

RESOLUTION NO. 3181

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

Grantor

Curtis A. Myers and Margaret J. Myers

Purpose

a fifteen-foot wide permanent public utility easement centered over an existing sanitary sewer across that property located at 2207-09 Old Salem Road NE, City of Albany, Linn County, Oregon

DATED this 8th day of July, 1992.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22 day of June, 1992, by and between Curtis A. Myers and Margaret J. Myers, husband and wife, 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 15-foot wide permanent public utility easement across that parcel conveyed to Curtis A. Myers and Margaret J. Myers, husband and wife, in MF Volume 603, Page 555, Linn County Microfilm Deed Records, being 7.5 feet on either side of the following described centerlines:

Beginning at a point on the north right-of-way line of Old Salem Road which point is 1951.62 feet South 1° 10' West, 1341.60 feet North 79° 33' East along the center of Salem Avenue to the southwest corner of that parcel conveyed to Warren M. Herbert et ux by deed recorded in MF Volume 474, Page 870, Linn County Microfilm Deed Records, 30.0 feet North 9° 55' 10" West along the west line of said Herbert parcel, and 8.48 feet North 79° 33' East of the northwest corner of the Leander C. Burkhart Donation Land Claim No. 50, in Section 5, Township 11 South, Range 3 West of the Willamette Base and Meridian, City of Albany, Linn County, Oregon; and running thence North 7° 38' 01" West 153.94 feet to the center of a manhole; thence North 64° 07' 57" East 84.14 feet to the eastline of Parcel 1 of Linn County Partition Plat 1992-25 and there terminating.

ALSO beginning at the center of the above mentioned manhole; thence North 24° 33' 23" West 16.43 feet to the north line of Parcel 1 of said partition plat and there terminating.

ALSO beginning at the center of the above mentioned manhole; thence South 64° 07' 57" West 15.20 feet to the west line of Parcel 1 of said partition plat and there terminating.

Containing 0.088 acres, 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:

Curtis A. Myers  
 Curtis A. Myers

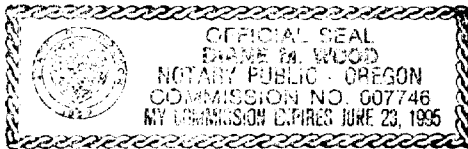
Margaret J. Myers  
 Margaret J. Myers

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

The foregoing instrument was acknowledged before me this 22 day of JUNE, 1992, by grantor(s) as his/her/their voluntary act and deed.

Diane M Wood  
 Notary Public for Oregon

My Commission Expires: 6-23-95



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 3181, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of July, 1992.

Steve Bryant  
 City Manager

ATTEST:

Moran C. Withrow  
 City Recorder - Deputy

STATE OF OREGON  
County of Linn

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

STEVE DRUCKENMILLER  
Linn County Clerk MF 606

By [Signature], Deputy PAGE 013

M  
 R  
 S  
 A  
 O

JUL 17 1992  
 2:38 pm.

20

Resolution No. 3181

Recorded Document Recorder File No. 2199