

RESOLUTION NO. 3396

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

Grantor

Robert E. Reynolds, Sr.

Purpose

a 15-foot wide permanent easement over an existing public sanitary sewer line

DATED this 10th day of August 1994.



Maura C. Wilton
City Recorder

[Signature]
Mayor

EASEMENT FOR SANITARY SEWER

THIS AGREEMENT, made and entered into this 15th day of July, 1994, by and between Robert E. Reynolds, Sr., Trustee under the Robert E. Reynolds, Sr. Living Trust, 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 an existing sanitary sewer for the purpose of conveying said public utility 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 utility and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utility.

This agreement is subject to the following terms and conditions:

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

A fifteen-foot wide permanent sanitary sewer easement across that property conveyed (as Parcel 1, Parcel 2, and Tract 2 of Parcel 4) by deed recorded in Volume 557, Page 420, Linn County Microfilm Deed Records, and across that property conveyed by deed recorded in Volume 557, Page 422, said deed records, to Robert E. Reynolds, Sr., Trustee under the Robert E. Reynolds, Sr. Living Trust, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, more particularly described as follows and as shown on the attached map labeled Exhibit A:

The southerly 7.5 feet of even width of Lot 3 and of Lot 4, Block 1, Hackleman's Woodland Addition, a subdivision of record in Linn County, Oregon.

TOGETHER WITH the northerly 7.5 feet of even width of Lot 7 and of Lot 8, Block 1, said Hackleman's Woodland Addition.

Containing 1,980 square feet/0.045 acre, 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 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. The Grantors and the City acknowledge that, as of the date of Grantor signature on this easement document, a structure exists on the public utilities easement described herein. The existing structure is located on the sanitary sewer easement as shown on the attached EXHIBIT A. Neither additional

permanent structures nor additions to the existing structure may be constructed on the sanitary sewer easement. If the existing structure is removed from its location shown in EXHIBIT A, no permanent structure may be reconstructed in its place.

- 7. Should the City determine that maintenance, repair, or reconstruction of the sanitary sewer located under the structure shown in Exhibit A require the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR: Robert E. Reynolds, Sr., Trustee
 Robert E. Reynolds, Sr., Trustee

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 3396, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of August, 1994.

The foregoing instrument was acknowledged before me this 15th day of July, 1994, by Robert E. Reynolds, Sr., Trustee under the Robert E. Reynolds, Sr. Living Trust, as his voluntary act and deed.

Steve Bryant
 City Manager

Carla Friedt
 Notary Public for Oregon

ATTEST:

My Commission Expires: 10-1-96

Norm C. Withman
 City Recorder (Deputy)



SEVENTH AVE.

LOT 1
BLOCK 1

LOT 2
BLOCK 1

LOT 3
BLOCK 1

LOT 4
BLOCK 1

LOT 5
BLOCK 1

15' PERMANENT SANITARY
SEWER EASEMENT FROM
REYNOLDS TO CITY OF ALBANY

REYNOLDS

11-3W-88B
1902

11-3W-88B
2000

11-3W-88B
1903

5'

EXISTING
BUILDING

11-3W-88B
1900

11-3W-88B
2300

LOT 10
BLOCK 1

LOT 9
BLOCK 1

LOT 8
BLOCK 1

LOT 7
BLOCK 1

LOT 6
BLOCK 1

LOT 1
BLOCK 2

PINE ST.

SCALE: 1" = 50'

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LOT 14
BLOCK 2

HACKLEMAN'S WOODLAND ADD'N

PACIFIC BLVD.

LINN COUNTY DEED REFERENCES:

- ROBERT E. REYNOLDS, SR., TRUSTEE
- 11-3W-88B-1900, MF557-422, TRACT 2 OF PARCEL 4
- 11-3W-88B-1902, MF557-422, PARCEL 1
- 11-3W-88B-1903, MF557-422, PARCEL 1
- 11-3W-88B-2000, MF557-422, PARCEL 2
- 11-3W-88B-2300, MF557-420

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JULY 1994

EXHIBIT A:
15' PERMANENT SANITARY
SEWER EASEMENT
FROM ROBERT E. REYNOLDS, SR.
TO THE CITY OF ALBANY

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  Deputy

M 15
R 10
S
A
O

MF 713

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Recorded Document Recorder File No. 2519