

RESOLUTION NO. 3311

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

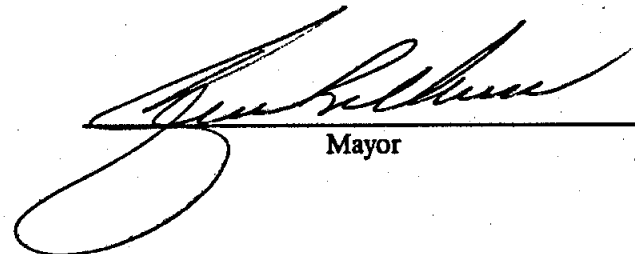
Grantor

Bradford and Nancy Dennis

Purpose

a twenty-foot wide permanent easement centered over a public sewer line constructed as a site improvement under permit number SI-93-15

DATED this 1st day of December, 1993.



Mayor

ATTEST:



City Recorder

M-176649-94

EASEMENT FOR PUBLIC UTILITIES

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

THIS AGREEMENT, made and entered into this 12th day of Nov, 1993, by and between Bradford ^{XJ} Dennis and Nancy A. Dennis, herein called Grantors, and the CITY OF ALBANY, a Municipal Corporation, ^{BD} 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 twenty-foot wide permanent public utility easement across that parcel conveyed to Bradford L. Dennis and Nancy A. Dennis by deed recorded in M-46539-83, Benton County Deed Records, more particularly described as follows and as shown on the attached map labeled Exhibit A:

Commencing at the northwest corner of the John Q. Thornton D. L. C. No. 37 in Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon; thence South 89° 47' East 40.28 chains; thence North 89° 58' East 10.18 chains; thence South 0° 05' 30" East 1645.31 feet; thence North 70° 26' East 886.13 feet to the northeast corner of said Dennis Tract; thence South 3° 48' East, along the easterly line of said Dennis Tract, 185.70 feet to a 1/2 inch rod and the TRUE POINT OF BEGINNING of the herein described easement; thence South 79° 32' West, along the boundary of said Dennis Tract and westerly extension thereof, a distance of 250.00 feet; thence North 10° 28' West 20.00 feet; thence North 79° 32' East 252.34 feet to the said easterly line of Dennis Tract; thence South 3° 48' East 20.14 feet to the True Point of Beginning.

Containing 5,000 square feet, more or less.

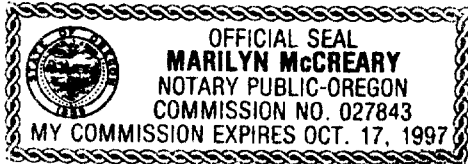
- 2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
- 3. The easement granted 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.

GRANTOR:

Bradford J. Dennis
Bradford J. Dennis

Nancy A. Dennis
Nancy A. Dennis



STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

The foregoing instrument was acknowledged before me this 12th day of NOV, 1993 by Bradford ^{J BJD} Dennis as his voluntary act and deed.

Marilyn McCreary
Notary Public for Oregon MARILYN MCCREARY

My Commission Expires: 10/17/1997



STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

The foregoing instrument was acknowledged before me this 12 day of NOV, 1993, by Nancy A. Dennis as her voluntary act and deed.

Marilyn McCreary
Notary Public for Oregon MARILYN MCCREARY

My Commission Expires: 10/17/1997

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 3311, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 1st day of December, 1993.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

VERNON JENNESS CS 5800
 JOHN Q. THORNTON D.L.C. 37
 S E 1/4 SEC. 36, T. 10 S., R. 4 W., W.M.
 BENTON COUNTY, OREGON

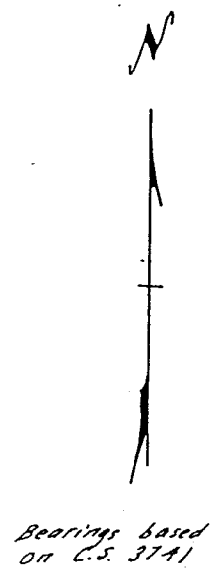
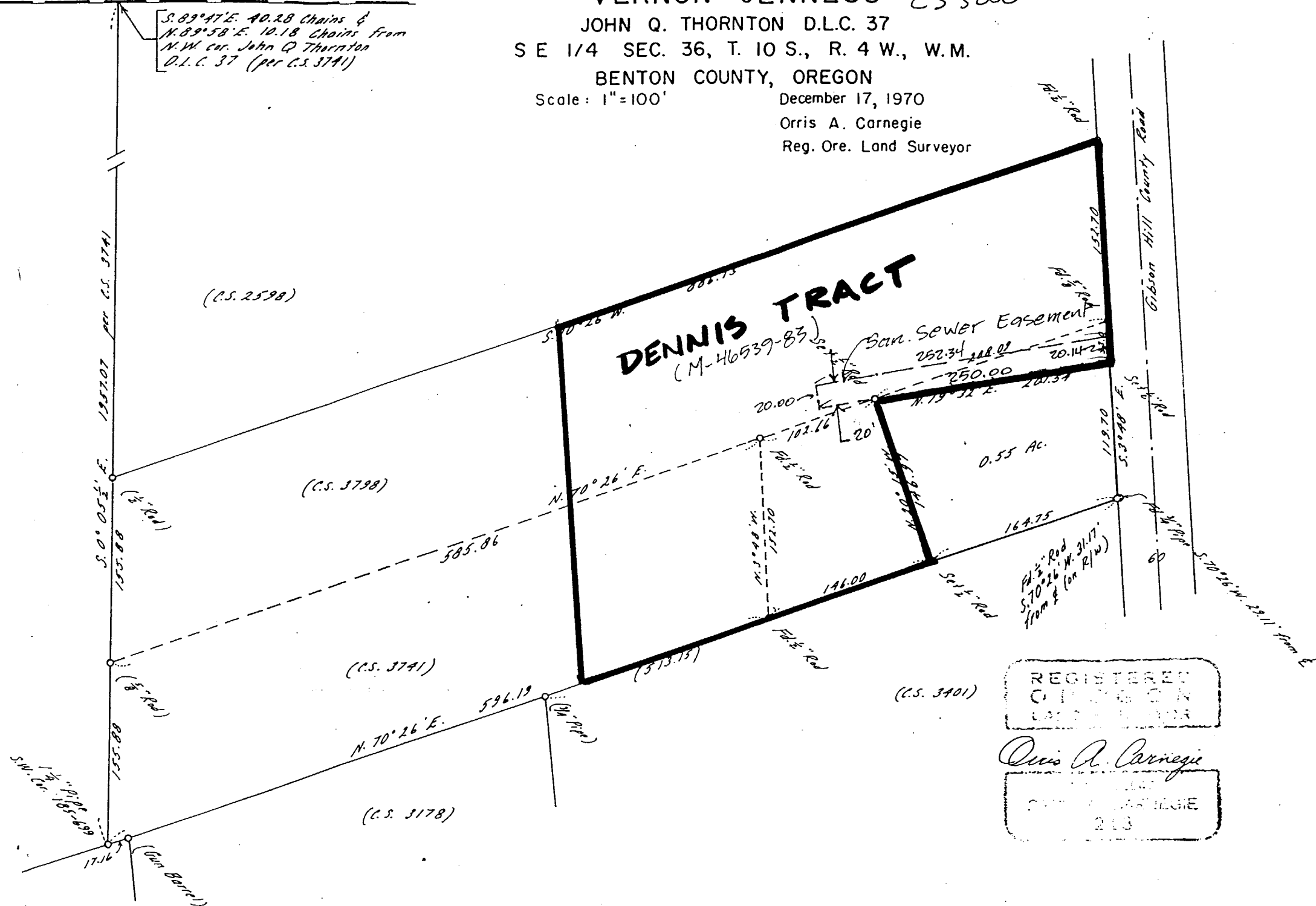
Scale: 1"=100'

December 17, 1970

Orris A. Carnegie

Reg. Ore. Land Surveyor

S. 89° 47' E. 40.28 Chains &
 N. 89° 58' E. 10.18 Chains from
 N.W. cor. John Q Thornton
 D.L.C. 37 (per C.S. 3741)



REGISTERED
 OREGON
 LAND SURVEYOR

Orris A. Carnegie

213

EXHIBIT A:

STATE OF OREGON } ss. **166765**
County of Benton }

I hereby certify that the within instrument
was received for record.

'54 JAN 19 PM 2 53

AND ASSIGNED No 176649 1994

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK

Director Of Records Elections

By  Deputy

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Resolution No. 3311

Recorded Document Recorder File No. 2412