

RESOLUTION NO. 4020

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

John W. Jacks and Colleen A. Jacks

Purpose

A public water line easement across that property conveyed in Benton County Deed Record 184108-94.

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

DATED THIS 23RD DAY OF SEPTEMBER 1998.

Wayne M Lusk
Mayor
Council President

ATTEST:

[Signature]
City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31st day of August, 1998, by and between John W. Jacks and Colleen A. Jacks, 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 attached legal description labeled EXHIBIT A and attached map labeled 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.

The temporary easement described herein grants to the City, and to its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, or maintenance purpose.

- 3. The easement granted is in consideration of an asphalt overlay (approximately 4000 square feet) over the driveway located on the property deeded to John and Colleen Jacks in Benton County Deed Reverence 184108-94, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom. In addition to the asphalt overlay, grass sod shall be placed in those areas south of the above referenced driveway where the ground is bare of grass, ivy, and other plantings. The City will pay up to \$2500.00 towards the placement of grass sod in bare areas and towards the asphalt overlay over the grantors driveway. The two improvements defined above shall be completed at and around that time when the water line construction is completed across the Grantors property.

- 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:

CITY OF ALBANY:

John W. Jacks
John W. Jacks

STATE OF OREGON)
County of Linn) ss.
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 4020, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of September, 19 98.

The foregoing instrument was acknowledged before me this 31st day of August, 1998, by John W. Jacks as his voluntary act and deed.



Nicole M. Loney
Notary Public for Oregon
My Commission Expires: 10-29-00

Steve Bryant
City Manager

ATTEST:

Colleen A. Jacks
Colleen A. Jacks

[Signature]
City Recorder

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

The foregoing instrument was acknowledged before me this 2nd day of September, 19 98, by Colleen A. Jacks as her voluntary act and deed.

Nicole M. Loney
Notary Public for Oregon
My Commission Expires: 10-29-00

wl-98-1

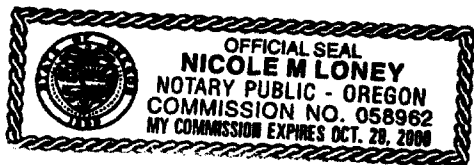


EXHIBIT A15' PUBLIC WATER LINE EASEMENT

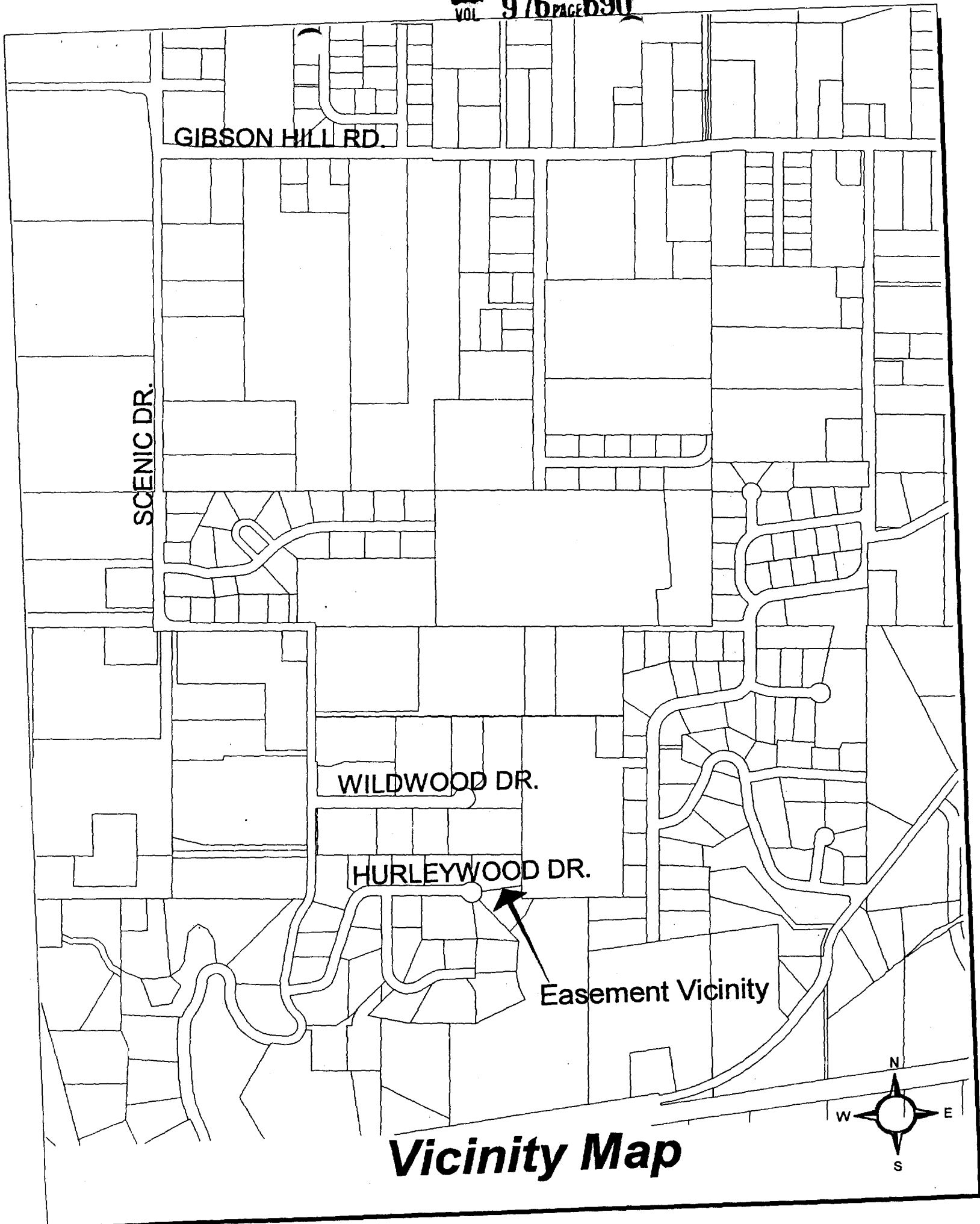
A public water line easement across that property conveyed in Benton County Deed Record 184108-94; more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at a point on the North line of the East ½ of the Southwest ¼ of Section 2, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said point being 343.87 feet N89°57'00"E from the Northwest corner thereof; thence 48.08 feet N00°07'00"E to the Point of Beginning; Thence 15 feet N00°07'00"E; thence 191.96 feet S81°34'00"W; thence along a 50-foot radius curve (long chord bears N21°54'00"E 42.24 feet) to the right a distance of 17.84 feet; thence 19.19 feet S75°15'00"E; thence 71.14 feet N81°34'00"E; thence 25.04 feet N63°30'00"E; thence 82.76 feet N81°34'00"E to the Point of Beginning.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement across that property conveyed in Benton County Deed Record 184108-94; more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at a point on the North line of the East ½ of the Southwest ¼ of Section 2, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said point being 343.87 feet N89°57'00"E from the Northwest corner thereof; thence 39.08 feet N00°07'00"E to the Point of Beginning; Thence 9 feet N00°07'00"E; thence 82.76 feet S81°34'00"W; thence 25.04 feet S63°30'00"W; thence 104.77 feet N81°34'00"E to the Point of Beginning.



Easement Vicinity

Vicinity Map

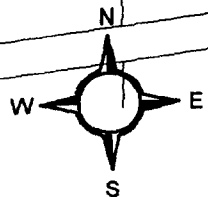
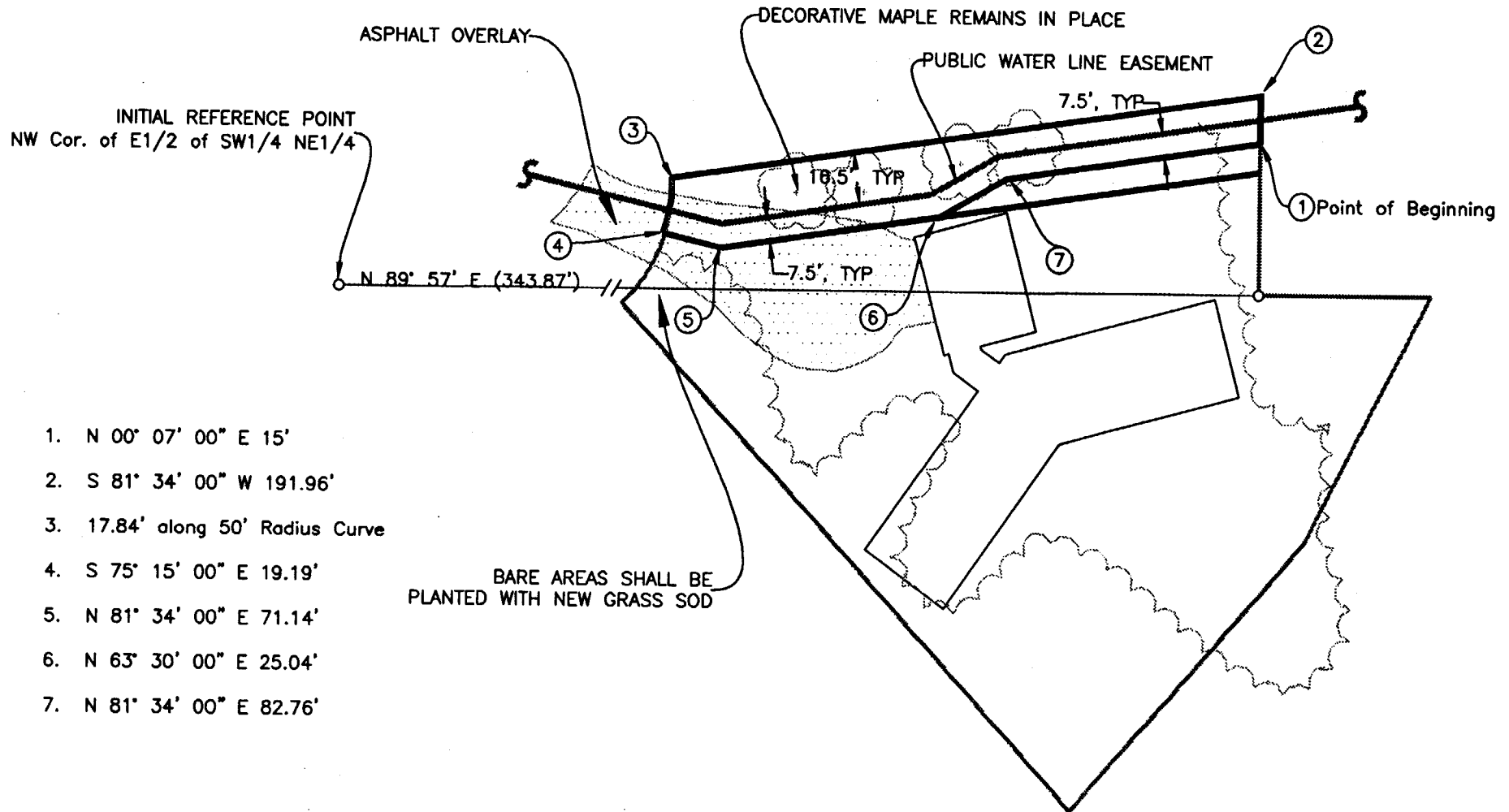


EXHIBIT B
 PUBLIC WATER LINE EASEMENT
 114W-2AC-00200
 3005 HURLEYWOOD DRIVE



1. N 00° 07' 00" E 15'
2. S 81° 34' 00" W 191.96'
3. 17.84' along 50' Radius Curve
4. S 75° 15' 00" E 19.19'
5. N 81° 34' 00" E 71.14'
6. N 63° 30' 00" E 25.04'
7. N 81° 34' 00" E 82.76'

STATE OF OREGON }
County of Benton } SS. 249303

I hereby certify that the within instrument
was received for record

'98OCT21 AM11:02

AND 1998
ASSIGNED M 255162

In the microfilm records of said county

Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

By [Signature]
Deputy

40
15 GRS

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE BRUCKENMILLER
Linn County Clerk

By [Signature], Deputy

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MF 687
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SEP 29 9 36 AM '98

Resolution No. 4020

Recorded Document Recorder File No. 3256