

RESOLUTION NO. 4068

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Keller Development Co.**

Purpose


A permanent public utility easement 20.0 feet in even width for the installation and maintenance of a sanitary sewer line.

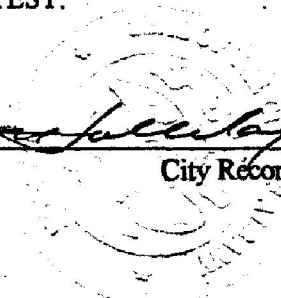
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 27TH DAY OF JANUARY 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12 day of JANUARY, 1999, by and between **KELLER DEVELOPMENT CO.**, 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 20 foot wide easement for the installation and maintenance of a sanitary sewer line, which easement is described in "Attachment A" and shown in "Attachment B."
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, receipt of which is acknowledged by the Grantor, 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:

KELLER DEVELOPMENT CO.

By: Robyn Keller Pres.  
Title:

By: Stanley Keller Sec.  
Title:

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 4068 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of January, 1999.

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

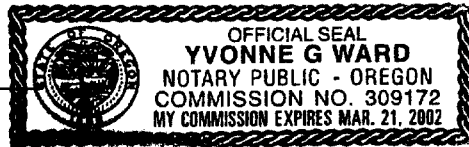
Steve Bryant  
City Manager

The foregoing instrument was acknowledged before me this 12 day of Jan, 1999, by Robyn Keller, Title: Pres, and by Stanley Keller, Title: Sec, of KELLER DEVELOPMENT CO., an Oregon corporation, on behalf of the corporation.

ATTEST:

Yvonne G Ward  
City Recorder

Yvonne G Ward  
Notary Public for Oregon  
My Commission Expires: 3/21/02



**MOORE SURVEYING**

Verle C. Moore  
Professional Land Surveyor

February 17, 1998

**Attachment A**

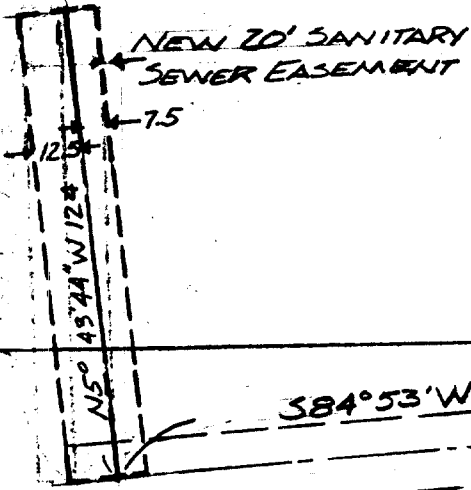
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Section 8, T.11 S., R.3 W. W.B. & M.  
Description for Keller Development

an easement for the purpose of installing and maintaining a sanitary sewer line, being 7.5 feet on the east side and, 12.5 feet on the west side of the following described line:  
Beginning at a point in the center of that easement for sanitary sewer conveyed to the City of Albany in instrument recorded in MF Volume 413, Page 761, Linn County Microfilm Records, which point is 280.29 feet North 1°35' West, 110.01 feet South 89°22' West, and 192.12 feet South 84°53' West of the Northeast Corner of Lot 1, Block 1 of Easter Addition to Oak Grave Acres in the A. Hackleman Donation Land Claim Number 62, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 5°43'44" West 124 feet, and there terminating.

11-3W-8CB TL 103

"ATTACHMENT B"



11-3W-8CB TL 100

S84°53'W 192.12

S89°22'W 110.01

EXISTING 20' SANITARY SEWER EASEMENT



30 30

14th Ave

N1°35'W 280.29  
GEARY STREET

10' UTILITY EASEMENT MF VOL 413 P. 768  
5' ROW EASEMENT PACIFIC POWER MF VOL 338 P. 926  
AND DEDICATION DEED MF VOL 413 P. 759

STATE OF OREGON  
County of Linn

M 20 FEB 10 3 01 PM '99  
S 70

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

STEVE DRUCKENMILLER  
Linn County Clerk

MF 1010  
848

By PA, Deputy

PAGE

EXISTING 20' SANITARY SEWER EASEMENT

30 30  
P.O.B.

LOT 1

EASTERN ADDITION TO OAK GROVE ACRES BLOCK 1

LOT 4

LOT 3

LOT 2

S.E. CORNER  
A. HACKLEMAN PLLC 62

Resolution No. 4068

Recorded Document Recorder File No. 3340