

RESOLUTION NO. 2890

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

Grantor

Kevin and Fiona Kiker

Purpose

A 5-foot wide permanent utility easement located on Lot 5 and 6 of Block 6, Burkhardt Addition to the City of Albany, Linn County, Oregon.

DATED this 13th day of September, 1989.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16<sup>th</sup> day of August, 1989, by and between Kevin Kiker and Fiona Kiker, husband and wife, as tenants by the entirety, 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, under-growth, 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 consists of:

A 5-foot wide permanent utility easement which is parallel, adjacent and west of the line more particularly described as follows and further shown on the attached map labeled EXHIBIT A.

Beginning at the northeast corner of that parcel conveyed to Kevin and Fiona Kiker, MF496-798c, Linn County Deed Records, Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence running South 1°03' East along the east property line of that parcel noted above, 74.97 feet to the intersection of the east property line with the south property line 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 easement granted is in consideration of \$1.00 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
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 above written.

Kevin Kiker  
 Kevin Kiker  
Fiona Kiker  
 Fiona Kiker

STATE OF OREGON )  
 County of Linn ) ss. \*  
 City of Albany )  
 PUBLIC

The foregoing instrument was acknowledged before me this 16 day of September, 1989, by grantor(s) as his/her/their voluntary act and deed.

John Hendricks  
 Notary Public for Oregon  
 My Commission Expires: 1-12-91

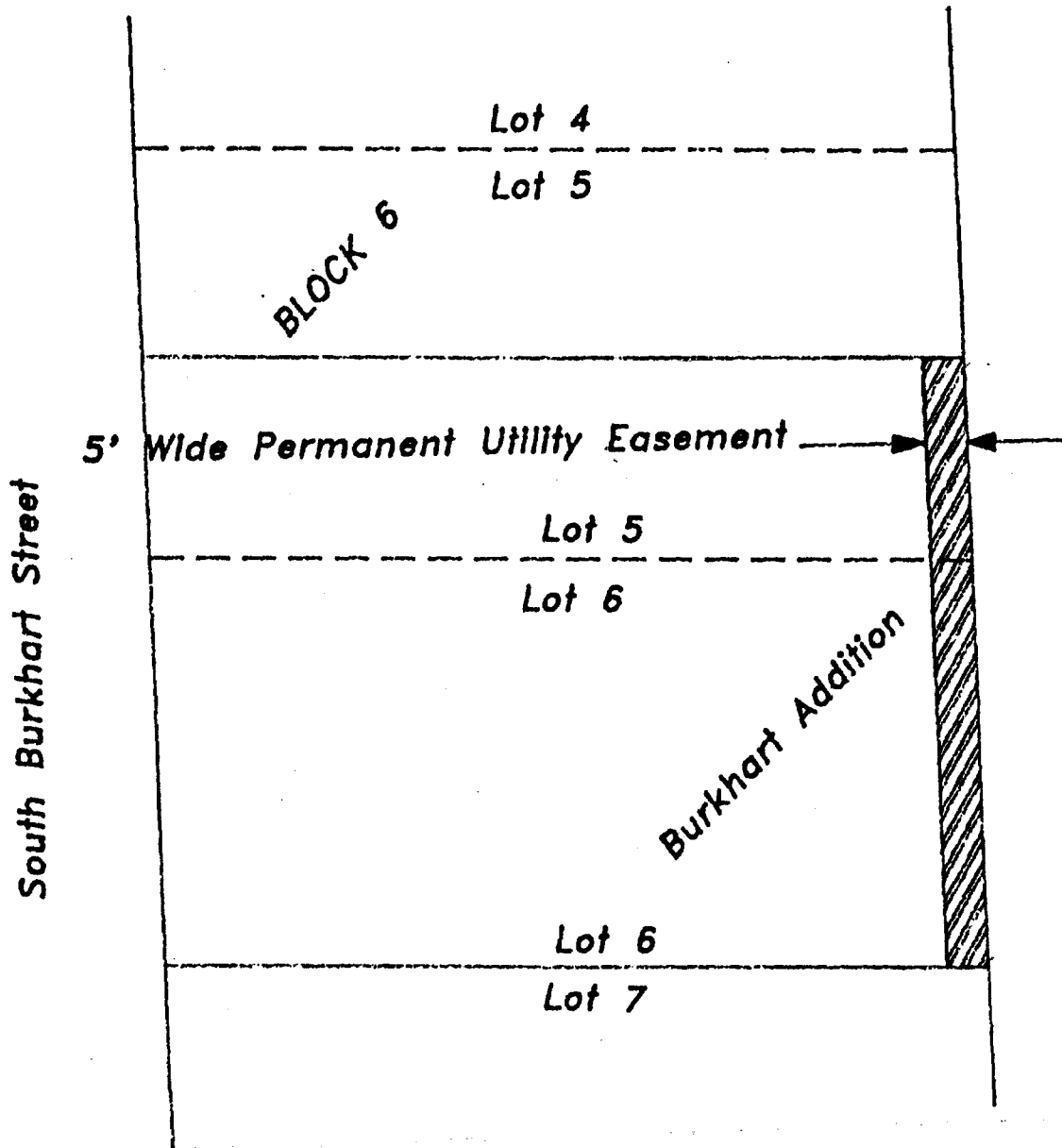
STATE OF OREGON )  
 County of Linn ) ss.  
 City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2890, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of September, 1989.

CITY OF ALBANY, OREGON

Steve Bryant  
 City Manager  
as full title  
 City Recorder





CITY OF ALBANY, OREGON  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING/UTILITIES DIVISION

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5 Foot Wide Permanent  
 Utility Easement For  
 Sanitary Sewer

25-


ENTERED SEP 28 1989

At 8:30 O'clock a.m.  
 STEVE DRUCKENMILLER  
 Linn County Clerk

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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By  Deputy

City of Albany  
 Box 490  
 Albany 97321

Resolution No. 2890

Recorded Document Recorder File No. 0688