

RESOLUTION NO. 3171

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

Grantor

Mark Siegner

Purpose

a seven and one-half foot wide permanent public utility easement across that property located at 122 Railroad Street SE, City of Albany, Linn County, Oregon

DATED this 27 day of May, 1992.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29 day of April, 1992, by and between Mark Siegner, 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 consists of:

A seven and one-half foot wide permanent utility easement across that parcel conveyed to Mark Siegner by deed recorded in MF Volume 563, Page 743, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled Exhibit A:

A seven and one-half foot wide strip of land across said Siegner parcel, said strip being parallel, adjacent, and south of the following described line: Beginning at the Northeast corner of the South half of Block 102 in Hackleman's Addition to Albany, Oregon as shown by the plat on file, all in Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence westerly on the North line of the South half of said block 60 feet to the point of terminus.

Containing 750 square feet, more or less.

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.

GRANTOR:

Mark Siegnor
 Mark Siegnor

CITY OF ALBANY:

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

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 3171, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of May, 1992.

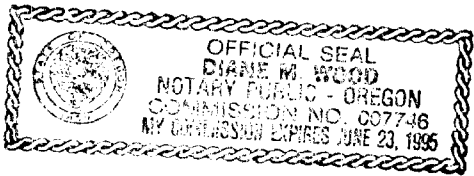
The foregoing instrument was acknowledged before me this 29 day of APRIL, 1992, by grantor(s) as his/her/their voluntary act and deed.

Diane M Wood
 Notary Public for Oregon

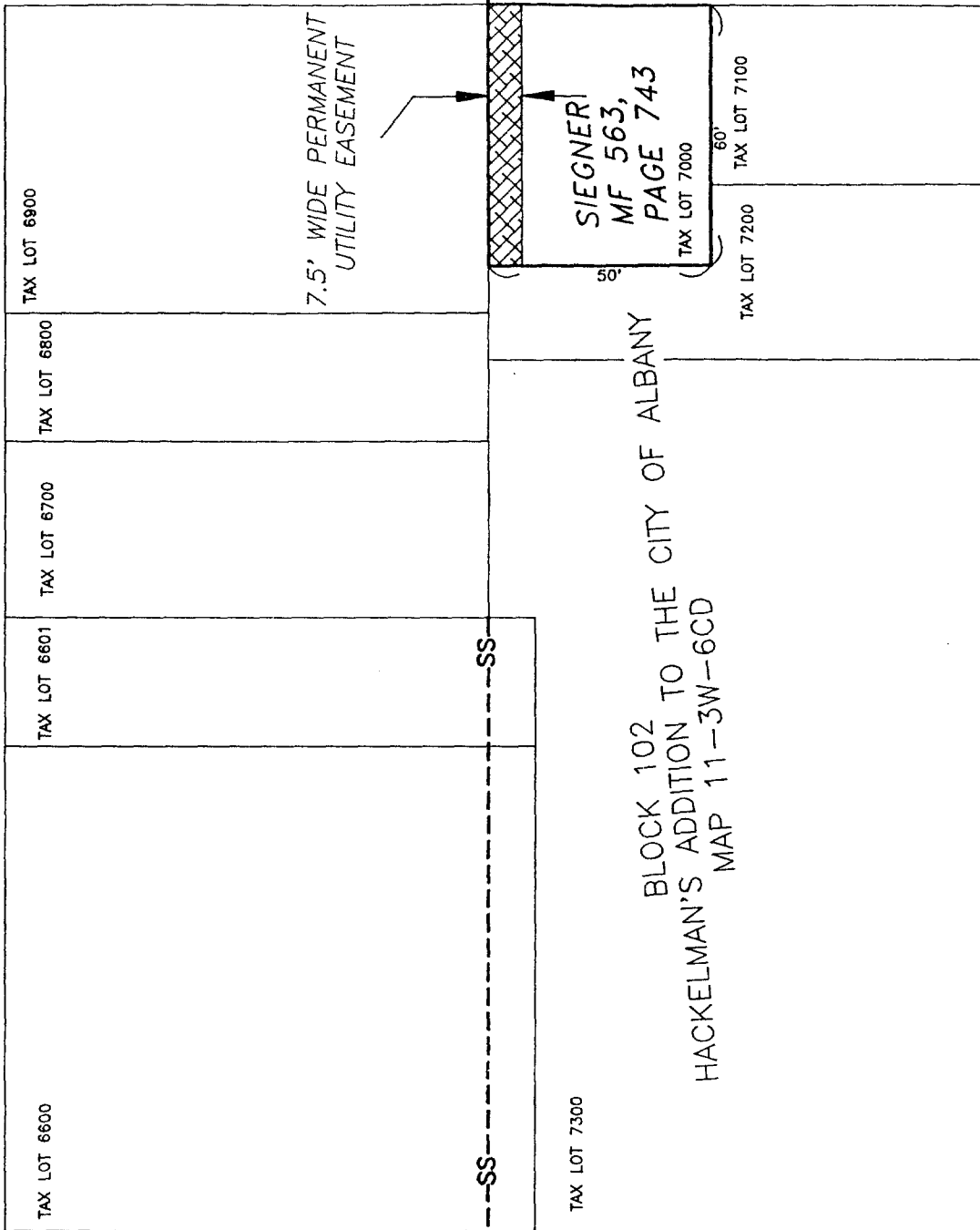
Steve Bryant
 City Manager

My Commission Expires: 6-23-95

ATTEST:
Norm C. Withrow
 Deputy City Recorder



1st AVENUE



RAILROAD STREET

TAX LOT 6900

TAX LOT 6800

TAX LOT 6700

TAX LOT 6601

TAX LOT 6600

7.5' WIDE PERMANENT UTILITY EASEMENT

SIEGNER MF 563, PAGE 743

TAX LOT 7000

TAX LOT 7200

TAX LOT 7100

BLOCK 102
HACKELMAN'S ADDITION TO THE CITY OF ALBANY
MAP 11-3W-6CD

TAX LOT 7300

MONTGOMERY STREET

2nd AVENUE

25

JUN 10 11 02 AM '92

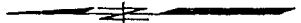
MAR 29 9 10 AM '92

STATE OF OREGON
County of Linn

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

STEVE DRJICKENMILLER
Linn County Clerk MF 601

By *[Signature]*, Deputy PAGE 824



SCALE: 1" = 40'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JANUARY 1992

EXHIBIT A

7.5' Permanent Utility Easement
from Mark Siegner
to the City of Albany

Resolution No. 3171

Recorded Document Recorder File No. 2204