

RESOLUTION NO. 2444

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the following permanent easement be accepted:

Grantor

Margaret Schwab Denton, Trustee
for Leslie Rae Denton

Purpose

A 20' wide permanent easement for the purpose of maintenance of a storm drain described in Volume 114, page 17 in deed records of Linn County.

DATED this 25th day of January, 1984.

Donald Brudney

Mayor

ATTEST:

[Signature]

City Recorder

1602

558748

February 9, 1984

STATE OF OREGON
County Of Linn

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

Volume: MF 353 Page: 44

At 8:30 O'clock a.m.

DEL W. RILEY
Linn County Clerk

By *[Signature]*
Deputy

*City of Albany
P.O. Box 490
Albany, Ore 97321*

EASEMENT FOR A STORM DRAIN

THIS AGREEMENT, made and entered into this 5th day of December, 19 83, by and between Margaret Schwab Denton, Trustee for Leslie Rae Denton herein called grantors, and the CITY OF ALBANY, a municipal corporation, herein called "City"

WITNESSETH:

That for and in consideration of the total compensation to be given 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, a permanent easement, including the right to enter upon the real property hereinafter described for the purpose of maintenance of a storm drain.

1. A 20 foot wide permanent easement more fully described as:

The east 20 feet of the parcel described in Volume 114, page 17, in deed records of Linn County.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:
 - a. a permanent easement which covers a strip of land 20 feet in width for the purpose of maintenance.
2. The land affected by this agreement is located in the County of Linn, State of Oregon; and is a portion of the tract as shown on the attached drawing, marked "Exhibit A," which is herewith made a part of this agreement.
3. The true, actual, and total compensation to be given by the City to the Grantors, in exchange for the easement rights herein described and granted is:
 - a. the approval of Site Plan #SP-86-83.
4. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be given to the Grantors within a period of thirty (30) days from the date of this instrument.
5. 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.
6. No structure shall be built on this easement that is permanently attached to the ground.
7. City shall expeditiously repair any damage to the surface of the easement strip, work area, and the remainder of Grantor's property resulting from the construction, maintenance, repair, replacement, inspection, removal or operation of the storm drain; shall return the easement strip and work area to their original grade; and shall return all landscaping, shrubs and paving to their condition prior to the commencement of the work.

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

Margaret Schwab Denton
Trustee for Leslie Rae Denton

STATE OF OREGON)
County of Crook)ss
City of Princville)

On this 5 day of January, 1984 personally appeared the above named Margaret Schwab Denton and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 5 day of January, 1984.

[Signature]
Notary Public for Oregon

My Commission Expires: 6/7/87

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

I, Donald W. Brudvig, as Mayor of the City of Albany, Oregon, pursuant to Resolution Number 2444, do hereby grant on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated this 27th day of January, 1984.

CITY OF ALBANY, OREGON

[Signature]

[Signature]
Recorder

See

LANSING



EXHIBIT 'A'
DENTON AND CITY OF ALBANY
STORM DRAIN EASEMENT

Resolution No. 2444

Recorded Document Recorder File No. 0873