



RESOLUTION NO. 6876

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A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

Michael Clifton

Purpose

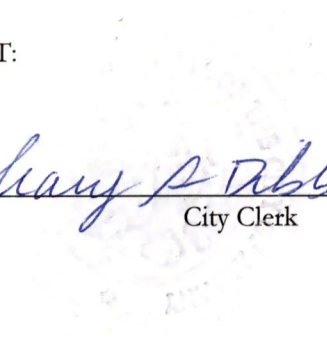
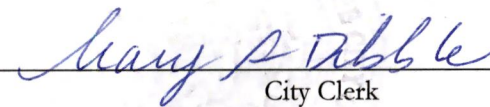
Accepting a 10-foot-wide sewer easement, as part of  
SS-19-03, 2019 sewer point repairs.  
11S03W05CC 12100

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

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

## **EASEMENT FOR PUBLIC UTILITIES**

THIS AGREEMENT, made and entered into this 13 day of September, 2019, by and between Michael Clifton, hereinafter 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, an easement, 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 easement hereby granted consists of:

A 10-foot wide sewer easement for City of Albany utilities over an existing sewer line. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
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 on this easement.
7. The existing building within the easement can remain. If it is removed, demolished, or destroyed, no new permanent structure can be placed within the easement.

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


**GRANTOR:**

**Michael Clifton**

  
\_\_\_\_\_  
Michael Clifton

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

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of September, 2019, by Michael Clifton as his voluntary act and deed.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 10/25/2020




**CITY OF ALBANY:**

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

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6876, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10<sup>th</sup> day of April ~~2019~~ 2020.

  
\_\_\_\_\_  
City Manager

ATTEST:

  
\_\_\_\_\_  
City Clerk (Deputy)

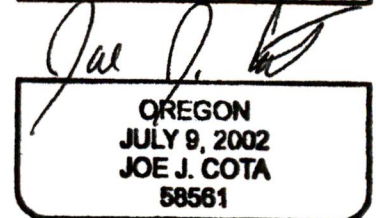
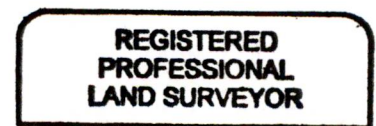
**EXHIBIT "A"**

**Legal Description**

**10.00' wide Sanitary Sewer Easement  
for  
City of Albany, Oregon  
located over  
401 Denver Street SE  
Tax Lot 12100, Assessor Map 11S-3W-05CC**

A 10.00 foot wide strip of land located over that property conveyed to Michael Clifton by Statutory Warranty Deed recorded in MF Volume 1543, Page 108 in the Linn County, Oregon Deed Records, said strip of land being more particularly described as follows:

Beginning at the southeast corner of Lot 40 of Block 11 of "Bryant's Addition to the City of Albany", a subdivision recorded in the Linn County Book of Subdivision Plats; thence South 88°30'00" West, along the south line of said Lot 40, a distance of 10.00 feet; thence North 01°30'00" West 76.60 feet to a point on the north line of said Lot 40; thence North 65°14'50" East, along said north line, 10.88 feet to the northeast corner of said Lot 40; thence South 01°30'00" East 80.90 feet to the Point of Beginning.



**RENEWS:** 12/31/19

August 7, 2019  
10' WIDE SS EASEMENT – CLIFTON  
(19-145) JJC:ls  
File Ref: z:/projects/2019/19-145/surveying/documents/Clifton easement.doc



**LEGEND:**

L1 = COURSE DATA, SEE "LINE DATA"  
V. = VOLUME  
PG. = PAGE

**10.00' WIDE SANITARY SEWER EASEMENT  
FOR**

**CITY OF ALBANY**

LOCATED OVER

**401 DENVER STREET SE,  
TAX LOT 12100, MAP 115-3W-05CC,**

**LOT 40, BLOCK 11 OF  
"BRYANT'S ADDITION TO THE  
CITY OF ALBANY"**

IN THE

**CITY OF ALBANY, LINN COUNTY, OREGON**

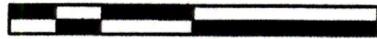
**AUGUST 6, 2019**

**LINE DATA  
(SANITARY SEWER EASEMENT)**

- L1 = N88°30'00"W 10.00'
- L2 = N01°30'00"W 76.60'
- L3 = N65°14'50"E 10.88'
- L4 = S01°30'00"E 80.90'

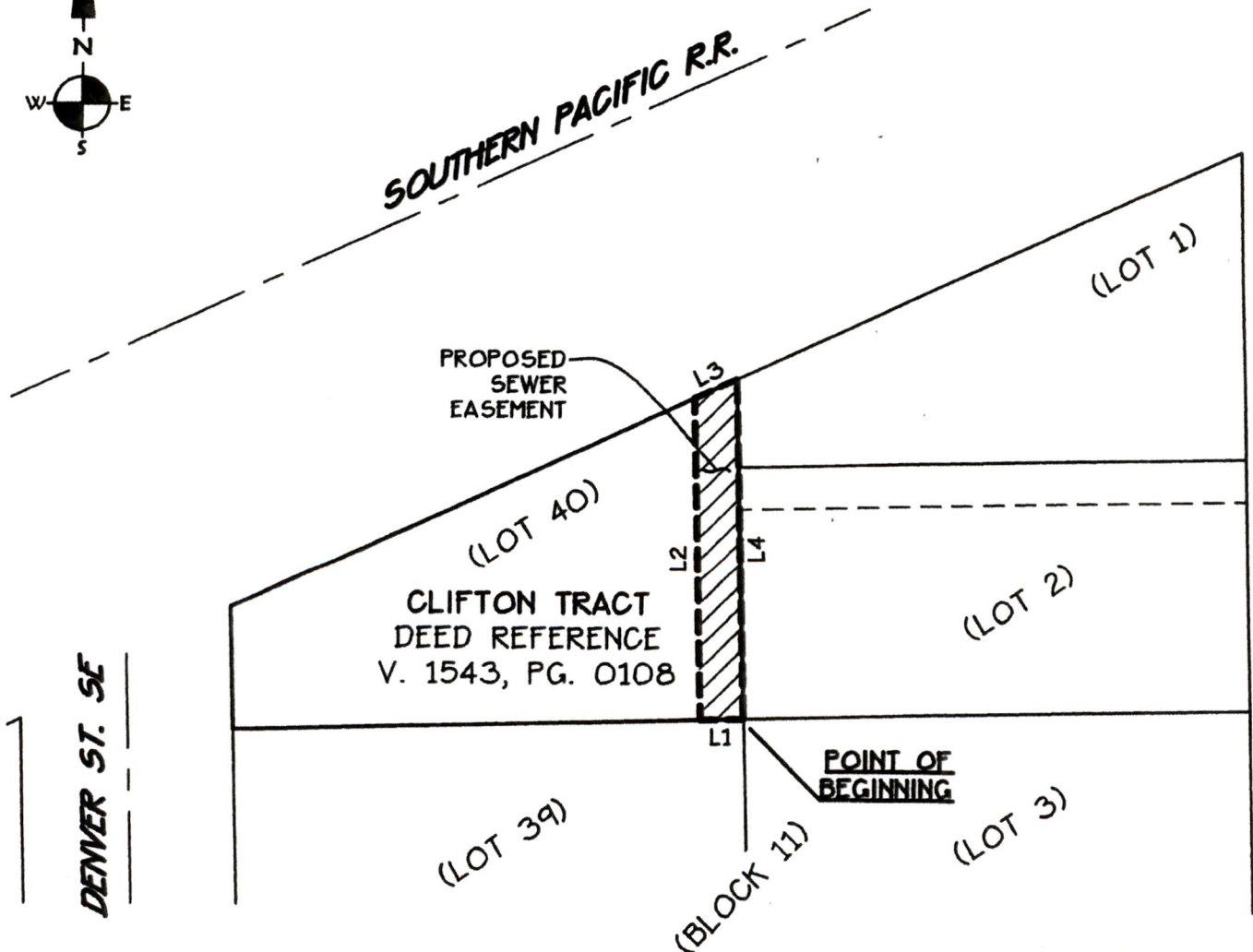


0 20 40 80 FT.



SCALE: 1" = 40'

**SOUTHERN PACIFIC R.R.**



Date: 8/6/2019 Time: 15:21  
Scale: 1=1(P5)  
File: dwg\2019\14-145\14-145\_ex.dwg (George)

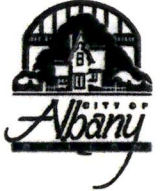


**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2553

# EXHIBIT C

11S03W05CC- 12100

A 10 foot wide sewer easement,  
as part of SS-19-03,  
2019 sewer point repairs



Geographic Information Services

