

RESOLUTION NO. 2673

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

Grantor

Archdiocese of Portland, Oregon

Purpose

to maintain and repair a sanitary sewer in a portion of Block 69, City of Albany, T. 11 S., R. 3 W., W.M., Linn County, Oregon.

DATED this 25th day of March, 1987.



Mayor

ATTEST:



City Recorder

EASEMENT FOR A SANITARY SEWER

THIS AGREEMENT, made and entered into this 27th day of January, 1987, by and between **Archdiocese of Portland in Oregon**, 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 consists of:

A ten foot permanent easement centered on the following described line and as shown on the attached drawing labeled Exhibit 'A':

Beginning at the northeast corner of Block 69, City of Albany, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence southeasterly, along the east property line of Block 69, 61.35 feet; to the true point of beginning; thence southwesterly, parallel to the north property line of Block 69, 268.65 feet to the terminus of the herein described easement at the west property line of Block 69.

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 VR-02-87.
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.

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

ARCHDIOCESE OF PORTLAND IN OREGON

William J. Leveda

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 27th day of JANUARY, 1987, by WILLIAM J. LEVEDA, The Roman Catholic Archbishop of the Archdiocese of Portland.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2673 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 27th day of March 27, 1987.

Thomas B. Manz
Notary Public for Oregon
My Commission Expires: 3-7-89

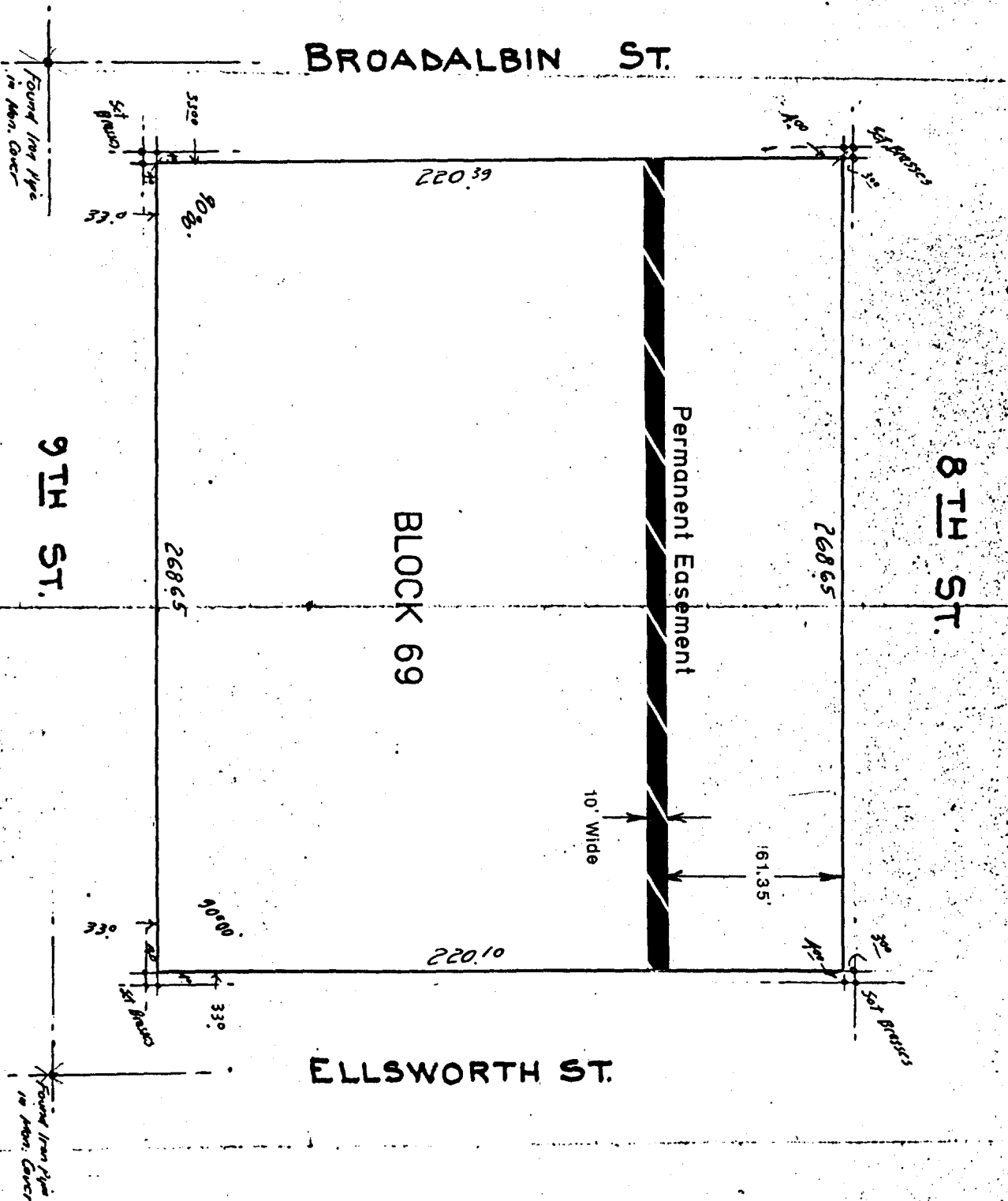
CITY OF ALBANY, OREGON

William B. Barrons
City Manager

[Signature]
City Recorder

THOMAS B. MANZ
NOTARY PUBLIC - OREGON
My Commission Expires 3-7-89

EXHIBIT 'A'



Made survey from monuments in 9th Street, turning 90° angles. Used south side of walk for property line on 8th Street in absence of any better information.

For Vachberger & Stratton, Architects.

C.S. 3939
 BK. 69 ALBANY
 ST. MARYS CHURCH & SCHOOL

Surveyed by Marshall Bros. Sept, 1951.



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Recorded Document Recorder File No. 1874