

RESOLUTION NO. 2712

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

Grantor

Citizen's Valley Bank, Mina Hartle
Margaret Hackleman, Betty Lou Wilson,
LaVonne Ritches, Clyde A. Montgomery,
and Claudette C. Montgomery

Purpose

A 20-foot wide sanitary sewer easement
located on the east side of Pacific
Boulevard across from Alandale Avenue in
the City of Albany, County of Linn.

DATED this 9th day of September, 1987.



Mayor

ATTEST:



City Recorder

EASEMENT FOR A SANITARY SEWER

THIS AGREEMENT, made and entered into this 24th day of July, 1987, by and between **Citizen's Valley Bank, Mina Hartle, Margaret Hackleman, Betty Lou Wilson, LaVonne Ritches, Clyde A. Montgomery, and Claudette C. Montgomery**, 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 twenty foot wide sanitary sewer easement more particularly described as follows and as shown on the attached map labeled Exhibit 'A':

Beginning at the intersection of the projected south right-of-way line of Alandale Ave. with the east right-of-way line of Pacific Blvd. (Hwy. 99E), Section 24, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence northwesterly, along said east right-of-way line of Pacific Blvd., 26.13 feet to the intersection of the projected centerline of Alandale Ave. with said east right-of-way line; thence northeasterly, perpendicular to said east right-of-way line, 20.00 feet; thence south-easterly, parallel to said east right-of-way line, 26.13 feet to a point which is perpendicular and 20.00 feet northeasterly of the point of beginning; thence southwesterly, 20.00 feet to the point of beginning.

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 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 sum of one dollar (\$1.00) for the permanent easement.
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.

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

CITIZENS VALLEY BANK, Now CALLED
KEY BANK OF OREGON
By: Don Leadroot
DON LEADROOT
By: TRUST REAL ESTATE OFFICER

Mina Martle
Mina Martle

Margaret Hackleman
Margaret Hackleman

Betty Lou Wilson
Betty Lou Wilson

LaVonne Ritches
LaVonne Ritches

Clyde A. Montgomery
Clyde A. Montgomery

Claudette C. Montgomery
Claudette C. Montgomery

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

The foregoing instrument was acknowledged before me this ___ day of _____, 19___, by _____ president, and by _____, secretary, of Citizens Valley Bank, an Oregon corporation, on behalf of the corporation.

Notary Public for Oregon
My Commission Expires: _____

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 ___ day of _____, 19___, by grantor(s) as his/her/their voluntary act and deed.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2712, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this ___ day of September 11, 1987

Notary Public for Oregon
My Commission Expires: _____

CITY OF ALBANY, OREGON

William B. Barrons
City Manager

[Signature]
City Recorder

State of Oregon)
County of Multnomah) } SS

On this 24 day of July, 1987, personally appeared before me DON LEADROOT, who, being duly sworn did say that he/she is a Trust Officer of Key Bank of Oregon, and that he/she has executed the attached instrument by authority and in behalf of Key Bank of Oregon and he/she acknowledged said instrument to be his/her voluntary act and deed.

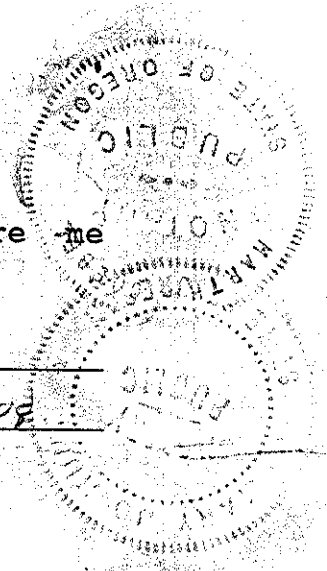


[Signature]
Notary Public for Oregon
My Commission Expires: 2/1/88

STATE OF OREGON)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 24th day of June, 1987, by MARGARET HACKLEMAN.

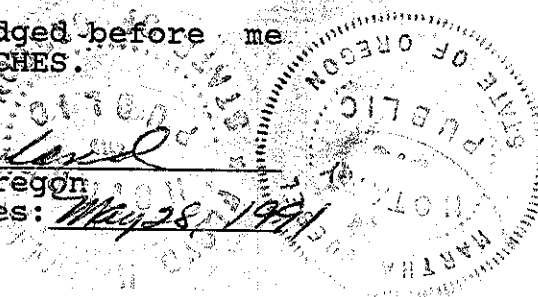
Mary Jo Hunt
Notary Public for Oregon
My Commission expires: 6-23-88



STATE OF OREGON)
County of Harney) ss.

The foregoing instrument was acknowledged before me this 25 day of June, 1987, by LAVONNE RITCHES.

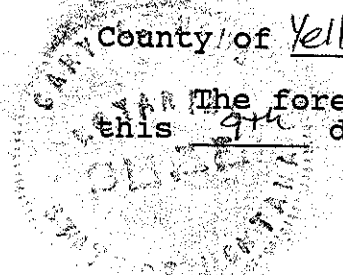
Floyd H. Searles
Notary Public for Oregon
My Commission expires: May 28, 1991



STATE OF ~~OREGON~~ MONTANA)
County of Yellowstone) ss.

The foregoing instrument was acknowledged before me this 9th day of ~~June~~ July, 1987, by BETTY LOU WILSON.

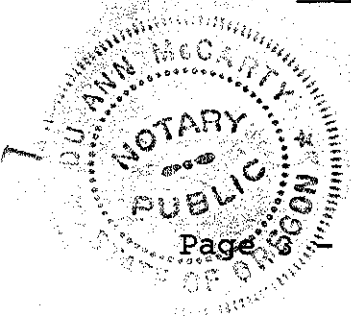
Gary L. Howe
Notary Public for Oregon
My Commission expires: 5-11-89



STATE OR OREGON)
County of Umatilla) ss.

The foregoing instrument was acknowledged before me this 21 day of July, 1987, by MINA HARTLE.

Du Ann McCarty
Notary Public for Oregon
My Commission expires: 2-22-88



STATE OF OREGON)
) ss.
County of Linn)

The foregoing instrument was acknowledged before me this _____ day of August, 1987, by CLYDE A. MONTGOMERY.

Martha Gaebele
Notary Public for Oregon
My Commission expires: 3-18-91

STATE OF OREGON)
) ss.
County of Linn)

The foregoing instrument was acknowledged before me this _____ day of August, 1987, by CLAUDETTE C. MONTGOMERY.

Martha Gaebele
Notary Public for Oregon
My Commission expires: 3-18-91



2000

SEP 24 2 42 PM '87

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 454 Page: 284

STEVE DRUCKENMILLER
Linn County Clerk

By SL Deputy
Albany City of
P.O. Box 490
Albany, OR 97321

Resolution No. 2712

Recorded Document Recorder File No. 0096