

RESOLUTION NO. 3766

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Bill Lund

Purpose

A permanent public utility easement 5.5-feet in even width to the City of Albany.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 12TH DAY OF MARCH 1997.



Mayor

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12 day of March, 1997, by and between Bill Lund, 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 5.5 foot wide water easement that is North of and Parallel with the following described line and as shown on the attached map labeled Exhibit A:

Beginning at a point on the Easterly boundary line of the Southern Pacific Railway right-of-way which is West 33.86 chains and South 14°24' West 278.56 feet from the Southeast corner of the Exum Powell Donation Land claim No. 44 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 89°50'00" East 508.20 feet to the true point of beginning; thence South 89°50'00" East 328 feet to the Westerly right-of-way line of Salem Road.

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:

[Signature]

William Lund

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 3766, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of March, 19 97.

The foregoing instrument was acknowledged before me this 19 day of February, 19 97, by William Lund as his/her/their voluntary act and deed.

[Signature]

City Manager

ATTEST:

[Signature]

Notary Public for Oregon
My Commission Expires: 11-1-98

[Signature]

City Recorder

LUND.MB



EXHIBIT A

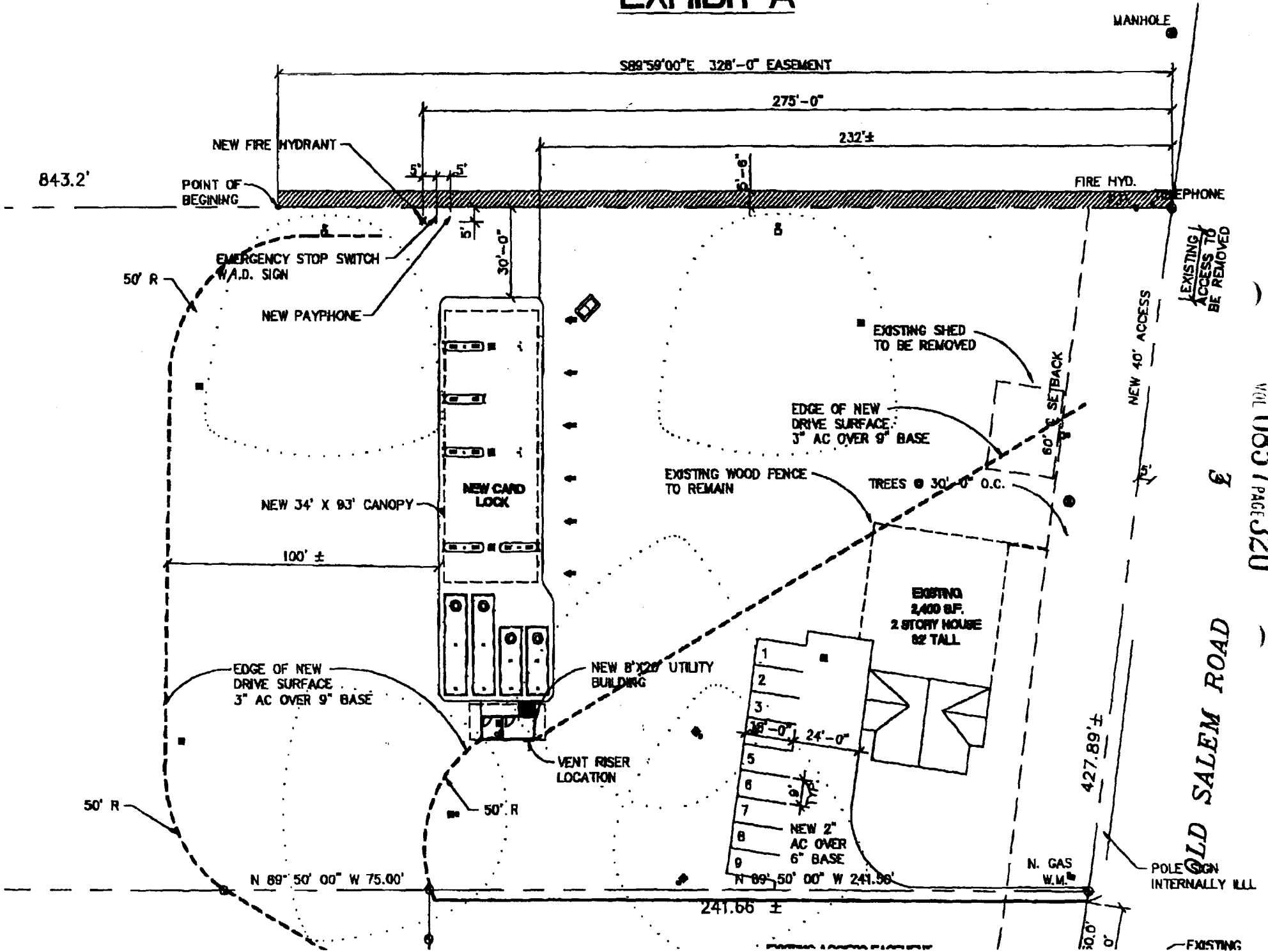
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W/1 0857 PAGE 320

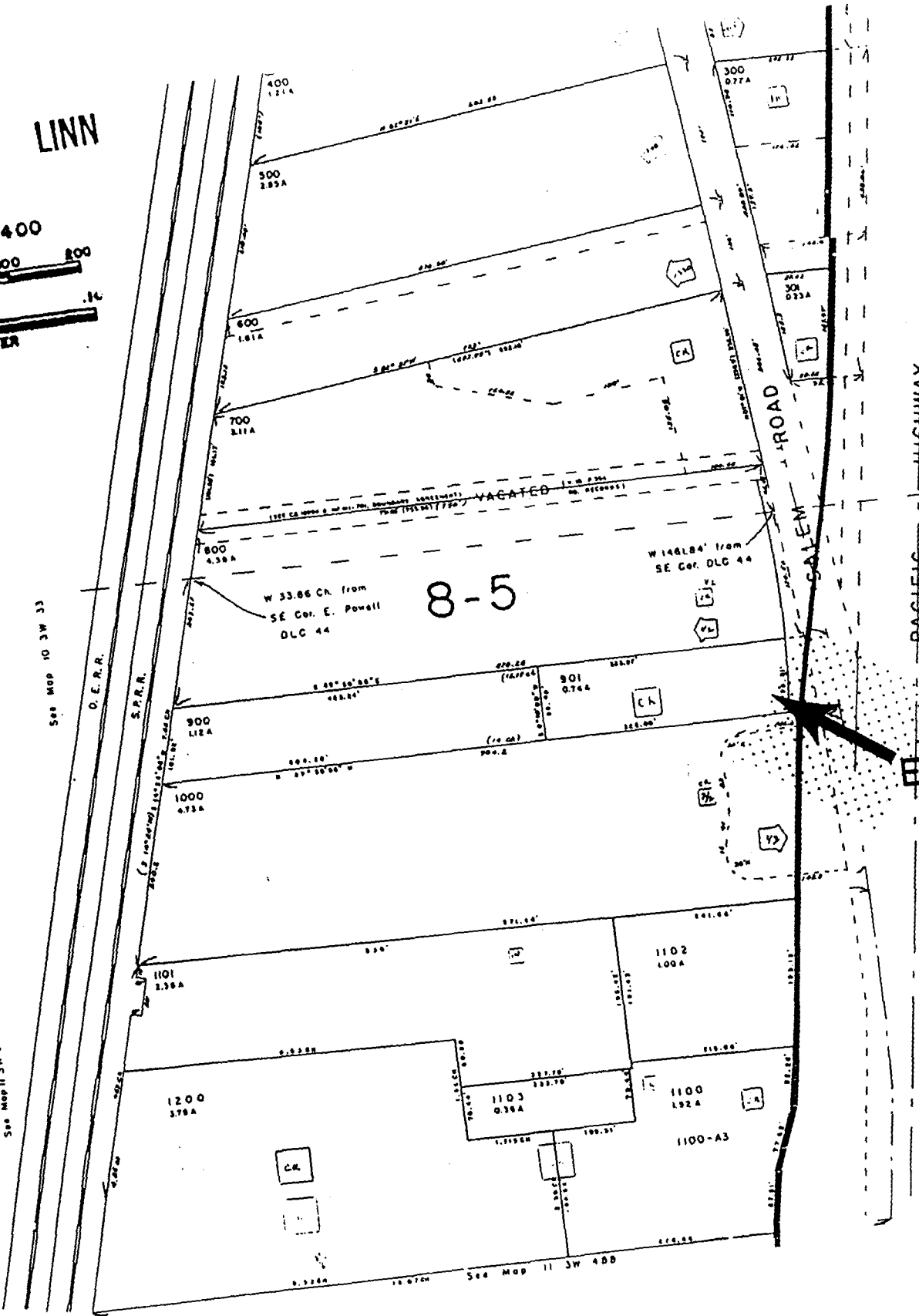
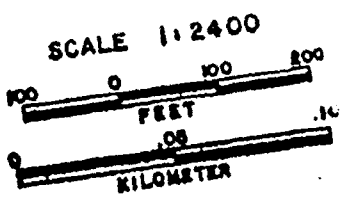
E

OLD SALEM ROAD

P. 04



LINN



EASEMENT VICINITY

3000' W 1/4 SEC 44

MAP 080 PAGE 321

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County
STEVE DRUCKENMILLER
Linn County Clerk

BY *[Signature]* Deputy

MF 857
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MAR 14 1 56 PM '97

RECEIVED
OCT 20 1995
DEPT. OF REVENUE
STATE OF OREGON

Resolution No. 3766

Recorded Document Recorder File No. 2933