

RESOLUTION NO. 4141

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Amerititle Inc., an Oregon Corporation**

Purpose

A 5 foot wide public utility easement which is shown on attached Exhibit "A".

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

DATED THIS 23RD DAY OF JUNE 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder-Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7 day of May, 1999, by and between Amertitle, Inc. an Oregon Corporation, 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 91.0 feet of the Eastern 5.0 feet of even width of Parcel 2 of Linn County Partition Plat No. 1994-01. And the Eastern 17.0 feet of the Northern 5.0 feet of even width of Parcel 2 of Partition Plat No. 1994-01.  
  
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.

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

**GRANTOR:**

Mike Derochier  
By: **Mike Derochier, Manager of Amertitle, Inc.**  
**Amertitle Inc. An Oregon Corporation**

STATE OF OREGON )  
County of ~~Linn~~ ) ss.  
                  marion

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPORRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

\_\_\_\_\_(SEAL)  
\_\_\_\_\_(SEAL)

The foregoing instrument was acknowledged before me this 7 day of may, 1999, by Mike Derochier, Manager of Amertitle, Inc.

Stefanie R. Bedolla  
Notary Public for Oregon



My Commission Expires: Feb. 18, 2001  
**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 4141, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28 day of June, 1999.

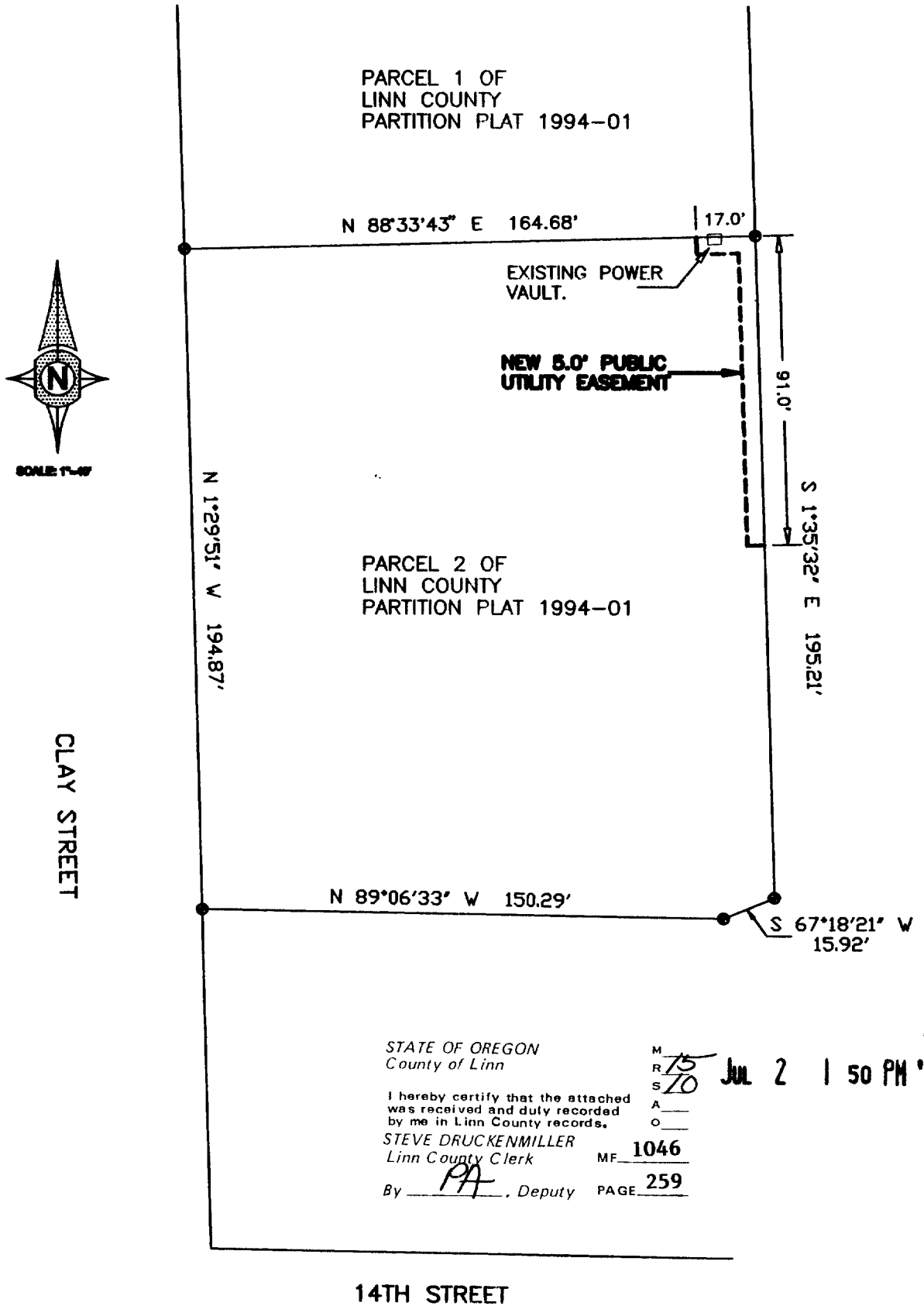
Steve Bryant  
City Manager

**ATTEST:**

Betty Longwell  
City Recorder

# EXHIBIT A

CITY OF ALBANY PUBLIC WORKS DEPT.  
CITY OF ALBANY, LINN COUNTY, OREGON  
EASEMENT FOR PUBLIC UTILITIES  
SCALE 1" = 40'



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

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