

RESOLUTION NO. 3556

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

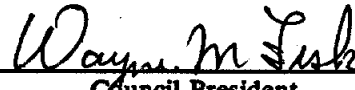
Grantor

Denis H. & Rachel Derksen

Purpose

A permanent public utility easement 28 feet in even width across that property in Benton County deed reference M-131703-91

DATED this 27th day of September, 1995.



Council President

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of September 1995, by and between Denis H. & Rachel L. Derksen, 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:

The western 28 feet of Tax Lot 1700, Benton County Assessors Map Number 10-4W-36CB. (Tax Lot 1700 is described in Benton County Deed Records M-131703-91). The easement contains (28' x 149.5) = 4,186 square feet, more or less. See attached map labeled 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 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

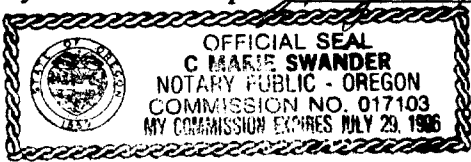
Denis H. Derksen
Denis H. Derksen

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

The foregoing instrument was acknowledged before me this 14th day of September, 1995 by Denis H. & Rachel L. Derksen as his/her/their voluntary act and deed. *ems*

C. Marie Swander
Notary Public for Oregon

My Commission Expires: July 29, 1996



Rachel L. Derksen
Rachel L. Derksen

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

The foregoing instrument was acknowledged before me this 15th day of September, 1995 by Denis H. & Rachel L. Derksen as his/her/their voluntary act and deed. *ems*

C. Marie Swander
Notary Public for Oregon

My Commission Expires: July 29, 1996



Derksen. eas

Orchard Heights Subdivision/Mirada Drive-13th Avenue LID

CITY OF ALBANY:

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

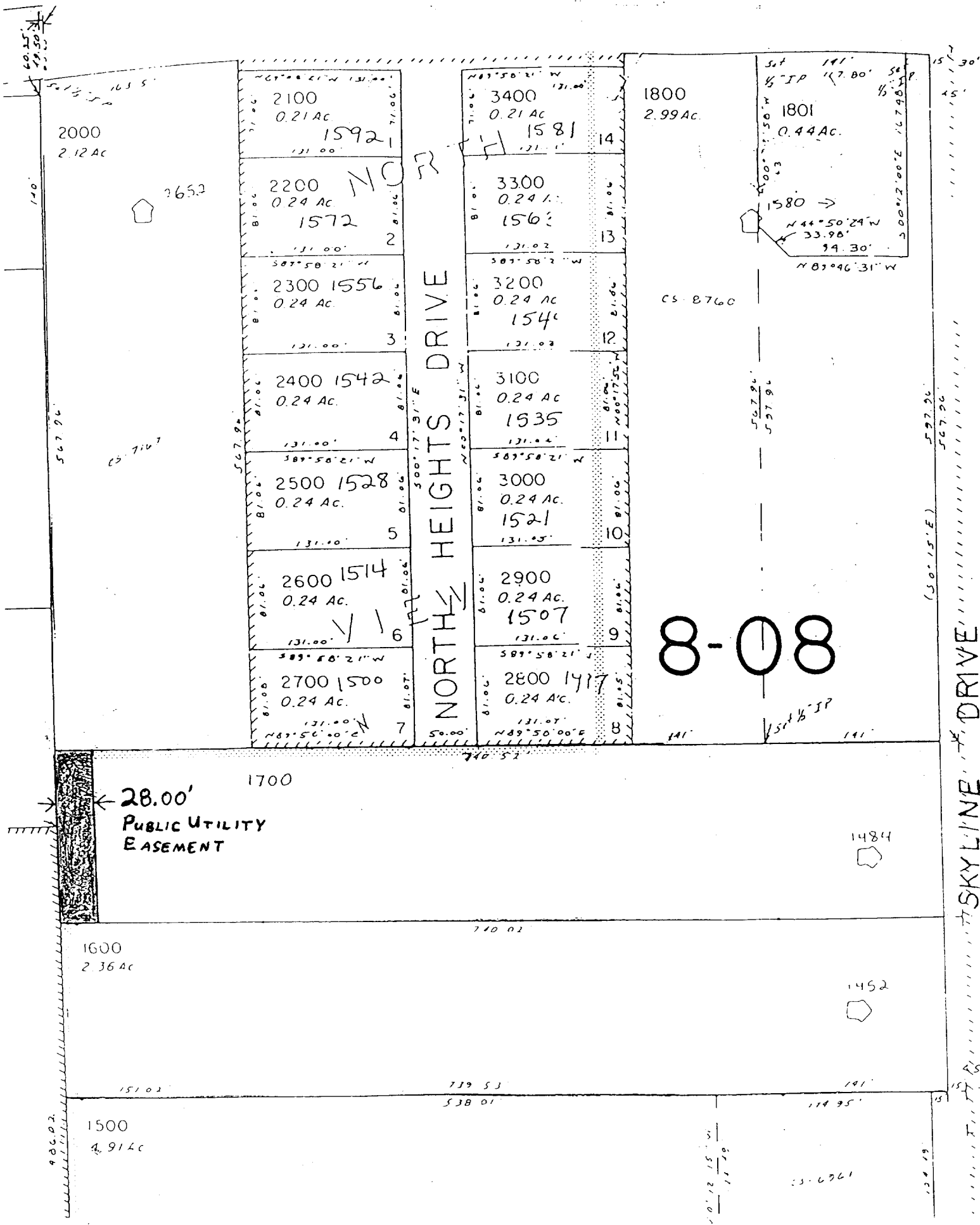
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3556, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of September, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withers
City Recorder (Deputy)

EXHIBIT A



8-08

← 28.00'
PUBLIC UTILITY
EASEMENT

NORTH HEIGHTS DRIVE

SKYLINE DRIVE

STATE OF OREGON }
County of Benton } ss. **195164**

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

'95 OCT 6 PM 1 51

AND No 204438 1995
ASSIGNED

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

DANIEL G. BURK
Director Of Records & Elections

By  Deputy

25-
15-615

Resolution No. 3556

Recorded Document Recorder File No. 2639