

RESOLUTION NO. 4195

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

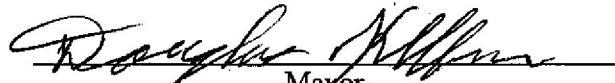
Donald A. Weber

Purpose

A 10.0 foot wide permanent public utility easement and a 25 foot wide temporary construction easement, as described in the attached agreement and as shown in attached EXHIBIT A.

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

DATED THIS 10TH DAY OF NOVEMBER, 1999.



Mayor
Council President

ATTEST:



City Recorder

PERMANENT AND TEMPORARY EASEMENTS FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25th day of May, 1999, by and between Donald A. Weber, herein 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 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:

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Donald A. Weber, described in Volume 634, Page 913, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT A".

A 10.0 foot wide permanent easement parallel, adjacent and north of the line described below and further shown on the attached drawing labeled "EXHIBIT A".

Beginning at the southwest corner of east 1/2 of the northeast 1/4 of Block 44 of Hackleman's Second Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County Oregon; thence easterly, parallel with the northern boundary line of said block, a distance of 66.55 feet, and there terminating.

Containing 0.0153 acres of land, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement across that property conveyed to Donald A. Weber described in Volume 634, Page 913, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT A".

A 25.0 foot wide temporary construction easement parallel, adjacent, and north of the line described as follows: beginning at the southwest corner of the east 1/2 of the northeast 1/4 of Block 44, Hackleman's Second Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County Oregon, thence easterly, parallel with the northern boundary line of said block, a distance of 66.55 feet, and there terminating.

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.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation, or maintenance purposes.

3. The permanent and temporary easements are in consideration of replacement of the sanitary sewer service lateral from the building to the main line and in consideration of \$1.00, receipt of which is acknowledged by the Grantors, 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 the 10-foot permanent easement.

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

GRANTOR:

Donald A. Weber
Donald A. Weber

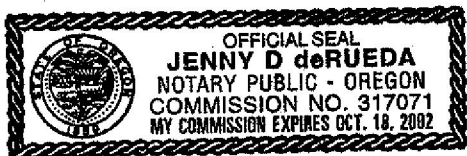
CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4195, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of November, 1999.

STATE OF OR)
County of Linn)
City of Albany)

The foregoing instrument was acknowledged before me this 25 -day of May, 1999 by his voluntary act and deed.



Jenny D deRUEDA
Notary Public for Oregon
My Commission Expires: Oct 12, 2002

Steve Bryant
City Manager

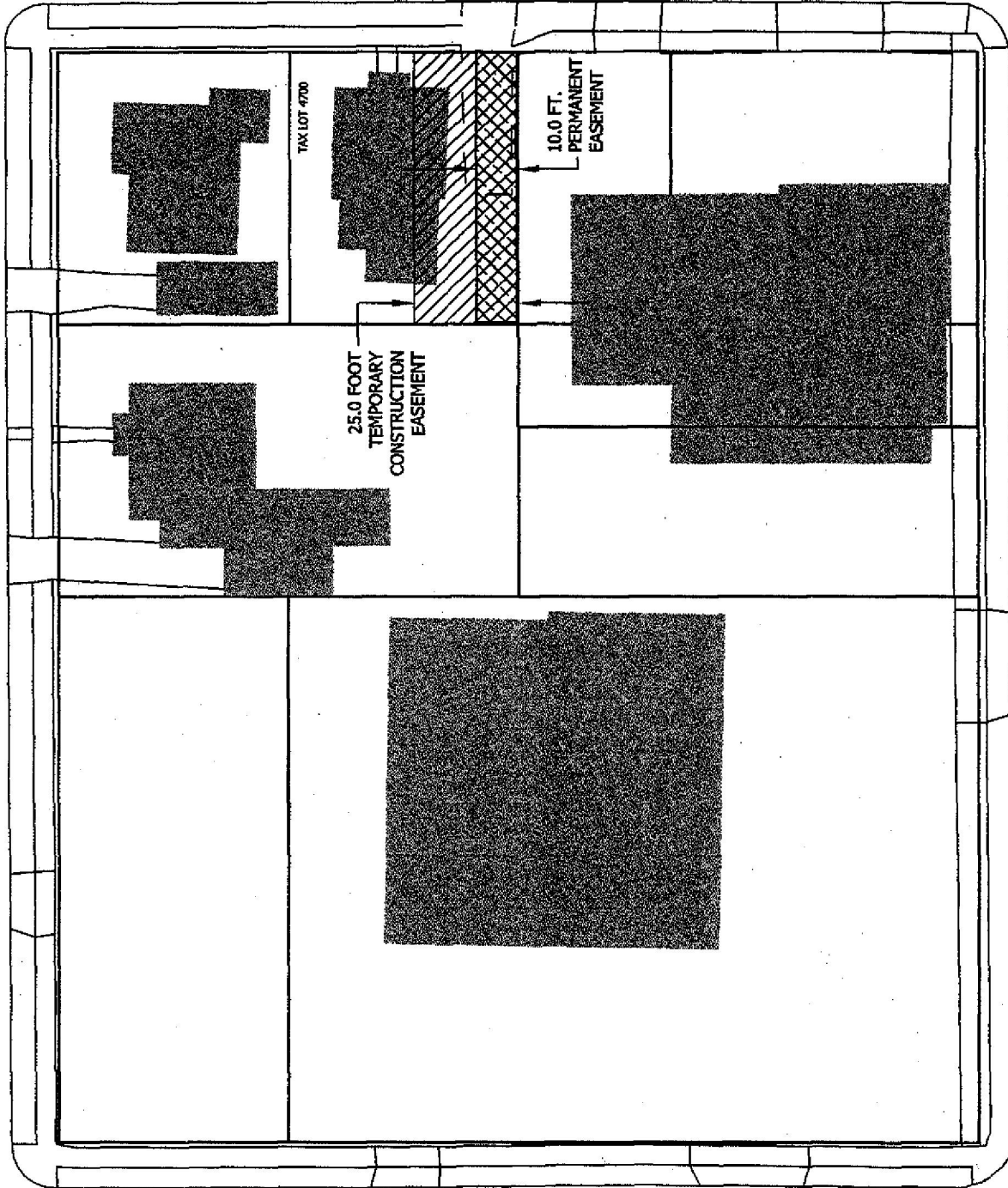
ATTEST:

Ken Thompson
City Recorder



HILL STREET

SE 7TH AVE.



HACKLEMANS SECOND ADDITION
BLOCK 44
SEC. 7 T.11 S. R.3 W. W.M.
SCALE 1"= 40'

PACIFIC BLVD.

MADISON STREET

STATE OF OREGON
County of Linn

RECORDED 30 Nov 22 1 42 PM '99

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

STEVE DRUCKENMILLER
Linn County Clerk MF 1074

By PA, Deputy PAGE 921

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Recorded Document Recorder File No. 3504