

RESOLUTION NO. 3290

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

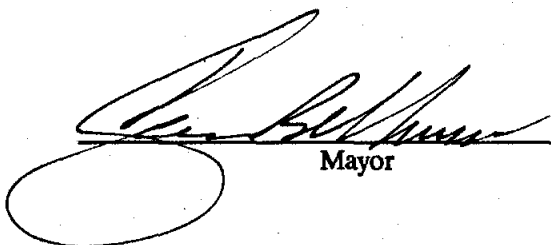
Grantor

Rodney W. Tripp Revocable Living Trust

Purpose

A seven foot wide strip of land across that property located at 840 36th Avenue SW is being granted as a permanent public utility easement.

DATED this 8 day of September, 1993.

  
\_\_\_\_\_  
Mayor

ATTEST:



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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17 day of Aug, 1993, by and between Rodney W. Tripp, Trustee, 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 seven-foot wide permanent public utility easement across that property conveyed to Rodney W. Tripp in Volume 642, Page 581, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the Northwest Corner of the Truett Davis Donation Land Claim No. 38, in Township 11 South, Range 4 West of the Willamette Base and Meridian, City of Albany, Linn County, Oregon; thence 40 feet East to a point on the east right-of-way line of Pacific Highway; thence on the east right-of-way line of said highway 622.0 feet South 0° 46' East, 109.6 feet South 1° 09' East, and 40 feet South 2° 01' East to the TRUE POINT OF BEGINNING; and running thence easterly parallel with the north line of said claim line 100.0 feet; thence South 2° 01' East parallel with the east line of said highway 7.0 feet; thence westerly parallel with the north line of said claim 100.0 feet; thence North 2° 01' West on the east line of said highway 7.0 feet to the True Point Of Beginning.

Containing 700 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.
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.

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

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

GRANTOR:

Rodney W. Tripp, Trustee  
Rodney W. Tripp

CITY OF ALBANY:

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

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

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of Aug., 1993, by grantor as his voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3290, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of September, 1993.

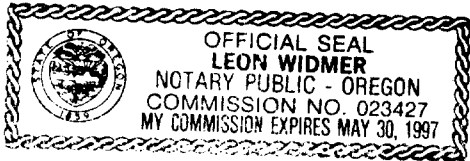
Steve Bryant  
City Manager

Leon Widmer  
Notary Public for Oregon

ATTEST:

My Commission Expires: 5-30-'97

Norm C. Withrow  
City Recorder - Deputy

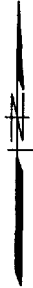


POINT OF BEGINNING

NW corner TRUETT DAVIS DLC No. 38

40° EAST

34TH AVENUE



1" = 50'

U S 99E

S 0° 46' E

622.0'

S 1° 09' E

109.6'

40' S 2° 01' E

TRUE POINT OF BEGINNING

FUTURE RIGHT-OF-WAY (10')

36th AVENUE

N 2° 01' W 7.0'

7' PERMANENT PUBLIC UTILITY EASEMENT (NO STRUCTURES)

RODNEY W. TRIPP MF 642 - 581

S 2° 01' E 7.0'

PACIFIC HIGHWAY

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/JUNE 1993

EXHIBIT A:

7 FOOT PUBLIC UTILITY EASEMENT  
DEDICATED TO THE CITY OF ALBANY BY  
RODNEY W. TRIPP

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                     , Deputy

M  
R 15  
S 10  
A  
O

SEP 10 3 28 PM '93

MF 657

PAGE 552

25

Resolution No. 3290

Recorded Document Recorder File No. 2353