

RESOLUTION NO. 4423

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

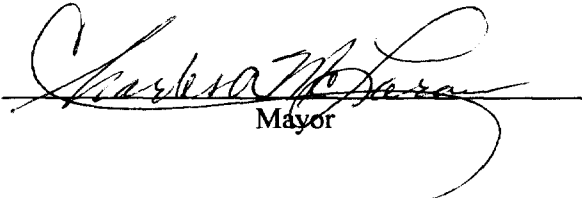
Jose G. Deleon and Leticia Deleon

Purpose

A permanent 12-foot wide permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

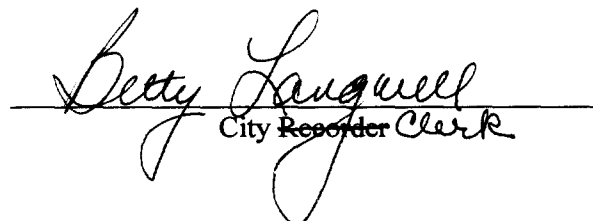
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this public utility easement.

DATED THIS 9TH DAY OF MAY 2001.



Mayor

ATTEST:



City Recorder Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20th day of April, 2001, by and between **Jose G. and Leticia Deleon**, 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 12.0 foot wide permanent public utility easement as shown on attached EXHIBIT B and described in 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 Grantor 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.
7. The Grantors and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.

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.

GRANTORS:

CITY OF ALBANY:

Jose G. DeLeon
Jose G. DeLeon

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

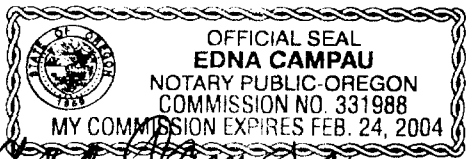
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number ⁴⁴⁰³, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of May 2001.

The foregoing instrument was acknowledged before me this 20th day of April, 2001 by Jose G. DeLeon as his voluntary act and deed.

Steve Bryant
City Manager

ATTEST:



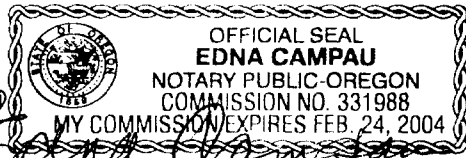
Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2004

Betty Langwell
City Recorder/Clerk

Leticia DeLeon
Leticia DeLeon

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

The foregoing instrument was acknowledged before me this 20th day of April, 2001 by Leticia DeLeon as her voluntary act and deed.

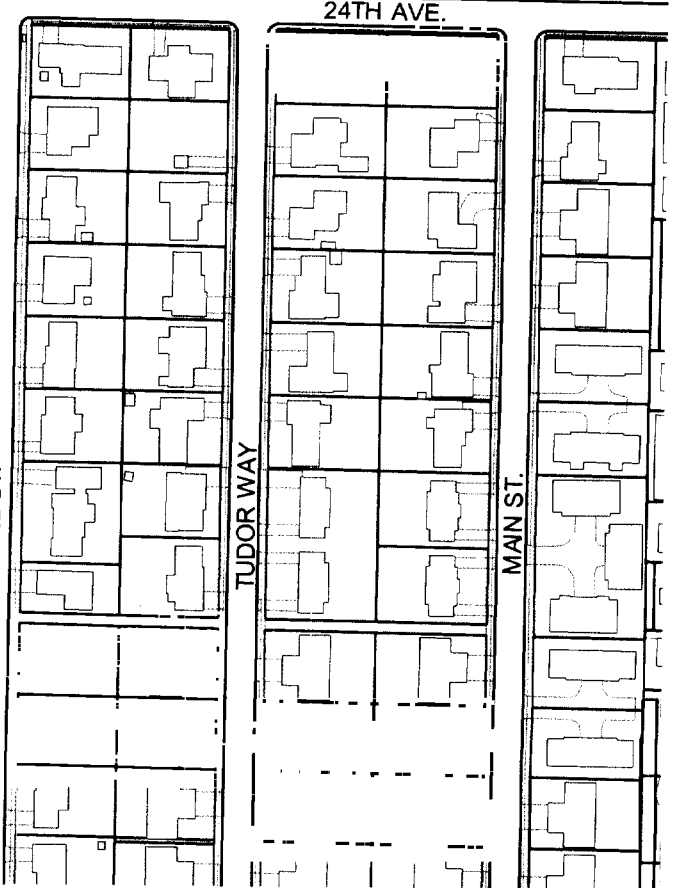
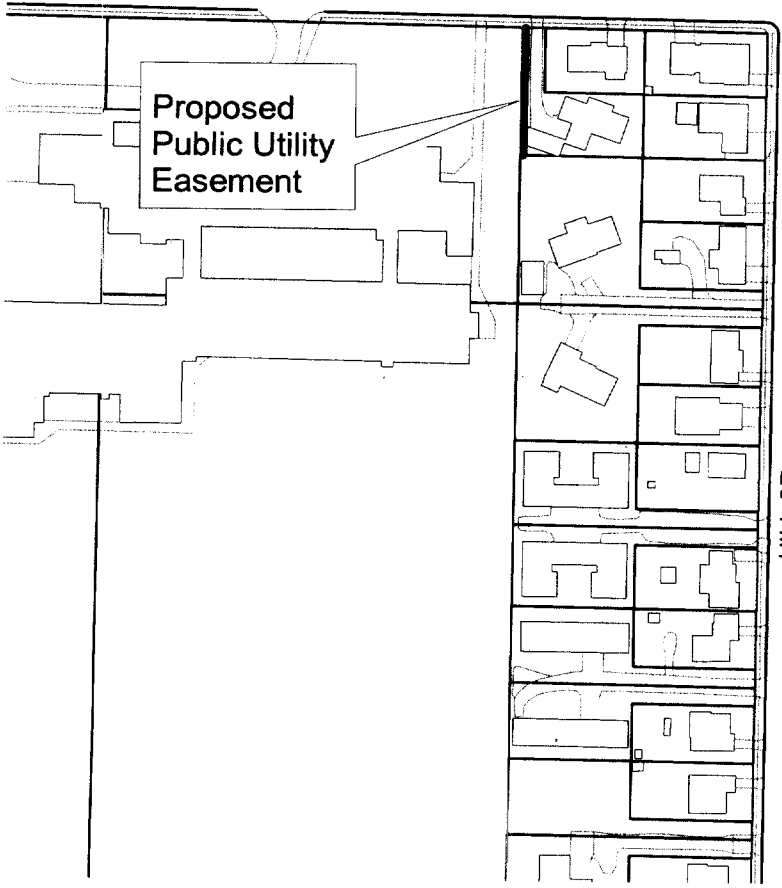
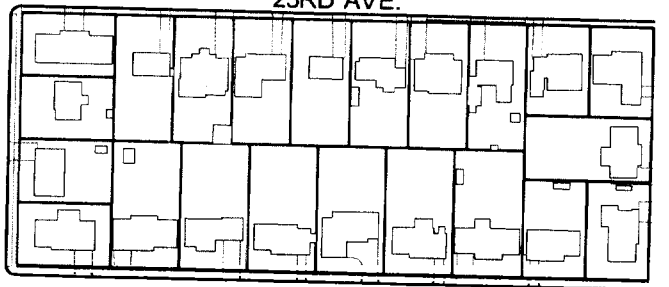
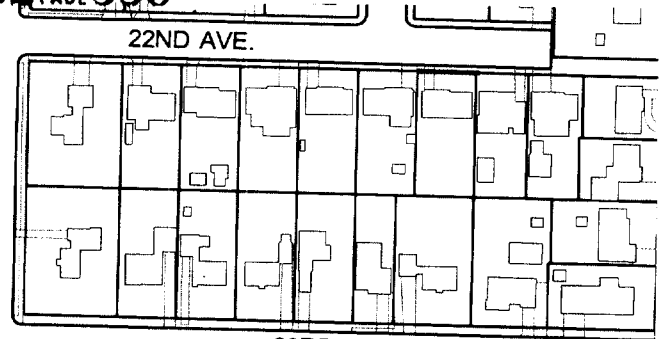
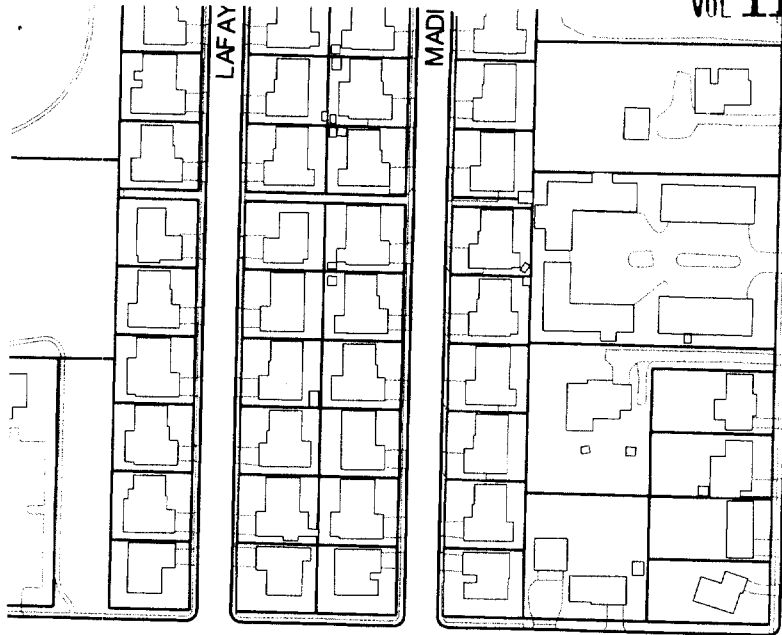


Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2004

EXHIBIT A

LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENT

Beginning at a 1/2 inch iron rod on the South right of way line of 24th Avenue, which point is South 1°13' East 30 feet from the Northwest corner of Block 10, HOLLYWOOD ACRES in Albany, Linn County, Oregon, said point also being the Northwest corner of that property conveyed to Jose G. Deleon, Sr. and Leticia Deleon and described in Linn County Records Microfilm Volume 858, Page 514; thence along the South line of said 24th Avenue North 89°04' East 12.00 feet; thence parallel to the Deleon West line South 1°13' East 140.00 feet to the South line of said Deleon property; thence along said South line South 89°04' West 12.00 feet to a 1/2 inch iron rod at the Southwest corner of said Deleon property; thence along the West line of said Deleon property North 1°13' West 140.00 feet to the point of beginning.



VICINITY MAP



Engineering

John Downing

john1 J:\AV_PROJ\SITE_MAP.APR

Apr 19, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

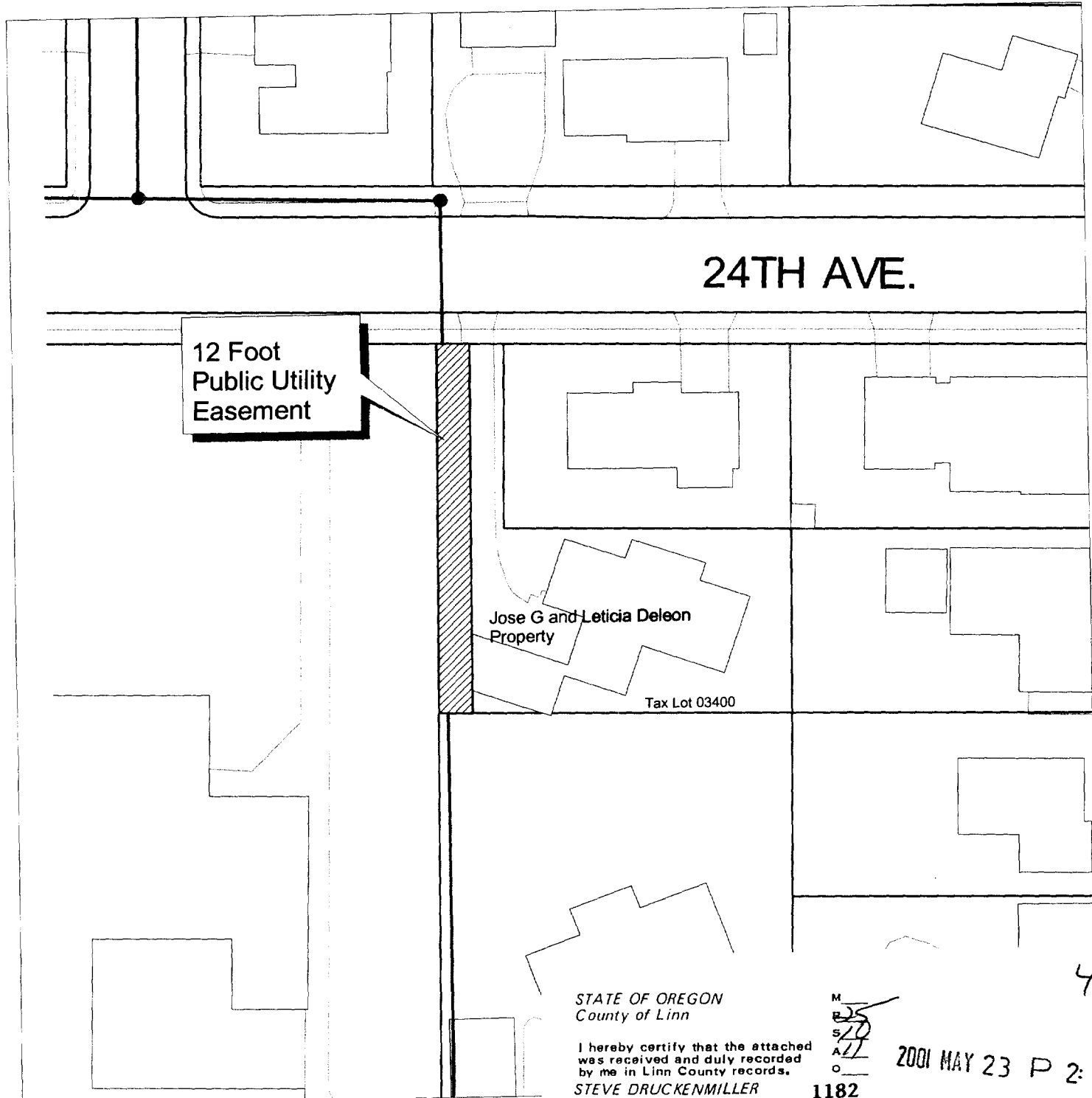


EXHIBIT B

HOLLYWOOD ACRES
BLOCK 10

SECT. 18 T. 11S., R.3 W WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

DELEON
PUBLIC UTILITY
EASEMENT



12 Foot
Public Utility
Easement

24TH AVE.

Jose G and Leticia Deleon
Property

Tax Lot 03400

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 SR, Deputy

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Recorded Document Recorder File No. 3807