

RESOLUTION NO. 3189

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

Grantor

The Opportunity Center, Inc., now known as Center Enterprises, Inc.

Purpose

a 20-foot wide permanent public utility easement centered over an existing sanitary sewer across that property located at 823 Elm Street SW, City of Albany, Linn County, Oregon.

DATED this 12th day of August, 1992.

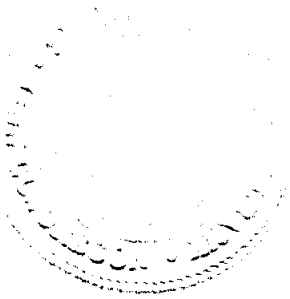


Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of July, 1992, by and between THE OPPORTUNITY CENTER, INC. now known as CENTER ENTERPRISES, INC., 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 twenty-foot wide permanent public utility easement across that parcel conveyed to The Opportunity Center, Inc., an Oregon non-profit corporation, in MF Volume 442, Page 190, Linn County Deed Records, 10 feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a point on the East line of Block No. 61 in the City of Albany in Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, said point being 110.0 feet Northerly from the Southeast corner of said block and running thence Westerly, parallel with the South boundary line of said block a distance of 119.0 feet and there terminating.

Containing 0.055 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:

THE OPPORTUNITY CENTER, INC. nka
CENTER ENTERPRISES. INC.

By: John Schantz
President

By: Dorothy E. Griffith
Secretary

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

The foregoing instrument was acknowledged before me this 15th day of July, 1992, by JOHN SCHANTZ, president, and by DORTHY GRIFFITH, secretary, of THE OPPORTUNITY CENTER, INC., Now Known As CENTER ENTERPRISES, INC., an Oregon non-profit corporation, on behalf of the corporation.

Nancy J. Young
Notary Public for Oregon

My Commission Expires: 4-18-94

CITY OF ALBANY:

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

D.G. Holliday
I, ~~Steve Bryant~~ ^{pro tem} as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3189 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of August, 1992.

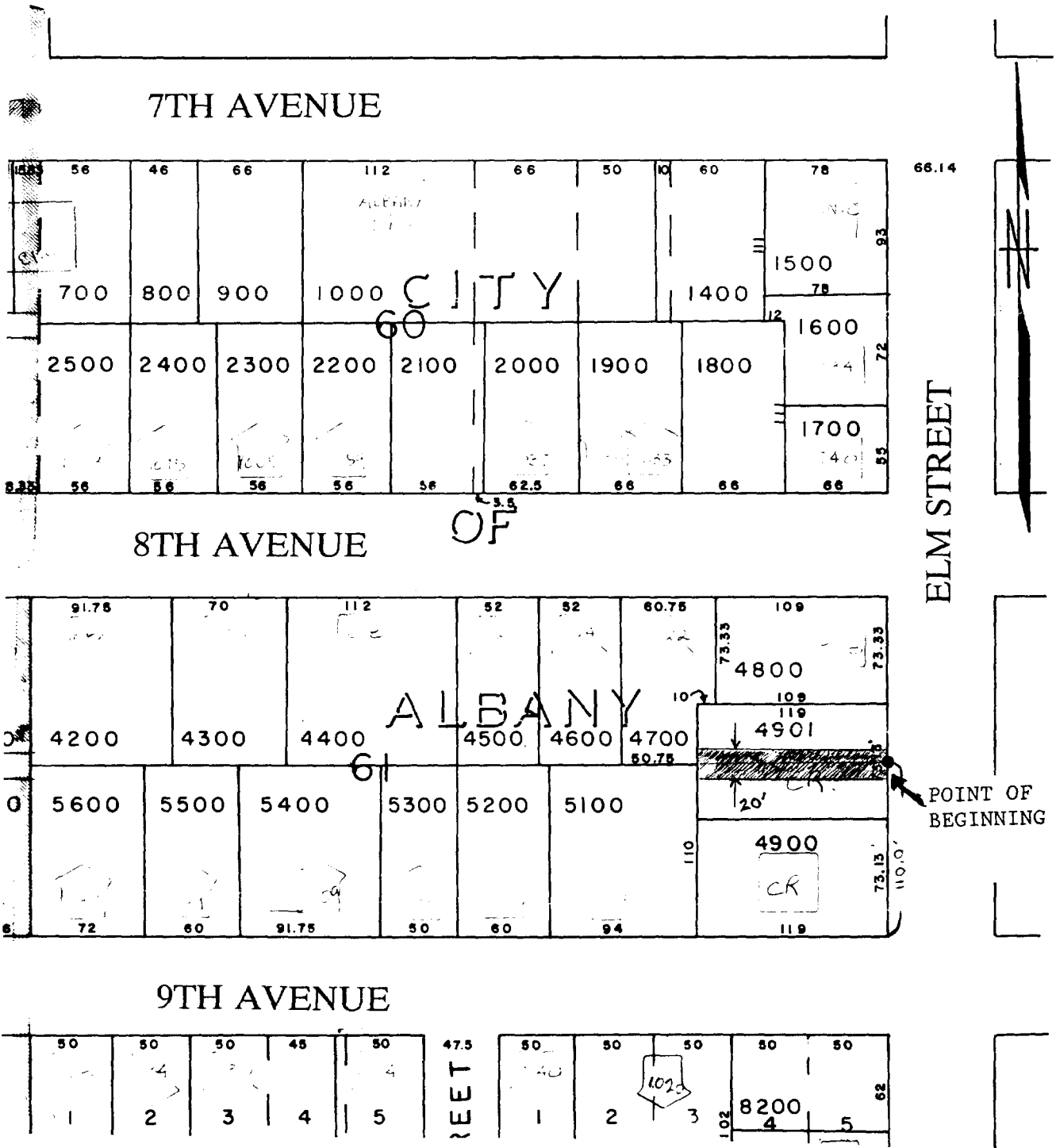
[Signature]
City Manager pro tem

ATTEST:

Morm C. Withrow
City Recorder - Deputy

1" = 100'

VOL 0609 PAGE 563



20' WIDE PERMANENT PUBLIC UTILITY EASEMENT FROM CENTER ENTERPRISES, INC. TO THE CITY OF ALBANY

July 1992

EXHIBIT A:

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

By *[Signature]*, Deputy

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PAGE 561

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See Map

Resolution No. 3189

Recorded Document Recorder File No. 2208