

RESOLUTION NO. 4443

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

Brethern Home Mission Council

Purpose

A permanent 10-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 13TH DAY OF JUNE 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30th day of April, 2001, by and between **Brethern Home Mission Council**, 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 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.

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:

Pastor DeLane Miller
DeLane Miller

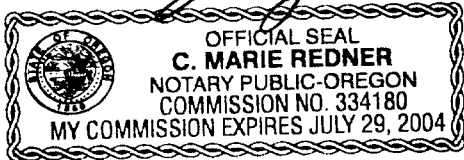
STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 30th day of April, 2001 by,

DeLane Miller as Moderator of
Brethern Home Mission Council

C. Marie Redner
Notary Public for Oregon

My Commission Expires July 29, 2004



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 4443, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of June, 2001.

Steve Bryant
City Manager

ATTEST:

Ken Thomsen
City Recorder

EXHIBIT A

A 10.0 foot wide permanent public utility easement across that property conveyed **Brethern Home Mission Council**, described in Volume 198, Page 458, Linn County Microfilm Deed Records, said easement being parallel, adjacent and west of the line described below and as shown on the attached map labeled "EXHIBIT B".

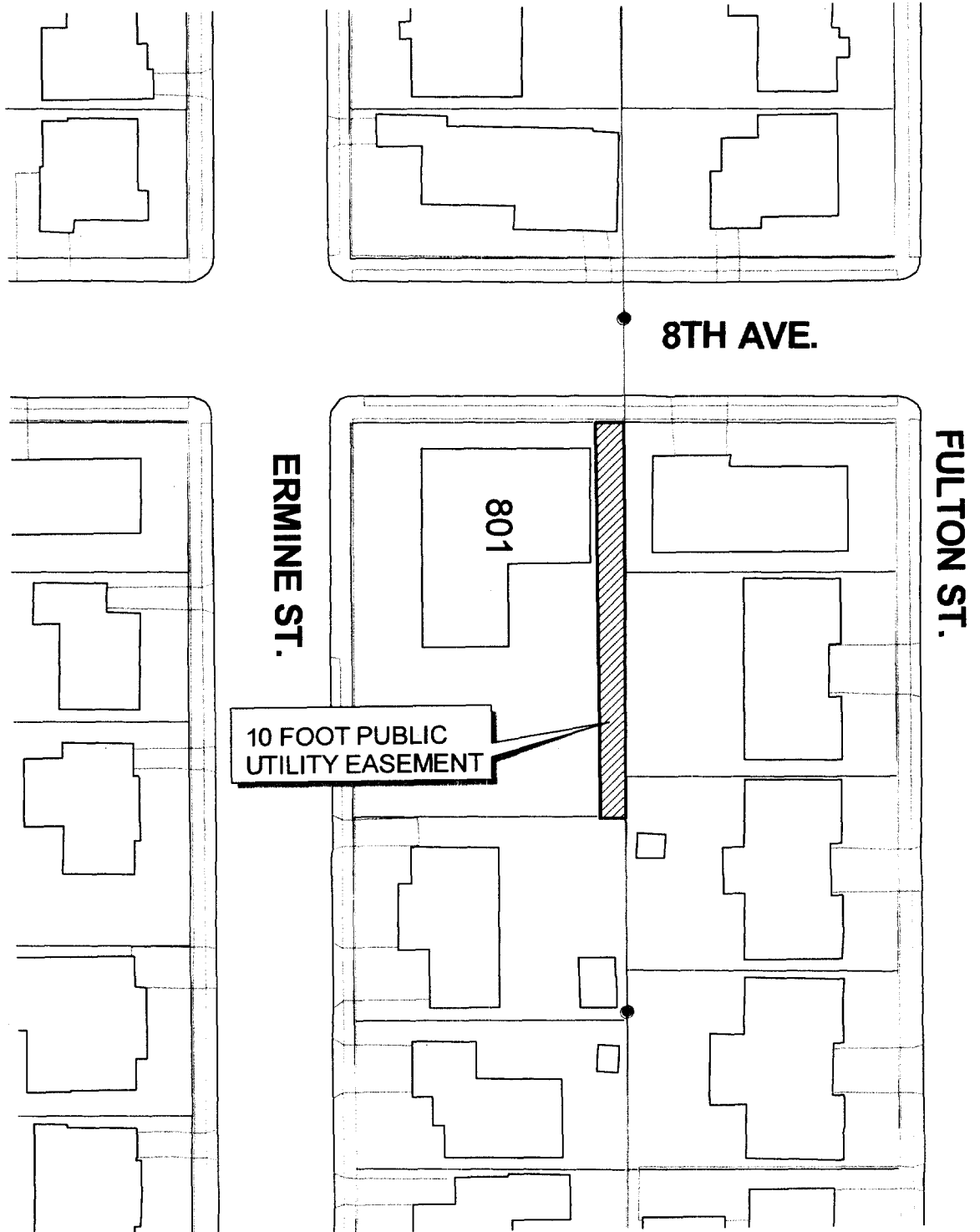
Beginning at the northeast corner of Lot 01, Block 10 of Motley's Addition to the City of Albany, Section 08, T.11S., R.3W., Willamette Meridian, Linn County, Oregon; thence southerly, parallel with the eastern boundary line of said block, a distance of 145.0 feet, and there terminating.

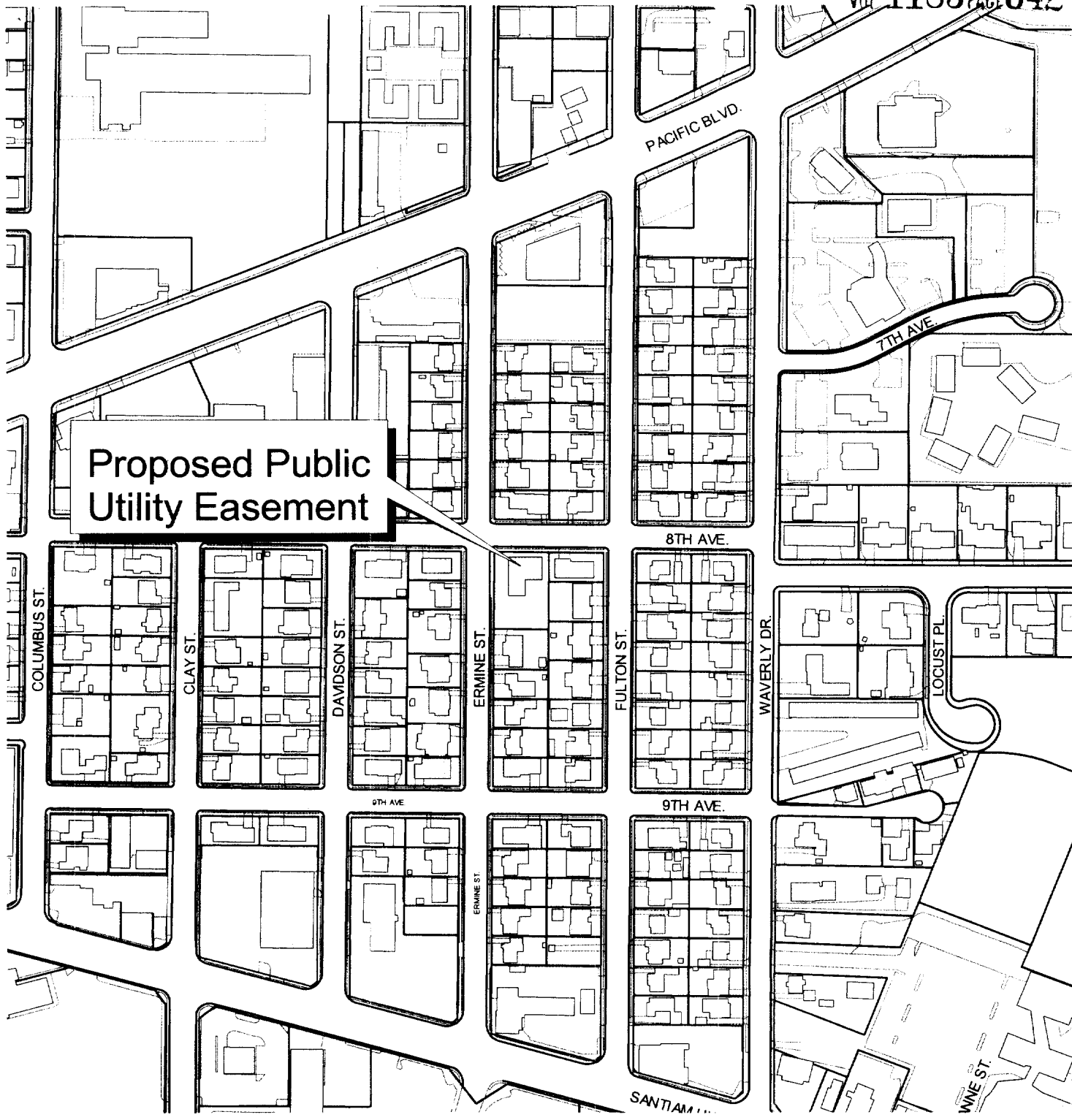
Containing 0.0332 acres of land, more or less.

EXHIBIT B

BRETHERN HOME MISSION
COUNCIL PUBLIC
UTILITY EASEMENT

LOT 01, BLOCK 10 OF MOTLEY'S ADDITION
SECTION 08, T.11S., R.3W., WILLAMEETE MERIDIAN, LINN COUNTY, OREGON.





**Proposed Public
Utility Easement**

VICINITY MAP



Engineering

johnd1 J:\AV_PROJ\SITE_MAP.APR

John Downing

May 29, 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 the 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.



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 Steve Druckenmiller, Deputy

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Resolution No. 4443

Recorded Document Recorder File No. 3812