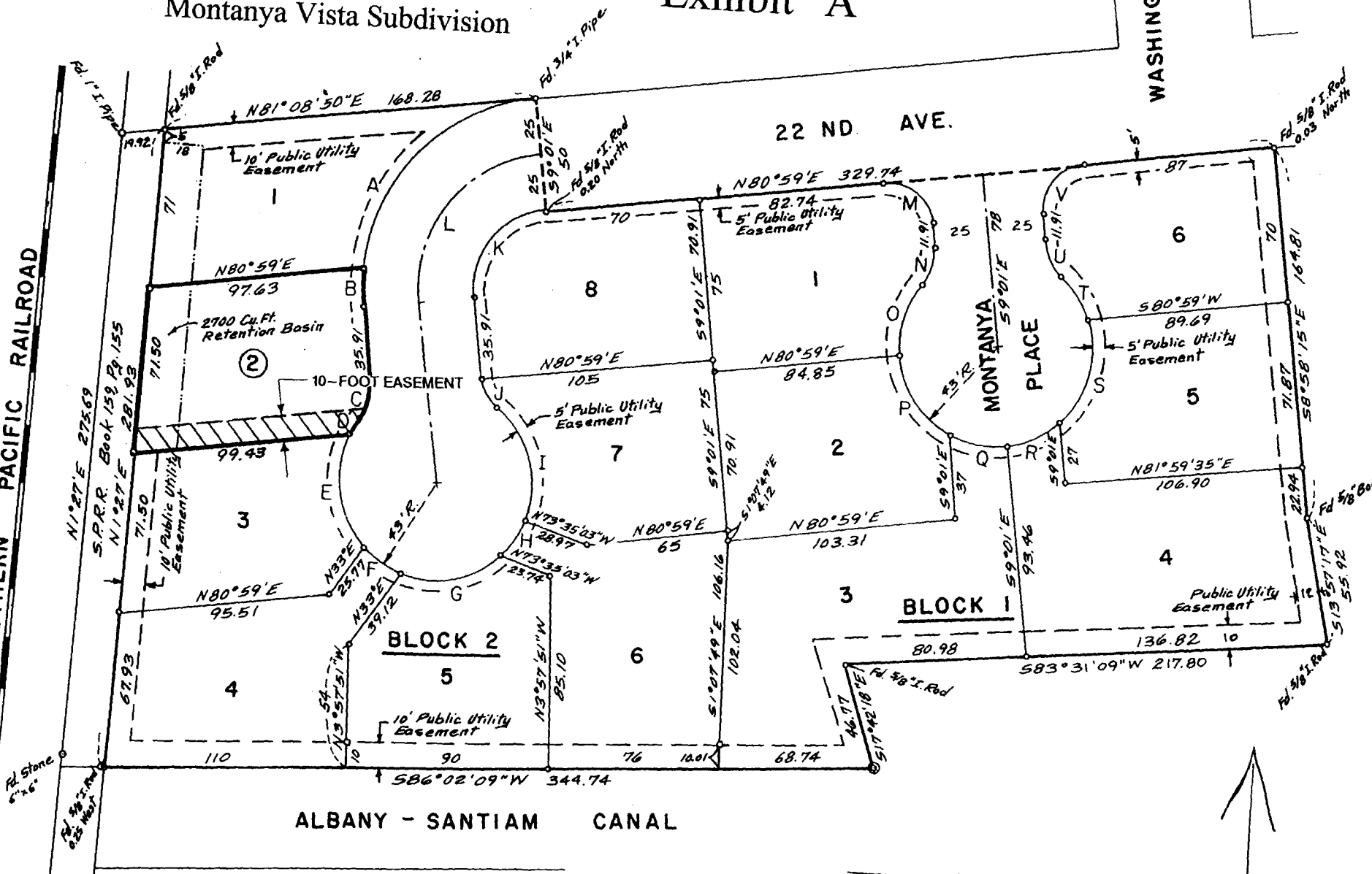
SOUTHERN PACIFIC RAILROAD

Montanya Vista Subdivision

Exhibit "A"

WASHINGTON

22 ND. AVE.



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  
 MF 968  
 Deputy PAGE 530

Aug 27 10 01 AM '98

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Resolution No. 3998

Recorded Document Recorder File No. 3210