

RESOLUTION NO. 2573

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

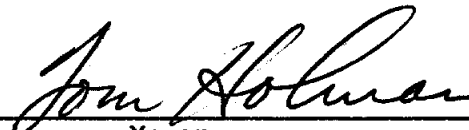
Grantor

Citizens Valley Bank and
Greater Albany Public School District

Purpose

to maintain and repair a sanitary
sewer within the south 78 feet of
the north one-half of Block 64, City
of Albany, Linn County, Oregon.

DATED this 25th day of September, 1985.



Mayor

ATTEST:



City Recorder

EASEMENT FOR A SANITARY SEWER

THIS AGREEMENT, made and entered into this 30th day of August, 1985, by and between CITIZENS VALLEY BANK and LINN BENTON SCHOOL DISTRICT No. 8-J, 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 paid 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, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair sanitary sewer lines for the purpose of conveying sewer 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 sewer and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location and maintenance of the said sewer.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consist of:
 - a. a permanent easement which covers a strip of land 10 feet in width for the purpose of maintenance over the property described herein.
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 maintenance and repair purposes.
3. 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.
4. The true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
 - a. The approval of PA-02-85
5. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be paid to the Grantors within a period of thirty (30) days from the date of this instrument.
6. 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.

7. No permanent structure shall be constructed on this easement.

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

CITIZENS VALLEY BANK

LINN BENTON SCHOOL DISTRICT No. 8-J,

By R. B. Tibbatts

By Robert S. Williams

STATE OF OREGON, County of Linn: ss.

The foregoing instrument was acknowledged before me this 30th day of August, 1985, by R. B. TIBBATTS of CITIZENS VALLEY BANK, a corporation, on behalf of the corporation.

Robert K. Allen
Notary Public for Oregon
My Commission Expires: 1-22-89

STATE OF OREGON, County of Linn: ss.

The foregoing instrument was acknowledged before me this 30th day of August, 1985, by ROBERT S. WILLIAMS of LINN BENTON SCHOOL DISTRICT No. 8-J, on behalf of the School District.

Robert K. Allen
Notary Public for Oregon
My Commission Expires: 1-22-89

STATE OF OREGON, County of Linn: ss.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2573, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated: September 26, 1985.

CITY OF ALBANY, OREGON

By William B. Barrons
City Manager

[Signature]
City Recorder

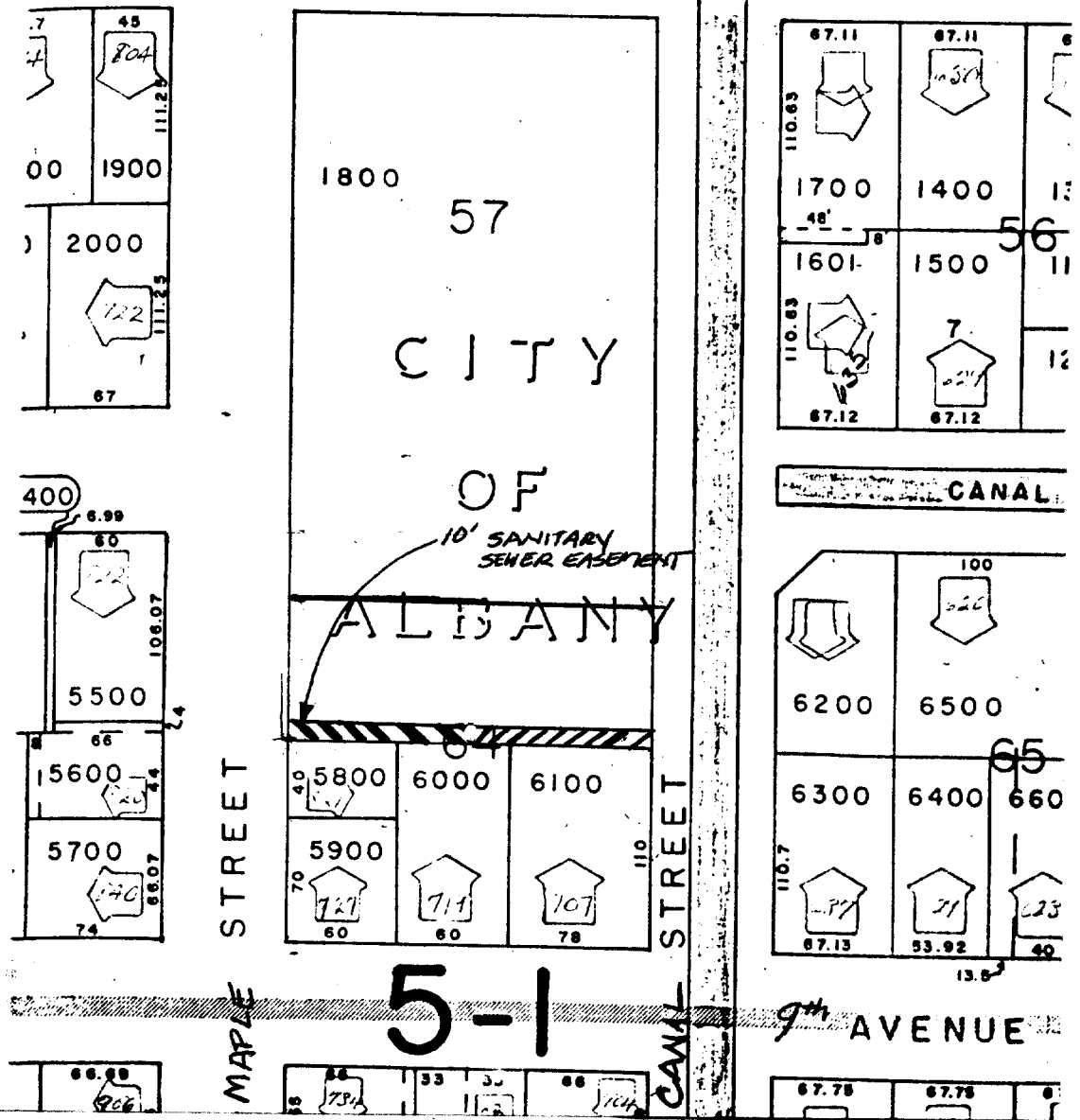


EXHIBIT A

DESCRIPTION

A 10 foot wide sanitary sewer easement more fully described as:

The south 10 feet of the lot described by:

Beginning at a point on the West line of and 110.00 feet North from the Southwest corner of Block 64, City of Albany, in the Northeast one quarter of Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, and Easterly thence Northerly on the continuation of said West line 78.00 feet; thence Easterly along a line parallel with the South of said Block 198.00 feet; thence Southerly along a line parallel with the West line of said Block 198.00 feet; thence Westerly along a line parallel with the South line of said Block 198.00 feet to the Point of Beginning. Being the South 78.00 feet of the North one half of Block 64, City of Albany, Linn County, Oregon.

OCT 9 1985

At 8:30 O'clock a.m.

DEL W. RILEY
Linn County Clerk

STATE OF OREGON
County of Linn

By *Del W. Riley*, Deputy

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

Volume: MF 395 Page: 577

Del W. Riley
Finance Dept.
10/9/85
10/9/85

Resolution No. 2573

Recorded Document Recorder File No. 1739