

RESOLUTION NO. 3203

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

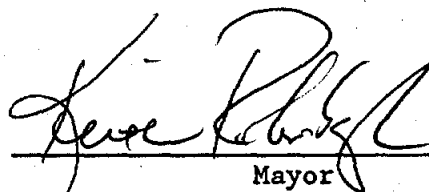
Grantor

Allen W. and Jennette M. Todd

Purpose

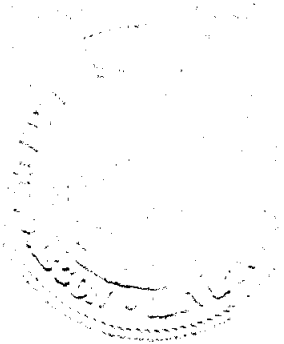
a fifteen-foot wide permanent public utility easement across that parcel located at 2711 Gibson Hill Road NW for waterline purposes

DATED this 14 day of October, 1992.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



M-155409-92

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30 day of ~~September~~ 1992, by and between Allen W. Todd and Jennette M. Todd, husband and wife, 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 15-foot wide permanent public utility easement across Benton County Assessor's Tax Lot 1304 Map 10-4-35AD, said tax lot being a portion of that parcel conveyed to Allen W. Todd and Jenette M. Todd as recorded on March 2, 1976 in M-63546, Benton County Deed Records, more particularly described as being 7.5 feet on either side of the following described centerline and as shown on the attached map labeled EXHIBIT A:

Beginning at a point on the northerly right-of-way line of Gibson Hill Road NW which is 20.0 feet North, and 32.94 feet South 80° 30' 30" West of the Northwest Corner of the J. Q. Thornton Donation Land Claim No. 37, in Section 35, Township 10 South, Range 4 West of the Willamette Meridian, in the City of Albany, Benton County, Oregon; and running thence North 0° 17' West 246.95 feet to the north line of said parcel and there terminating.

Containing 3704 square feet, more or less.
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 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.

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

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:

Allen W. Todd  
Allen W. Todd

Jennette M. Todd  
Jennette M. Todd

STATE OF OREGON )  
County of ~~Linn~~ BENTON ) ss.  
City of ~~Albany~~ BEVALLIS

The foregoing instrument was acknowledged before me this 30TH day of SEPTEMBER 19 92, by grantor(s) as his/her/their voluntary act and deed.

Michelle A. Clavement  
Notary Public for Oregon

My Commission Expires: MARCH 22, 1994

CITY OF ALBANY:

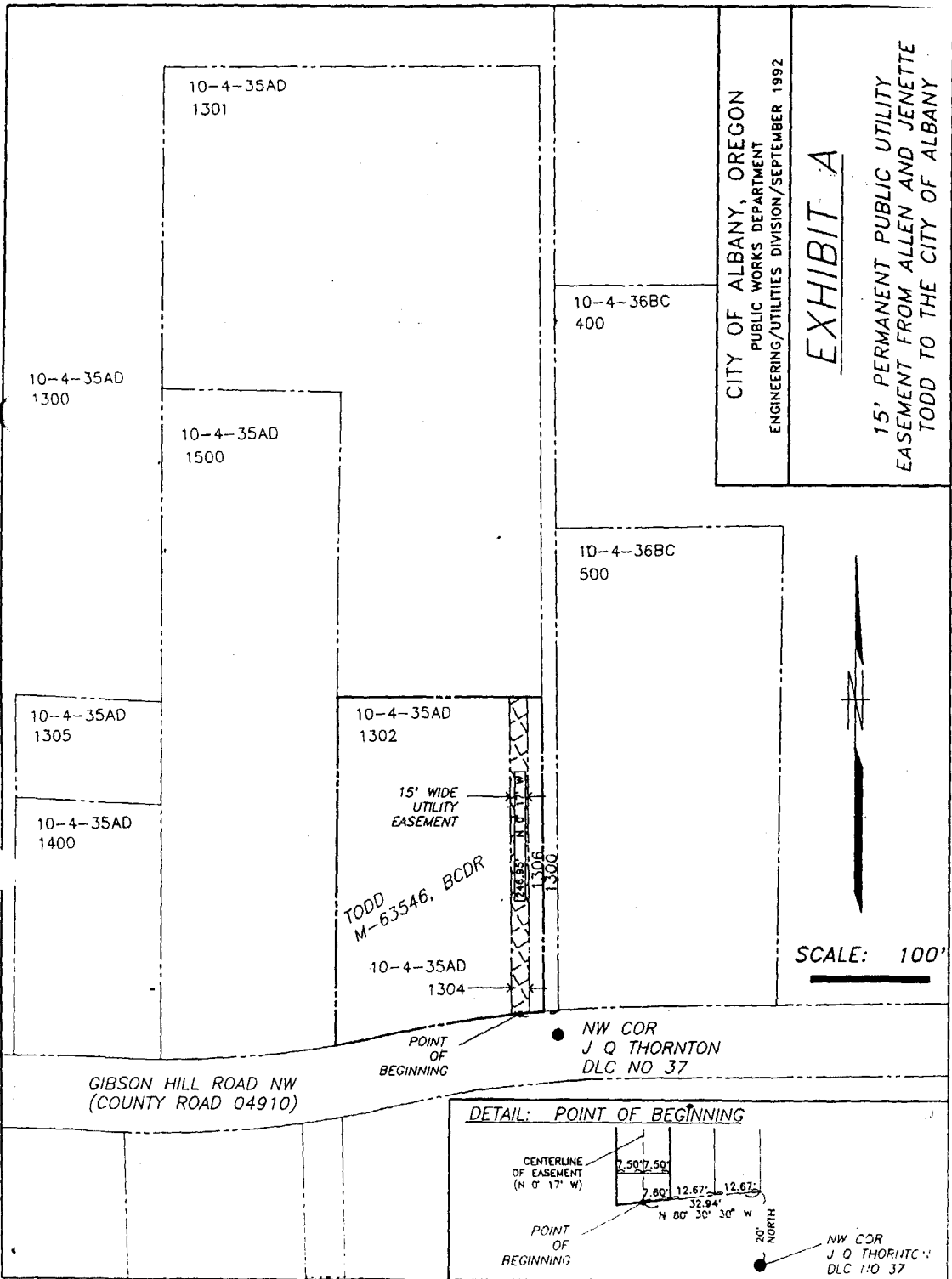
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3203, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of October, 1992.

Steve Bryant  
City Manager

ATTEST:

Norm C. Withrow  
City Recorder (Deputy)



CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/SEPTEMBER 1992

**EXHIBIT A**

15' PERMANENT PUBLIC UTILITY  
EASEMENT FROM ALLEN AND JENETTE  
TODD TO THE CITY OF ALBANY

DEPUTY  
BY *[Signature]*  
DIRECTOR OF RECORDS & ELECTIONS  
DANIEL G. BURK  
WITNESS MY HAND AND SEAL OF COUNTY AFFIXED  
IN THE MICROFILM RECORDS OF SAID COUNTY  
AND  
ASSIGNED No 155409  
1992

STATE OF OREGON }  
COUNTY OF BENTON }  
- 144308  
I HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECEIVED FOR RECORD  
'92 OCT 22 PM 1 06

0058

Resolution No. 3203

Recorded Document Recorder File No. 2243