

RESOLUTION NO. 3862

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

Duane A. and Joan Drushella

Purpose

A permanent public utility easement, 7.5 feet in even width, described in attached Exhibit "A" and shown in attached Exhibit "B".

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 8TH DAY OF OCTOBER 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29 day of SEPTEMBER 1997, by and between Duane A. And Joan Drushella, 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:  
  
See legal description on attached Exhibit "A" and map on attached Exhibit "B".
- 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:**

*Duane A. Drushella*  
Duane A. Drushella

*Joan Drushella*  
Joan Drushella

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

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of SEPT, 1992, by Duane A. and Joan Drushella as his/her/their voluntary act and deed.

*Susan C Creel*  
Notary Public for Oregon  
My Commission Expires: 6-21-2000

M1-08-95  
DRUSHELL.EAS



**CITY OF ALBANY:**

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3862, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 09<sup>th</sup> day of October, 1997.

*Steve Bryant*  
City Manager

**ATTEST:**

*[Signature]*  
City Recorder

7.50' EASEMENT OVER PORTION OF DRUSHELLA TRACT LYING  
NORTH OF LAZON TRACT

A strip of land for public utility easement purposes that is more particularly described as follows:

Beginning at a 5/8 inch rod on the east line of said Shuck Tract that is North 89°56'00" West 1582.03 feet from the southeast corner of the Gallatin Adkins Donation Land Claim No. 79 in Township 10 South, Range 3 West, Willamette Meridian, Benton County, Oregon, said point also being located on the south line of said Adkins Claim; thence South 89°56' East, along said claim line, 120.80 feet to a 5/8 inch rod on the westerly right-of-way line of N.W. Old Quarry Road; thence South 09°39' West, along said westerly right-of-way line 7.61 feet to a point that is 7.50 feet from the said south claim line when measured perpendicularly; thence North 89°56'00" West, parallel with said south claim line, 118.72 feet to a point on said east line of Shuck Tract; thence North 06°05'52" West 7.54 feet to the Point of Beginning.

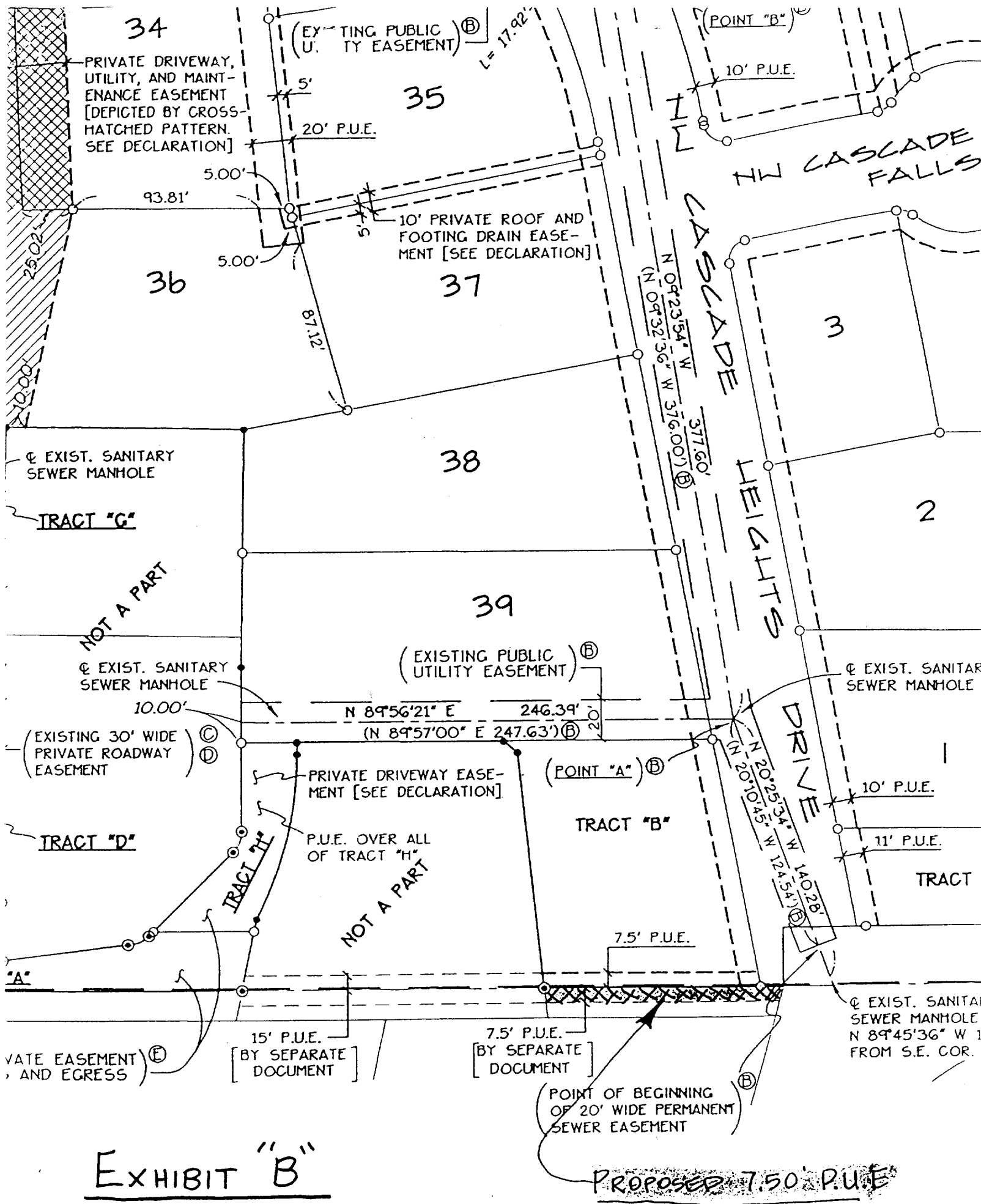
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*

OREGON  
JULY 12 1973  
JACK R. BURRELL  
1630

EXPIRATION DATE: 12/31/97

February 26, 1997  
7.50 EASEMENT  
JRB:ls (96-38-E)  
File Ref: nlmVega19638E#3.EAS



**EXHIBIT "B"**

STATE OF OREGON }  
County of Benton } ss. **229147**

I hereby certify that the within instrument  
was received for record

'97 OCT 21 PM 12 48

AND  
ASSIGNED **M N<sup>o</sup> 236476** 1997

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

JOHN K. ANDERSON  
County Administrative Officer

By

*Rukmini Whitney*

Deputy

30-

15-613

Resolution No. 3862

Recorded Document Recorder File No. 3045