

RESOLUTION NO. 4110

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENTS:

Grantor

**Kin Foo Chan and Ying Chou Chan**

Purpose

A 10.0 foot wide permanent public utility easement and a 25 foot wide temporary construction easement, as described in the attached agreement and as shown in attached EXHIBIT A.

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

DATED THIS 26TH DAY OF MAY 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



PERMANENT AND TEMPORARY EASEMENTS FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of May, 1999, by and between Kin Foo Chan and Ying Chou Chan, 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:

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Kin Foo Chan and Ying Chou Chan, described in Volume 159, Page 809, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT A".

A 10.0 foot wide permanent easement parallel, adjacent and south of the line described below and further shown on the attached drawing labeled "EXHIBIT A".

Beginning at the northwest corner of the west 1/2 of the southeast 1/4 of Block 53 Hackleman's Second Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County, Oregon; thence easterly, parallel with the southern boundary line of said block, a distance of 66.25 feet, and there terminating.

Containing 0.0152 acres of land, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement across that property conveyed to Kin Foo Chan and Ying Chou Chan, described in Volume 159, Page 809, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT A".

A 25.0 foot wide temporary construction easement parallel, adjacent, and south of the line described as follows: beginning at the northwest corner of the west 1/2 of the southeast 1/4 of Block 53 Hackleman's Second Addition to the City of Albany, Section 7, T.11S., R.3W., Willamette Meridian, Linn County, Oregon; thence easterly, parallel with the southern boundary line of said block, a distance of 66.25 feet, and there terminating.

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P.O. Box 490, Albany, OR 97321

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.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation, or maintenance purposes.

3. The permanent and temporary easements are in consideration of: \$1,277.83, receipt of which is acknowledged by the Grantors, replacement of service lateral from existing building to the mainline and installation of a clean-out at the building, 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 Grantors signature on this easement document, a structure exists on the public utilities easement as shown on the attached EXHIBIT A. Neither additional permanent structures nor additions to the existing structure may be constructed on the public utilities 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 utilities 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.

GRANTORS:

CITY OF ALBANY:

Kin Foo Chan  
Kin Foo Chan

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

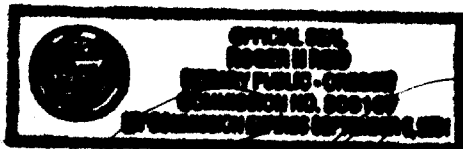
Ying Chou Chan  
Ying Chou Chan

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4110, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of May, 1999.

STATE OF Oregon )  
County of Linn )  
City of Albany )

The foregoing instrument was acknowledged before me this 25 day of May, 1999 by their voluntary act and deed.

Steve Bryant  
City Manager

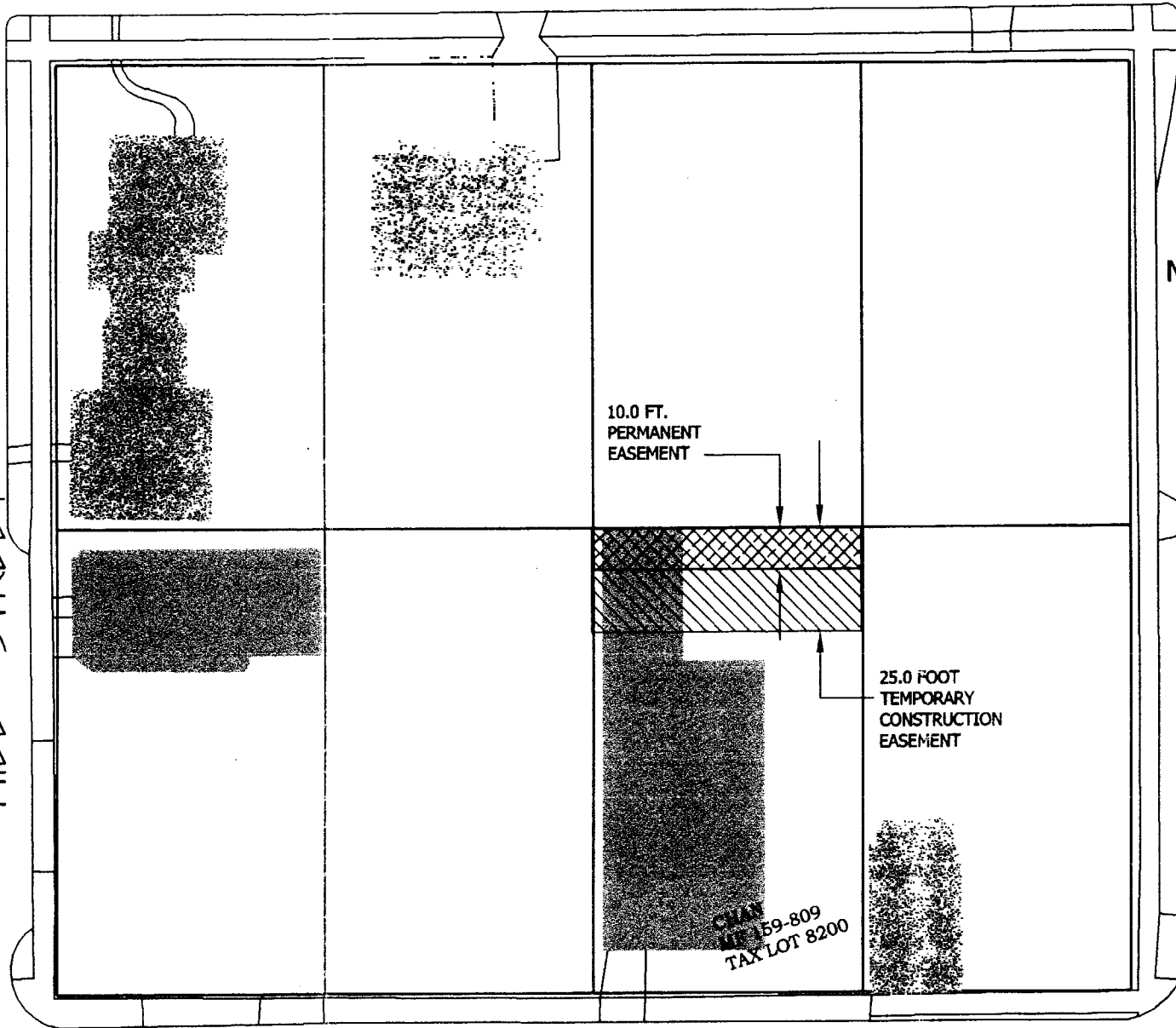


[Signature]  
Notary Public for Oregon  
My Commission Expires: 7-5-2005

ATTEST:  
Betty Langwell  
City Recorder Clerk

SE 7TH AVE.

HILL STREET



MAIN STREET

EXHIBIT A

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HACKLEMANS SECOND ADDITION  
 BLOCK 53  
 SEC. 7 T.11 S. R.3 W. W.M.  
 SCALE 1" = 40'

PACIFIC BLVD.



Resolution No. 4110

Recorded Document Recorder File No. 3381