

RESOLUTION NO. 4912

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Dennis Pavlina

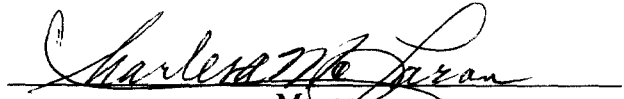
Purpose

A permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2003.



Mayor

ATTEST:



City Recorder

EASEMENT FOR CITY OF ALBANY PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29TH day of OCTOBER, 2003, by and between **Dennis Pavlina**, 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 utility 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 permanent public utility easement more particularly shown in attached EXHIBIT B and described 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 90, Albany, OR 97321

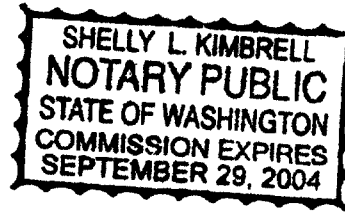
IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTORS:

Dennis W. Pavlina
Dennis Pavlina

Shelly L. Kimbrell
Notary Public for ~~Oregon~~ Washington
My Commission Expires: 9-29-04

Washington)
STATE OF OREGON)
County of Linn Clark) ss.
City of Albany Vancouver)



The foregoing instrument was acknowledged before me this 24th day of October, 2003, by **Dennis Pavlina** as his voluntary act and deed.

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 4912, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of November 2003.

Steve Bryant
City Manager

ATTEST:

Shelly L. Kimbrell
City Recorder

Exhibit A

6 OCTOBER 2003

ADDITIONAL 10.00 FOOT P.U.E. NEEDED FOR LEXINGTON SUBDIVISION PHASE XVI.

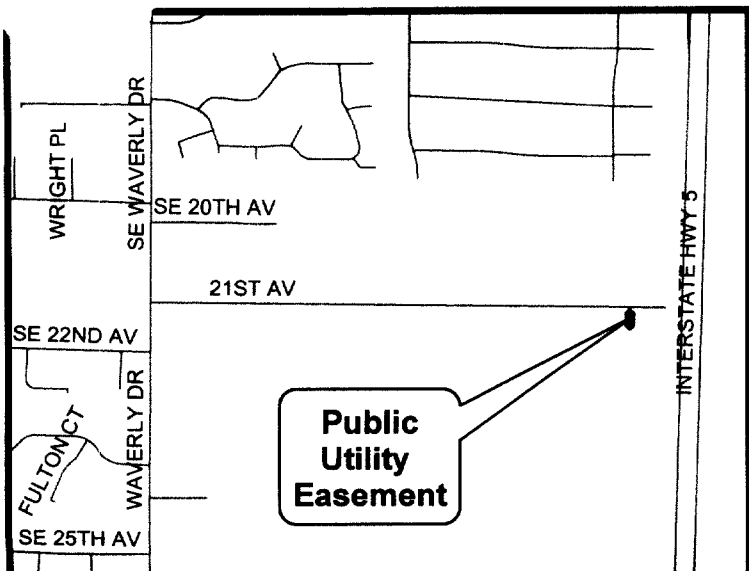
DESCRIPTION OF A TRACT OF LAND IN THE SOUTHWEST ¼ OF SECTION 9 AND THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT, SAID POINT BEING SOUTH 82°31'33" EAST, 145.85 FEET FROM A 5/8 INCH IRON ROD, SAID ROD MARKS THE NORTHEAST CORNER OF LOT 624 OF LEXINGTON SUBDIVISION PHASE XV, C.S. 23612; THENCE NORTH 01°39'00" WEST, 73.05 FEET TO THE SOUTH LINE OF AN EXISTING 27.00 FOOT PUBLIC UTILITY EASEMENT RECORDED IN MF 1345, PAGES 1-6; THENCE NORTH 88°40'37" EAST, 10.00 FEET, ALONG THE SOUTH LINE OF SAID PUBLIC UTILITY EASEMENT; THENCE LEAVING THE SOUTH LINE OF SAID PUBLIC UTILITY EASEMENT SOUTH 01°39'00" EAST, 73.05 FEET, THENCE SOUTH 88°40'45" WEST, 10.00 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THIS TRACT CONTAINS 730 SQUARE FEET, MORE OR LESS.

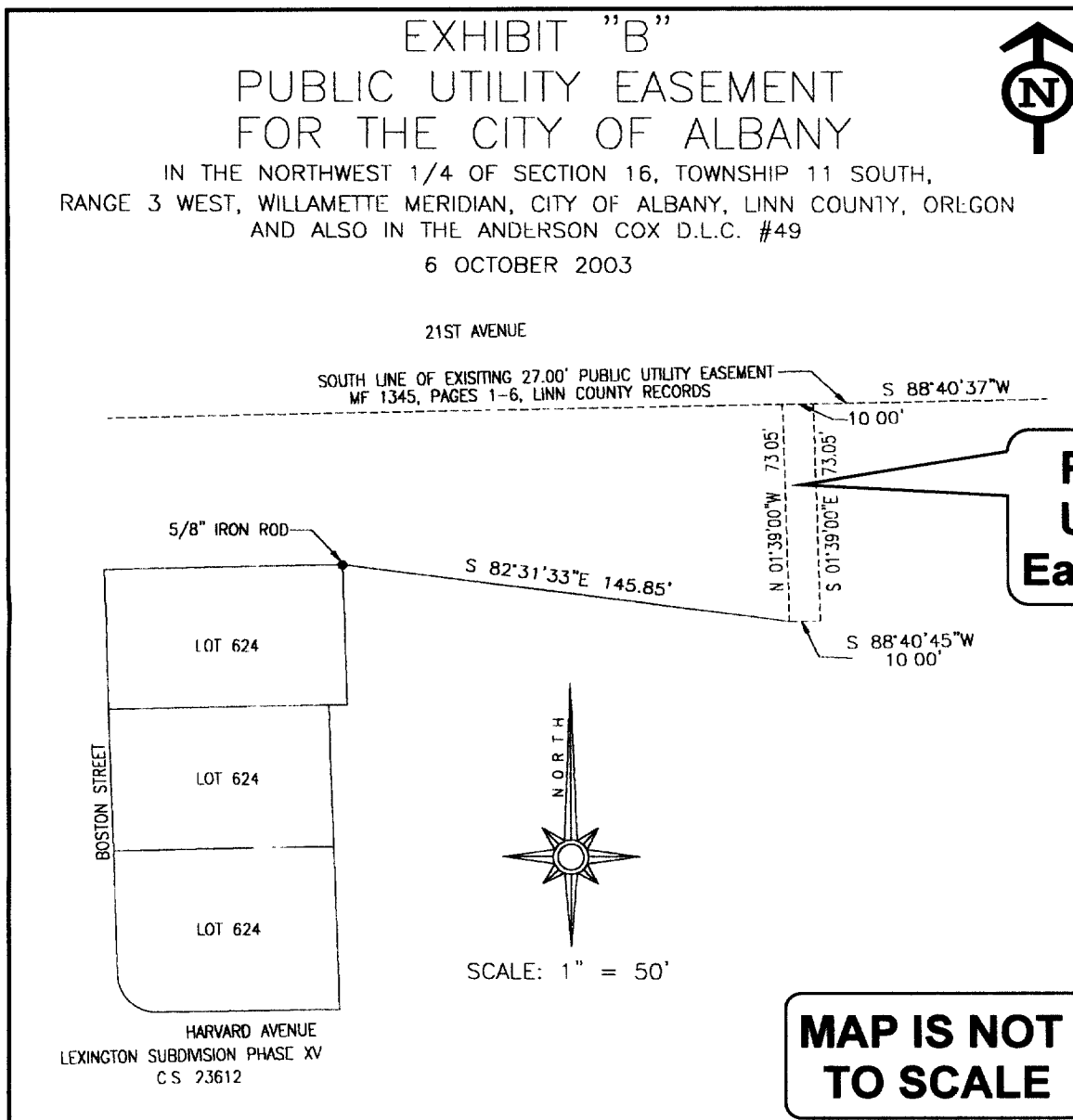
EXHIBIT B

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Dennis Pavlina
11S03W16 00800
City of Albany
Linn Co., OR
Public Utility Easement
for Underground Electrical
Power Lines

VICINITY MAP



STATE OF OREGON
County of Linn

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

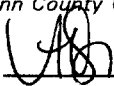
STEVE DRUCKENMILLER
Linn County Clerk

M
R
S
A
O

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MF 1521

By  L. Deputy PAGE 923

Resolution No. 4912

Recorded Document Recorder File 4339