

RESOLUTION NO. 4047

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Kampfer Family Limited Partnership

Purpose

A permanent public utility easement, 15 feet in even width, as shown in attached "Exhibit A" and described in attached "Exhibit B."

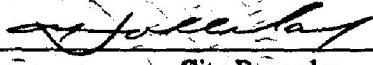
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 16TH DAY OF DECEMBER 1998.

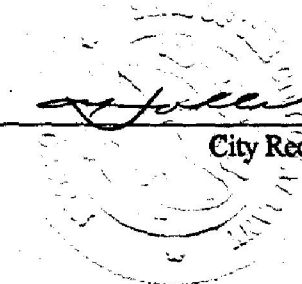


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30 day of November 1998, by and between **Kampfer Family Limited Partnership**, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 15 foot wide permanent public utility easement more particularly shown in attached EXHIBIT A and described in attached EXHIBIT B.
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 Grantor does 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 Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

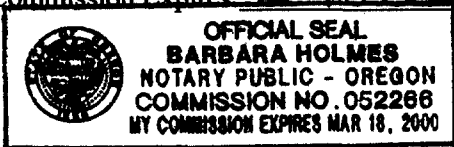
Kampfer Family Limited Partnership

By: [Signature]
Lynn Kampfer

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

The foregoing instrument was acknowledged before me this 30th day of Nov., 1998, by Lynn Kampfer as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 3-18-00



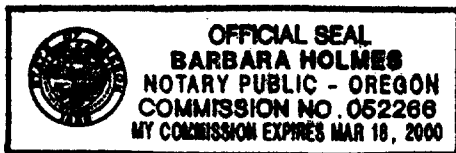
Kampfer Family Limited Partnership

By: [Signature]
Arnold Kampfer

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

The foregoing instrument was acknowledged before me this 30th day of Nov., 1998, by Arnold Kampfer as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 3/18/00



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 4047 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 17 day of December, 1998.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder





EXHIBIT B

A 15.00 foot wide utility easement the westerly line of which is described as follows:

Beginning at the Northwest corner of Lot 6, Block 21, SOUTH ALBANY ADDITION to the City of Albany and being situated in the Northeast Quarter of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon;

thence South 0°18'34" East along the West line of said Lot 6, and the southerly extension thereof, a distance of 274.87 feet to a point in the center of vacated 23rd Street and being the point of terminus.

STATE OF OREGON
County of Linn

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DEC 23 9 34 AM '98

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

A ___
O ___

STEVE DRUCKENMILLER
Linn County Clerk

MF 997

By [Signature], Deputy

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Recorded Document Recorder File No. 3314