

RESOLUTION NO. 3566

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

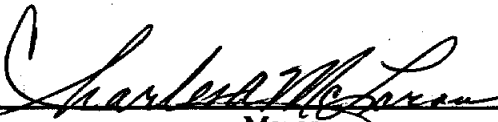
Grantor

Herbert C. Rigoni and Mary Ann Simmons

Purpose

A permanent public utility easement on that property described in Benton County Deed Records M-117468-89.

DATED this 25th day of October 1995.



Mayor

ATTEST:



Deputy City Recorder



M-205910-95

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of Oct., 1995, by and between Herbert C. Rigoni and Mary Ann Simmons, 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 1600, Benton County Assessors Map Number 10-4W-36CB. (Tax Lot 1600 is described in Benton County Deed Records M-117468-89). 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.

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

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

GRANTOR:

Herbert C. Rigoni
Herbert C. Rigoni

Mary Ann Simmons
Mary Ann Simmons

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

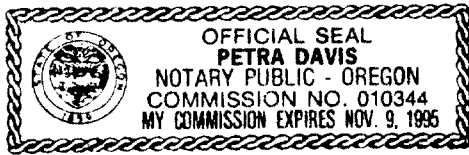
The foregoing instrument was acknowledged before me this 9th day of Oct, 1995, by Herbert C. Rigoni and Mary Ann Simmons as his/her/their voluntary act and deed.

Petra Davis
Notary Public for Oregon

My Commission Expires: 11-9-95

Rigoni.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 3566, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of October, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder (Deputy)

STATE OF OREGON }
County of Benton } ss. **196708**

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

'95 NOV 13 AM 8 20

AND No 205910 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-GIS

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Recorded Document Recorder File No. 2655