

RESOLUTION NO. 4082

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

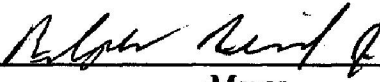
Purpose

Gerald Thorn

A permanent easement 2.5 feet in width, for public utilities and sidewalk, as shown in attached EXHIBIT A.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 10TH DAY OF FEBRUARY 1999.



~~Mayer~~
Council President Pro Tem

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES and SIDEWALK

THIS AGREEMENT, made and entered into this 9th day of July 1998, by and between Gerald Thorn, 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 2.5 FOOT EVEN WIDTH STRIP OF LAND IN SECTION 35 IN TOWNSHIP 10 SOUTH OF RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON BEING THE WESTERLY 2.5 FEET OF EVEN WIDTH OF THAT PROPERTY DESCRIBED IN BENTON COUNTY DEED REFERENCE MF 63385.

SEE ATTACHED 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.

GRANTOR:

_____ name

_____ name

Gerald W. Thorn

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



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

The foregoing instrument was acknowledged before me this 9th day of July, 1998, by name as his/her/their voluntary act and deed.

Patricia A Southwick

Notary Public for Oregon

My Commission Expires: 5/8/2000

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 4082, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of Feb, 1999.

SP Bryant

City Manager

ATTEST:

[Signature]

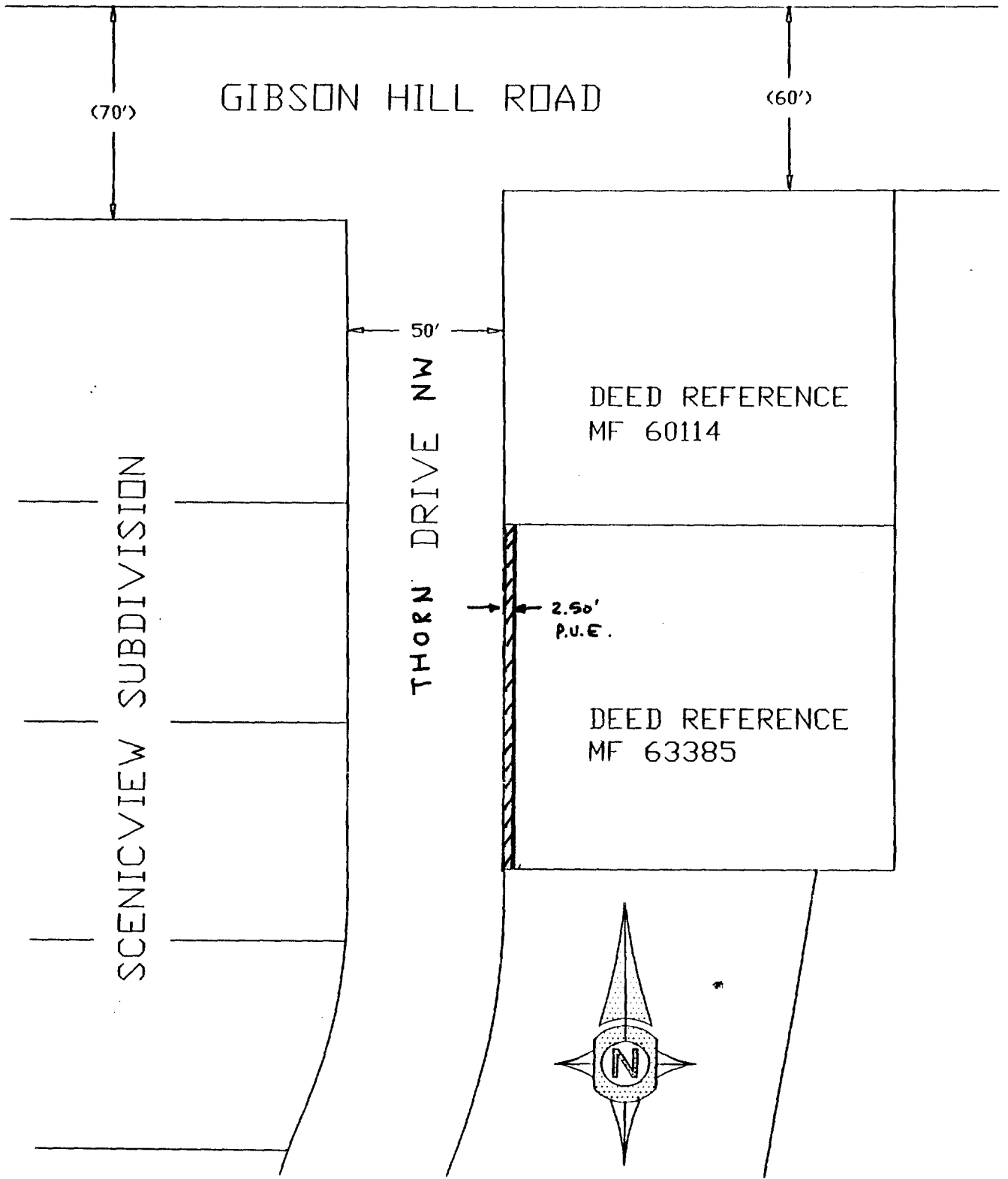
City Recorder

EXHIBIT A

CITY OF ALBANY
PUBLIC WORKS DEPT.

SCALE 1" = 40'

JUNE 24, 1998



SCALE: 1"=40'

STATE OF OREGON } SS.
County of Benton } **256142**

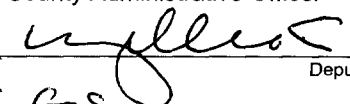
I hereby certify that the within instrument
was received for record

1999FEB17 PM 1:35

AND 1999
ASSIGNED **M261668**

In the microfilm records of said county

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

By  Deputy
ZS
15 GIS

Resolution No. 4082

Recorded Document Recorder File No. 3337