

RESOLUTION NO. 4211

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

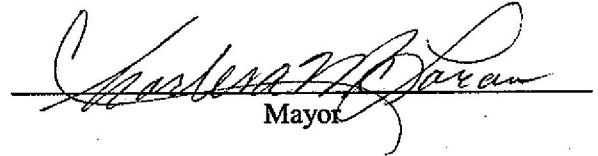
Purpose

Robert S. Hannah Trust and Ethel L. Hannah Trust.

A 15-foot-wide, permanent public utility easement and also an access easement, more particularly described in the attached easement document, as shown in attached EXHIBIT "A," and located in attached vicinity map.

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

DATED THIS 12TH DAY OF JANUARY 2000.



Mayor

ATTEST:



City Recorder

TAXES: EXEMPT

EASEMENT FOR PUBLIC UTILITIES AND ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 13TH day of SEPTEMBER, 1999, by and between ROBERT S. HANNAH TRUST, Robert S. Hannah, Trustee, and ETHEL L. HANNAH TRUST, E. LoRay Hannah, Trustee, hereinafter called "Grantors", and the CITY OF ALBANY, a Municipal Corporation, hereinafter 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.

In addition to the easement for public utilities Grantors further convey to the City an Access Easement over the north 150 feet of even width of the property hereinafter described. The City shall have the right to build and maintain a public roadway to be open to the public over the north 150 feet of even width of the property hereinafter described.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:
A portion of land in the Southwest Quarter of Section 9, Township 11 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon and being a portion of that land described in Linn County deed Reference 638-617, described as follows:
Beginning at a point South 88° 40' 30" West 30 feet from the SW corner of Lot 1 in Block 5 of Riderwood Subdivision; thence South 01° 39' 00" East 660.53 feet, thence North 88° 39' 09" East 15.00 feet, thence North 1° 39' 00" West 660.53 feet, thence South 88° 40' 30" West 15.00 feet to the point of beginning.
See Attached Exhibit "A".
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 on 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 person whosoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
*Robert S Hannah 12/13/99 *E. LoRay Hannah 12/13/99
6. ~~*CONDITION 6. OMITTED: ROBERT S. HANNAH DATE E. LORAY HANNAH DATE~~
~~A fence will be built along the Westerly line of Grantors property so that the fence will follow the road on the property immediately to the West of Grantors property and the access easement on the Grantors property.~~
7. This easement shall expire and will be void if it is not recorded prior to July 1,

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

2000. If the easement is recorded prior to July 1, 2000 then this easement will be in full force and effect.

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

GRANTOR:

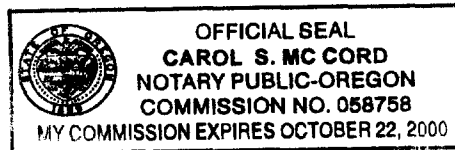
ROBERT S. HANNAH TRUST

Robert S Hannah Trustee
Robert S. Hannah, Trustee

STATE OF OREGON)
)ss.
County of Linn)

The foregoing instrument was acknowledged before me this 13 day of Sept., 1999, by Robert S. Hannah.

Carol S McCord
Notary Public for Oregon



GRANTOR:

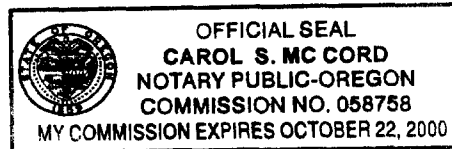
ETHEL L. HANNAH TRUST

E. LoRay Hannah, Trustee
E. LoRay Hannah, Trustee

STATE OF OREGON)
)ss.
County of Linn)

The foregoing instrument was acknowledged before me this 13th day of Sept., 1999, by E. LoRay Hannah.

Carol S McCord
Notary Public for Oregon



CITY OF ALBANY:

STATE OF OREGON)
)ss.
County of Linn)

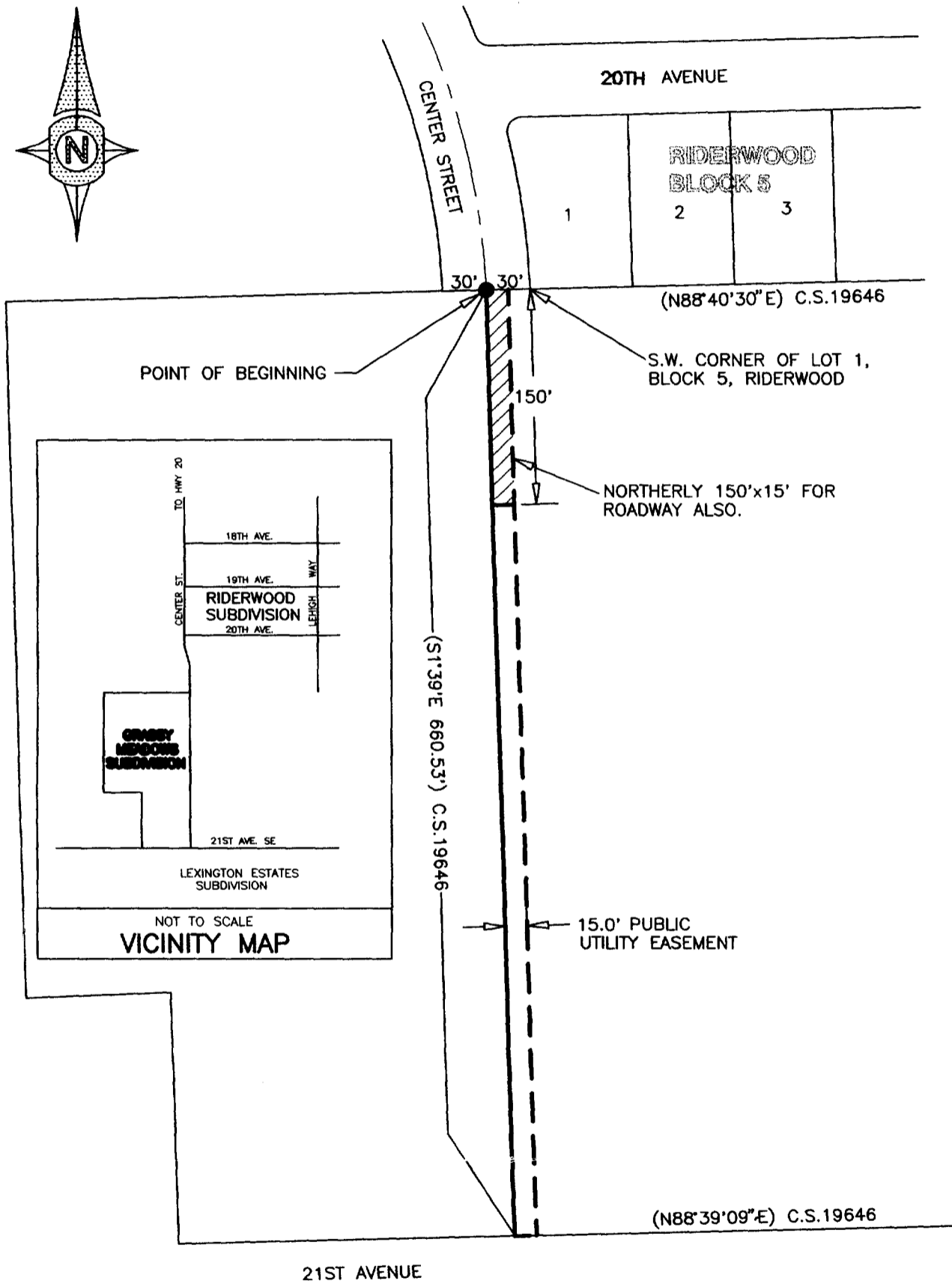
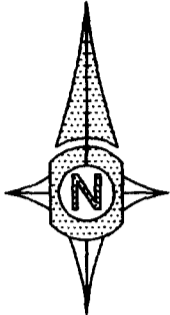
I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4211, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of January, 1999.2000

Steve Bryant
CITY MANAGER

ATTEST:

Ken Thayer
City Recorder

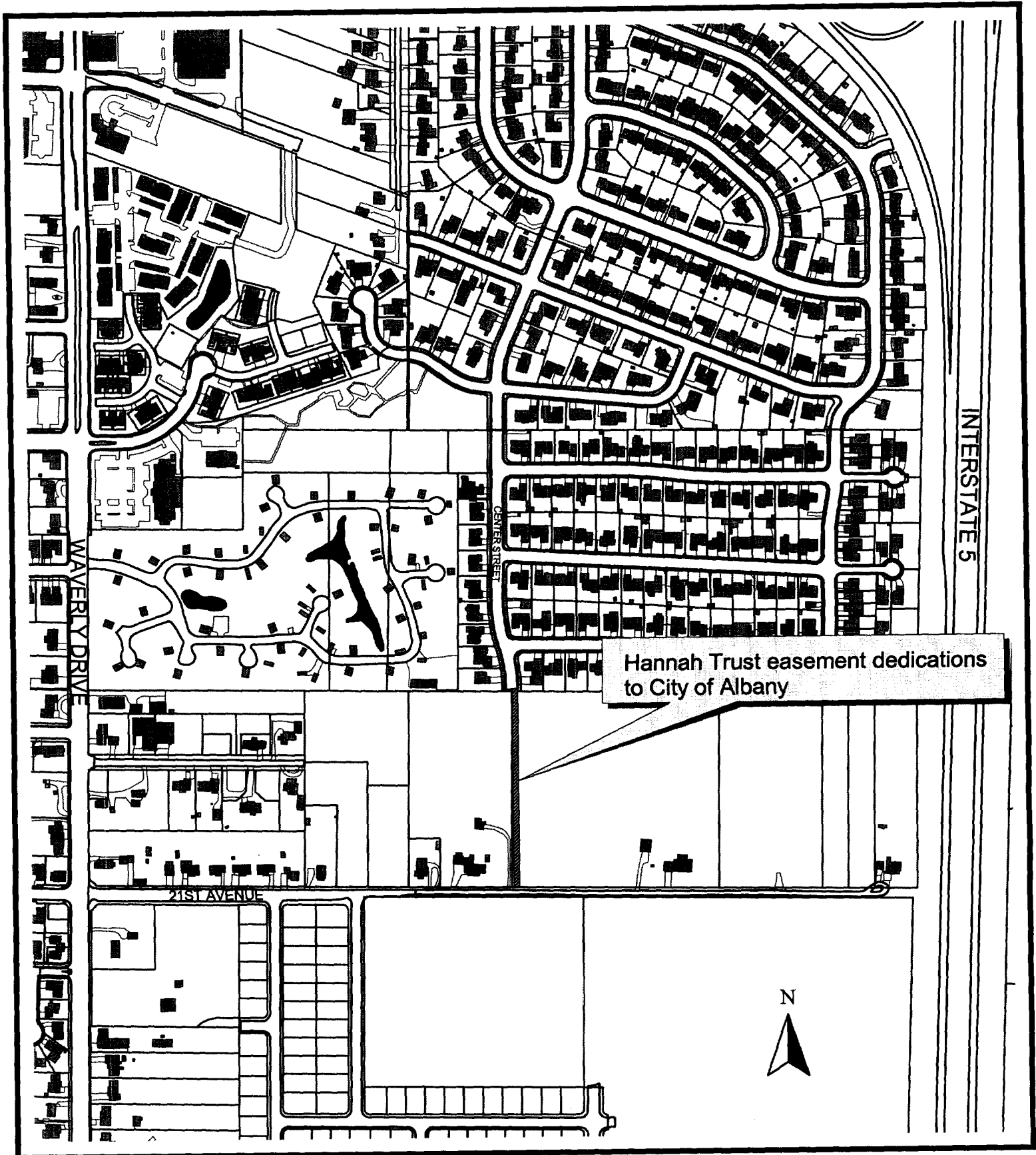
SW SEC. 9, T.11S., R.3W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON



PUBLIC UTILITY EASEMENT
EXHIBIT "A"

VICINITY MAP

Hannah Trust easement dedications to 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 PA, Deputy

M
R
S
A
O

³⁰
FEB 4 2 24 PM '00

MF 1088

PAGE 381

Resolution No. 4211

Recorded Document Recorder File No. 3536