

RESOLUTION NO. 3570

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

Grantor

Harold P. Benson and W. L. Hornberger

Purpose

A permanent public utility easement 20 feet in even width across that property in Linn County deed reference MF Volume 714, Page 412.

DATED this 8th day of November 1995.



Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17 day of October, 1995, by and between Harold P. Benson and W. L. Hornberger, 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 twenty foot wide easement for public utilities across that property described in MF 714, Page 412, Linn County Deed Records, The Point of Beginning of this easement is described as follows and is shown on the attached map labeled Exhibit "A".

Beginning at a point at the southeast corner of said MF 714, Page 412, Linn County Deed Records, said point being 1336.10 feet North 88°55'00" East and 4,259 feet South 00°06'00" West from the northwest corner of the Truett Davis Donation Land Claim Number 38 in Township 11 South, Range 4 West, of the Willamette Meridian, Linn County Oregon.

See attached map labeled Exhibit "A" for the centerline metes and bounds description of the twenty foot wide easement.

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:

Harold P. Benson

Harold P. Benson

W. L. Hornberger

W. L. Hornberger

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

The foregoing instrument was acknowledged before me this 17 day of October, 1995, by Harold P. Benson and W. L. Hornberger as his/her/their voluntary act and deed.

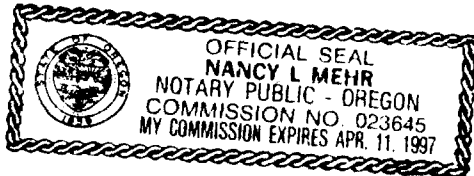
Nancy L. Mehr

Notary Public for Oregon

My Commission Expires: 11-11-97

benson20.cas

OAKVIEWII



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 3570, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of November, 1995.

Steve Bryant

City Manager

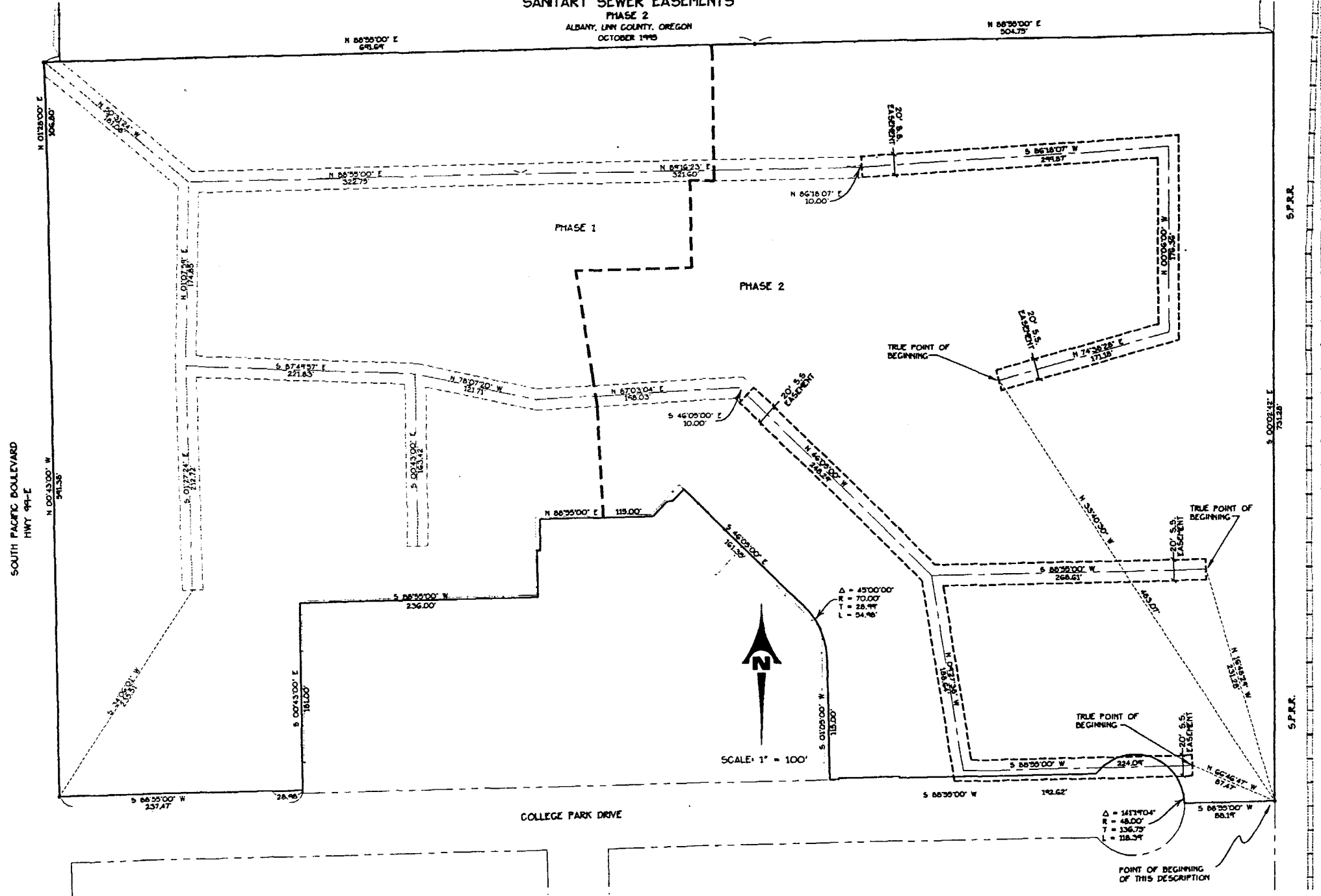
ATTEST:

Norm C. Wilthorn

City Recorder - Deputy



EXHIBIT 'A'
OAK VIEW
MANUFACTURED HOUSING PARK
777 COLLEGE PARK DRIVE SW
SANTARY SEWER EASEMENTS
PHASE 2
ALBANY, LINN COUNTY, OREGON
OCTOBER 1995



25
8:30 O'clock a.m.
NOV 16 1995
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 MF 774
Linn County Clerk
By _____, Deputy
PAGE 719

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Resolution No. 3570

Recorded Document Recorder File No. 2659