

RESOLUTION NO. 2762

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

Grantor

Steven C. Weintraub

Purpose

a 5-foot right-of-way permanent easement in Lot 1, Block 81 of Monteith's Southern Addition to the City of Albany.

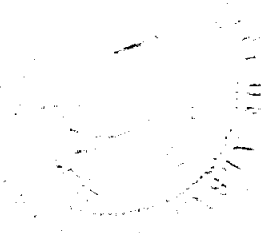
DATED this 24th day of February, 1987.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of February, 1988, by and between **Steven C. Weintraub**, 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 public utilities for the purpose of conveying public utilities services 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 public utilities and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consist of:

A 5-foot wide permanent easement that is parallel, adjacent and north of the line described below and further shown on the attached drawing labeled EXHIBIT A.

Beginning at the southwest corner of that parcel conveyed to Steven C. Weintraub, MF359-947 Linn County Deed Records, a portion of Lot 1, Block 81 of Monteith's Southern Addition to the City of Albany, Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence Easterly on the south property line of said lot, 57.0 feet, to the intersection of the south property line with the east property line of said lot, and there terminating.

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 removal of condition no.5, of the Conditions of Approval for VR-31-87.
4. 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.

- 5. Upon performing any maintenance, the City shall return the site to original or better condition.
- 6. 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.

Steven C. Weintraub
 Steven C. Weintraub

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 4th day of February, 1988, 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 2762, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 24 day of February, 1988

Barton A. Basley
 Notary Public for Oregon
 My Commission Expires: 12-22-91

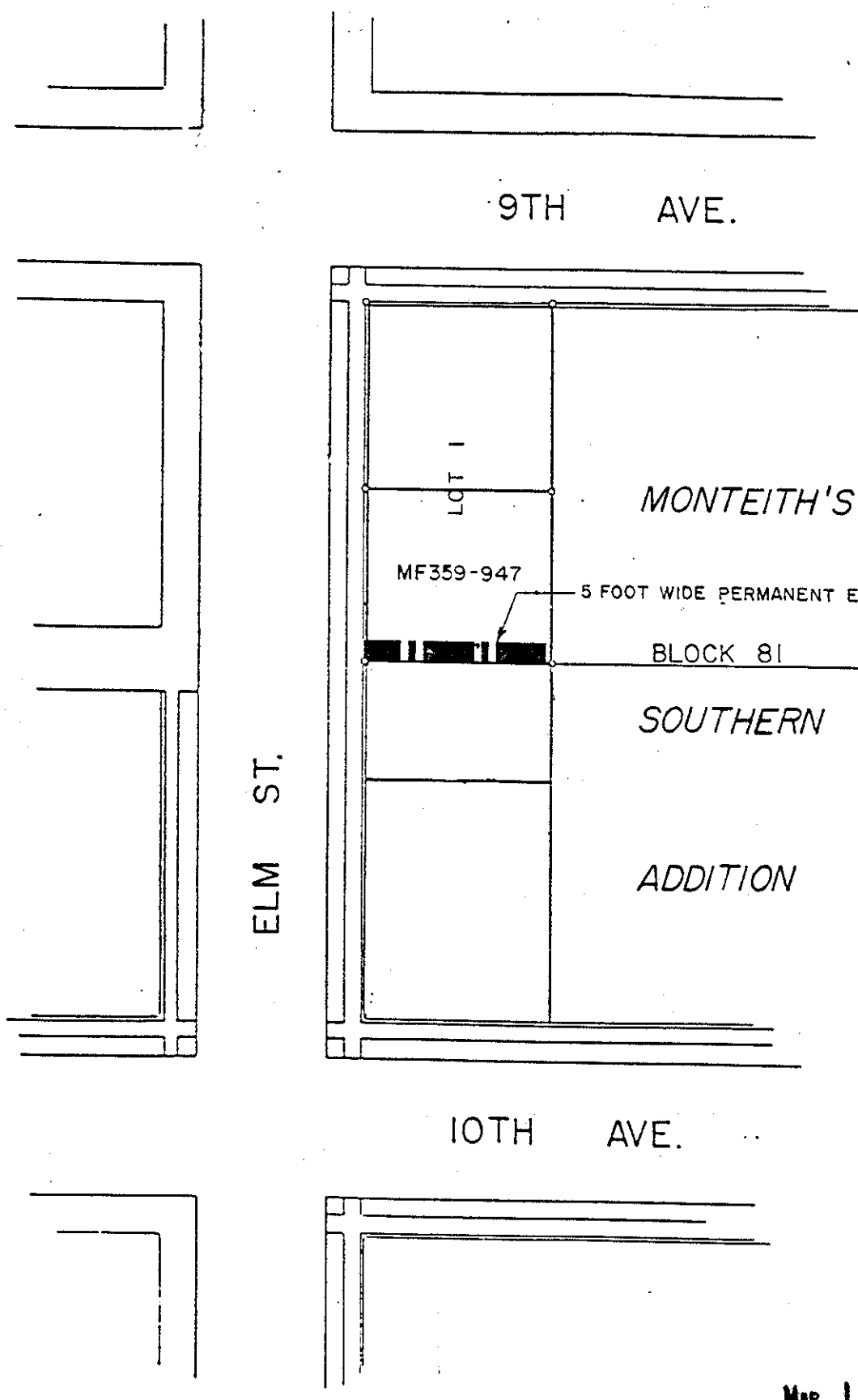
CITY OF ALBANY, OREGON

William B. Barrons
 City Manager

as follows
 City Recorder

EXHIBIT A

N.T.S.



MAR 1 3 31 PM '88

STATE OF OREGON
County Of Linn

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

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STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]* Deputy
City of Albany
O.B. 490

Resolution No. 2762

Recorded Document Recorder File No. 0537