

RESOLUTION NO. 4251

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

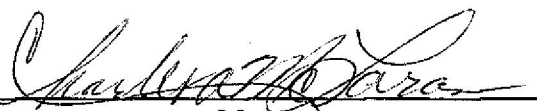
Nicholas R. Brown and Cynthia M. Brown

Purpose

A 10-foot-wide strip of land for public utility easement purposes, more particularly described in attached EASEMENT FOR PUBLIC UTILITIES, shown in attached map labeled EXHIBIT "A," and located in attached Vicinity Map.

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

DATED THIS 12TH DAY OF APRIL 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 20TH day of MARCH, 2000, by and between Nicholas R. Brown and Cynthia M. Brown, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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 10.0 foot wide permanent public utility easement across that property conveyed to Nicholas R. Brown and Cynthia M. Brown, described in Volume 620, Page 304, Linn County Microfilm Deed Records, said easement being parallel, adjacent and east of the line described below and as shown on the attached map labeled "EXHIBIT A".

Beginning at the southwest corner of Lot 10, Block 7 of Supplemental Plat of Burkhart Addition to the City of Albany, Section 8, T.11S., R.3W., Willamette Meridian, Linn County Oregon; thence northerly, parallel with the eastern boundary line of said block, a distance of 110.0 feet, and there terminating.

Containing 0.02525 acres of land, more or less.

- 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 by Grantor on this easement.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year above written.

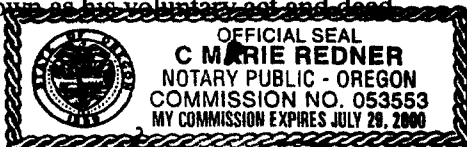
GRANTOR:

Nicholas R. Brown

Nicholas R. Brown

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

The foregoing instrument was acknowledged before me this 21 day of MARCH, 2000, by Nicholas R. Brown as his voluntary act and deed.



C. Marie Redner
Notary Public for Oregon
My Commission Expires: July 29, 2000

Cynthia M. Brown
Cynthia M. Brown

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

The foregoing instrument was acknowledged before me this 20th day of March, 2000, by Cynthia M. Brown as her voluntary act and deed.



Kim Nelson
Notary Public for Oregon
My Commission Expires: Aug. 4, 2002

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 4251, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of April, 2000.

Steve Bryant
City Manager

ATTEST:

Ken Thompson
City Recorder

EXHIBIT A

SUPPLEMENTAL PLAT OF
BURKHART ADDITION
BLOCK 7
SEC.8 T.11S R.3 W W.M.



8TH AVE.

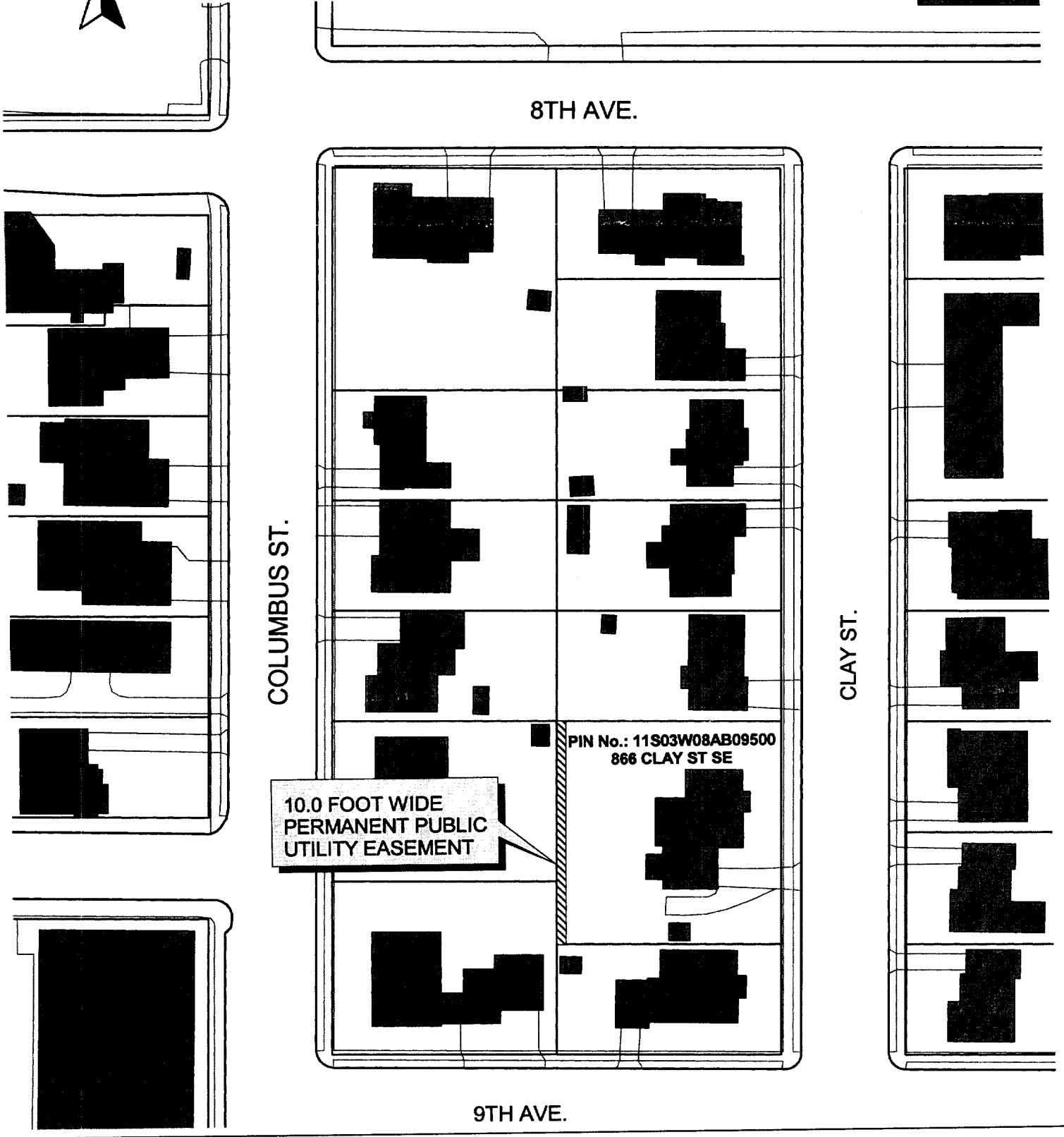
COLUMBUS ST.

CLAY ST.

PIN No.: 11S03W08AB09500
866 CLAY ST SE

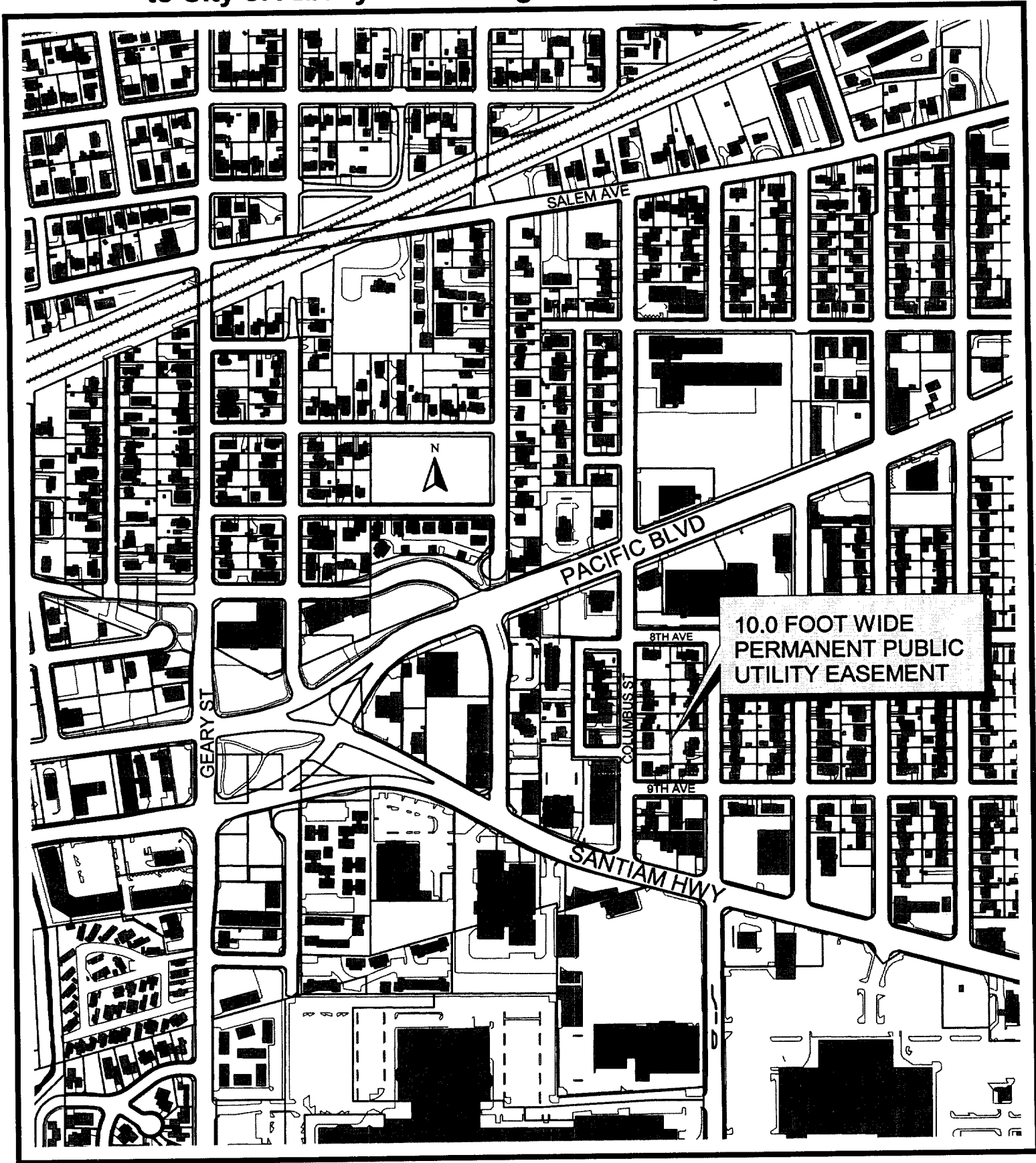
10.0 FOOT WIDE
PERMANENT PUBLIC
UTILITY EASEMENT

9TH AVE.



Vicinity Map

Nicholas and Cynthia Brown public utility easement dedication
to City of Albany for existing back lot line public sewer



10.0 FOOT WIDE
PERMANENT PUBLIC
UTILITY EASEMENT

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 SD, Deputy

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41

Resolution No. 4251

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