

RESOLUTION NO. 4241

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Kenneth L. Settlemier and Lee Anne Settlemier

A 7-foot wide public utility easement, more particularly described in attached EXHIBIT "B," shown in attached EXHIBIT "A," and located in attached vicinity map.

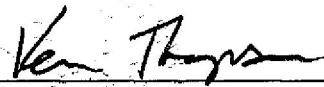
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 29TH DAY OF MARCH 2000.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16 day of MARCH, 2000, by and between **Kenneth L. Settlemier and Lee Anne Settlemier**, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 7-foot wide public utility easement, more particularly described in attached EXHIBIT "B" and shown in 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 upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does 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.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Kenneth L. Settlemier
Kenneth L. Settlemier

Lee Anne Settlemier
Lee Anne Settlemier

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

The foregoing instrument was acknowledged before me this 16th day of March, 2000, by Kenneth L. Settlemier and Lee Anne Settlemier as their voluntary act and deed.

Tina Lynch
Notary Public for Oregon
My Commission Expires: 7-13-2002



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 4241 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of March, 2000.

Steve Bryant
City Manager

ATTEST:

Betty Lauquell
City Recorder Clerk

Vicinity Map

Settlemer 7-foot wide Public Utility Easement Dedication

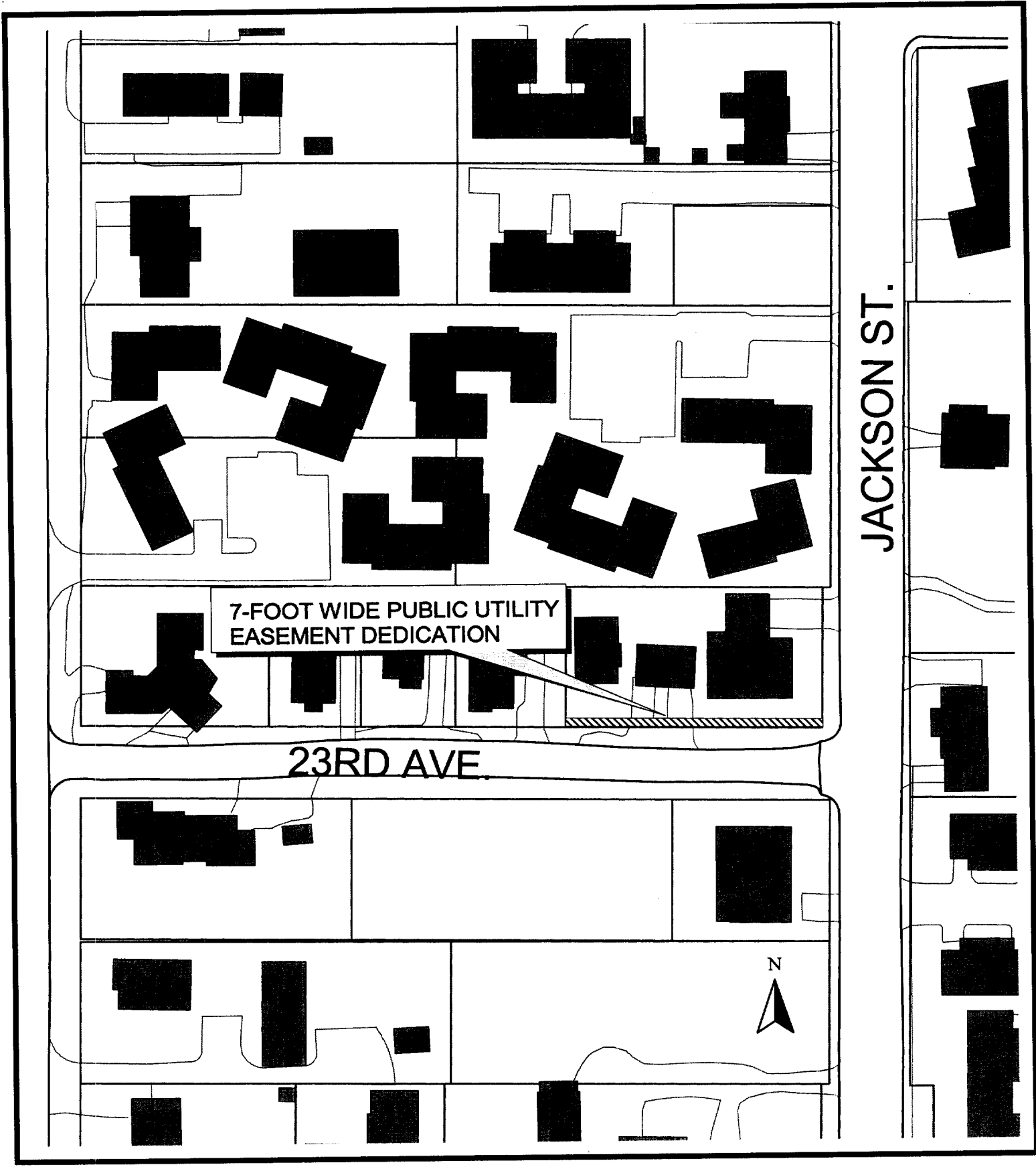
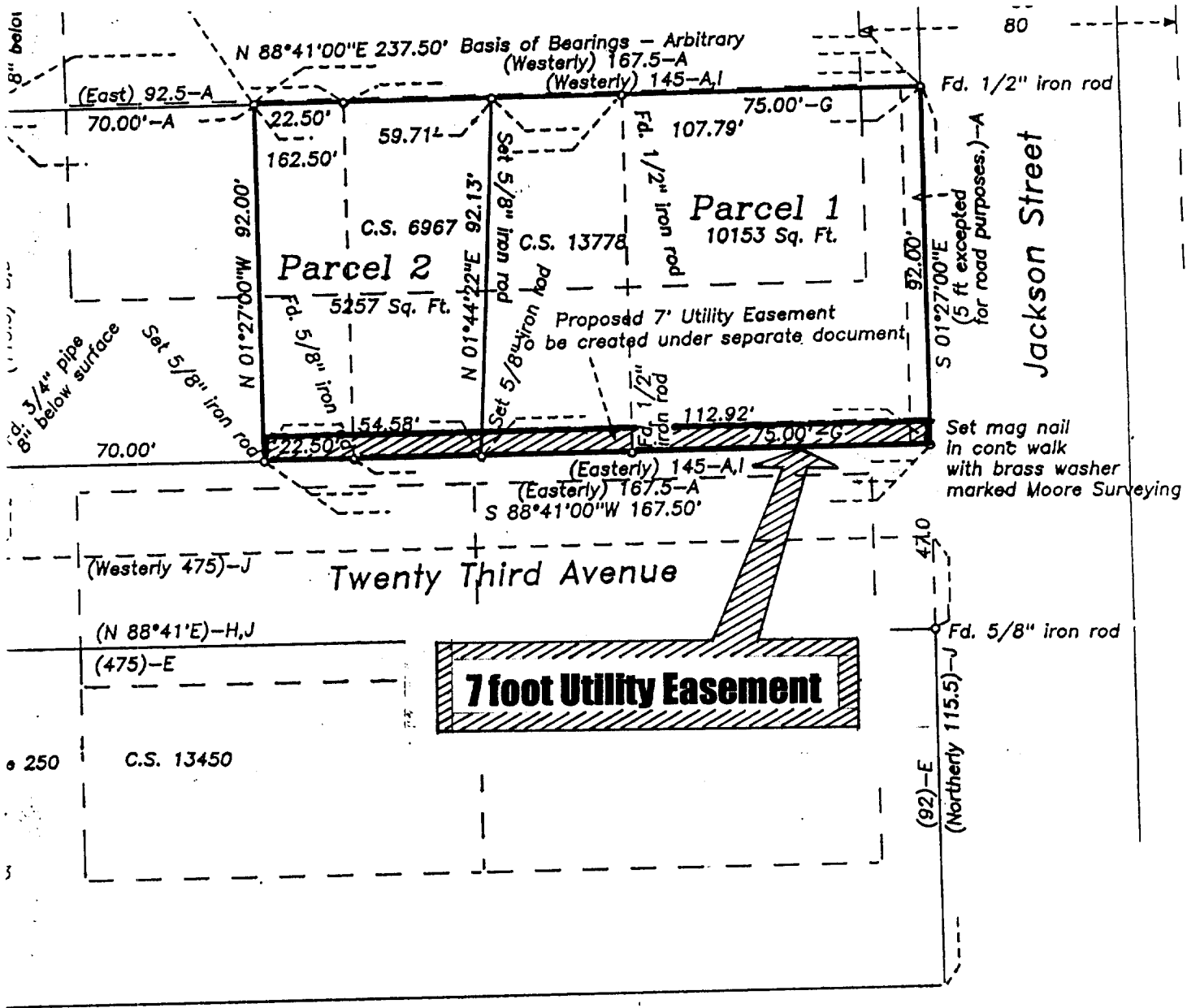


Exhibit "A"



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Exhibit "B"

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Section 18, T.11 S.,R.3 W. W.B.& M.
Description for Lee Anne Settlemier

Seven Foot Utility Easement:

an easement for the purpose of installing and maintaining utilities over the South 7 feet of even width of that parcel conveyed to Kenneth L. Settlemier and Lee Anne Settlemier, husband and wife, by deed recorded in MF Volume 428, Page 459, Linn County Microfilm Records, the south line of said parcel described as follows: Beginning at the southwest corner of said Settlemier parcel, which point is 1201 feet South 1°27' East, 307.5 feet North 88°41' East, and 92 feet South 1°27' East of the southwest corner of Block 9 of vacated Goltras Park Addition to Albany, Linn County, Oregon: thence North 88°41' East 167.5 feet to the southeast corner of said Settlemier parcel, and there terminating.

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 [Signature], Deputy

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PAGE 116

Resolution No. 4241

Recorded Document Recorder File No. 3576