

RESOLUTION NO. 2611

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

Grantor

H. & W. Restaurants, Inc.

Purpose

To maintain and repair a sanitary sewer in a portion of Tax Lot 10,000 of 11-3W-7BB, City of Albany, Linn County, Oregon.

DATED this 9th day of April, 1986.



Mayor

ATTEST:



City Recorder

EASEMENT FOR A SANITARY SEWER

THIS AGREEMENT, made and entered into this 11th day of April, 1986, by and between H & W RESTAURANTS, INC., 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, under-growth 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 ten-foot wide sanitary sewer easement located in Block 49, City of Albany Addition, Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, said easement being 104' in length and running parallel to, and South of, the North property line of Tax Lot 10000, as indicated on the attached map labeled as 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 maintenance and repair purposes.
3. 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 Site Plan #SP-13-86.
4. 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.
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. Upon performing any maintenance, the City shall return the site to original or better condition.
7. No permanent structure shall be constructed on this easement. The easement

and sanitary sewer, however, may be relocated if such relocation is approved by the City of Albany pursuant to all conditions and procedures applicable at the time relocation is requested.

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

Glenn W. Westbrook Pres.

H & W Inc.
Richard K. Krupp Sec.

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

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

The foregoing instrument was acknowledged before me this 16th day of March, 1986, by Glenn W. Westbrook, president, and by Richard K. Krupp, secretary, of H & W Restaurants, Inc., an Oregon corporation, on behalf of the corporation.

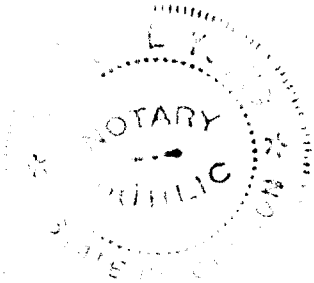
I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2611 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 11th day of April, 1986.

CITY OF ALBANY, OREGON

William B. Barrons
City Manager

Urbert L. Young
Notary Public for Oregon
My Commission Expires: 10-16-88

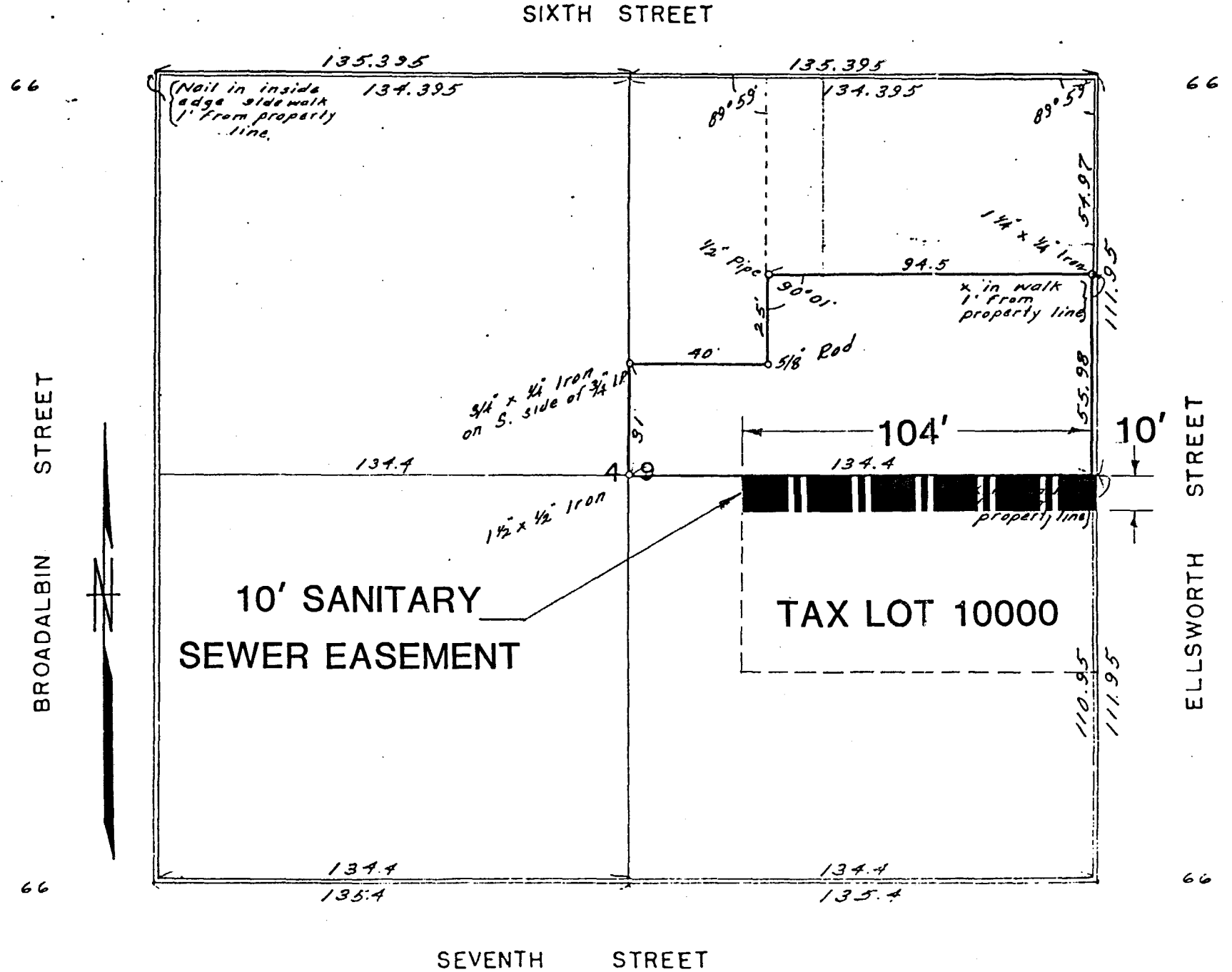
[Signature]
City Recorder



7BB

C. S. 1590
 P. N. LEMMON
 BLK. 49, ALBANY, ORE.
 OCT. 11, 1941 SCALE: 1" = 40'
 WALTER W. LARSEN
 COUNTY SURVEYOR
*Survey by V. G. Shelton
 Dep. Co. Surveyor*

EXHIBIT 'A'



At 8:30 O'clock a.m. ¹²²⁶

ENTERED APR 25 1986

DEL W. RILEY
Linn County Clerk

STATE OF OREGON
County of Linn

By Jms, Deputy

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

City of Albany
P.O. Box 170
Albany, Oregon 97321

Volume: MF 409 Page: 518

Resolution No. 2611

Recorded Document Recorder File No. 1780