

RESOLUTION NO. 4194

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

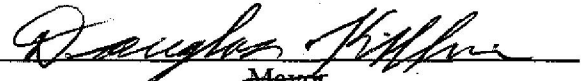
Purpose

City of Albany

A 45.0 foot wide permanent public utility easement for public utility purposes as described in attached EXHIBIT A and shown in attached EXHIBIT B.

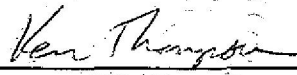
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 10TH DAY OF NOVEMBER, 1999.



Mayor
Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 15 day of November, 1999, by and between CITY OF ALBANY, a Municipal Corporation, herein called Grantor, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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 45-foot wide public utility easement for public utility purposes. The easement is more particularly described in attached EXHIBIT "A" and shown in 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, 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.
4. The Grantor does 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 by Grantor on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

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

GRANTOR:

CITY OF ALBANY

By: Ken Thompson
City Recorder

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

The foregoing instrument was acknowledged before me this 15 day of November 1999, by Ken Thompson, City Recorder, of the City of Albany, an Oregon Municipality, on behalf of the municipality.

Margaret Langwell
Notary Public for Oregon
My Commission Expires Sept. 2, 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 4194 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of November 1999.

Steve Bryant
City Manager

ATTEST:

Ken Thompson
City Recorder

EXHIBIT A

AN AREA OF LAND LOCATED IN SECTION 35, TOWNSHIP 10 SOUTH, RANGE 4 WEST OF WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON AND BEING A PART OF PARTITION PLAT 1998-059. SAID AREA OF LAND FURTHER DESCRIBED AS FOLLOWS:

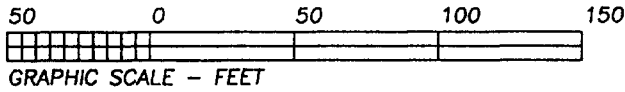
THE EAST FORTY-FIVE (45) FEET OF THE ABOVE DESCRIBED PROPERTY AS DEPICTED IN EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SOUTHEAST 1/4 of SECTION 35
 T 10 S, R 4 W, W.M.
 CITY OF ALBANY
 BENTON COUNTY, OREGON

AUGUST 25, 1998

EXHIBIT "B"

CASE NO. PA-05-98



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Theodore J. Langton

OREGON
 JULY 13, 1979
 THEODORE JAMES LANGTON
 1823

Renewal Date 12/31/98

NORTHSTAR SURVEYING, INC.

720 N.W. 4th Street
 Corvallis, Oregon 97330
 Phone: 541-757-9050

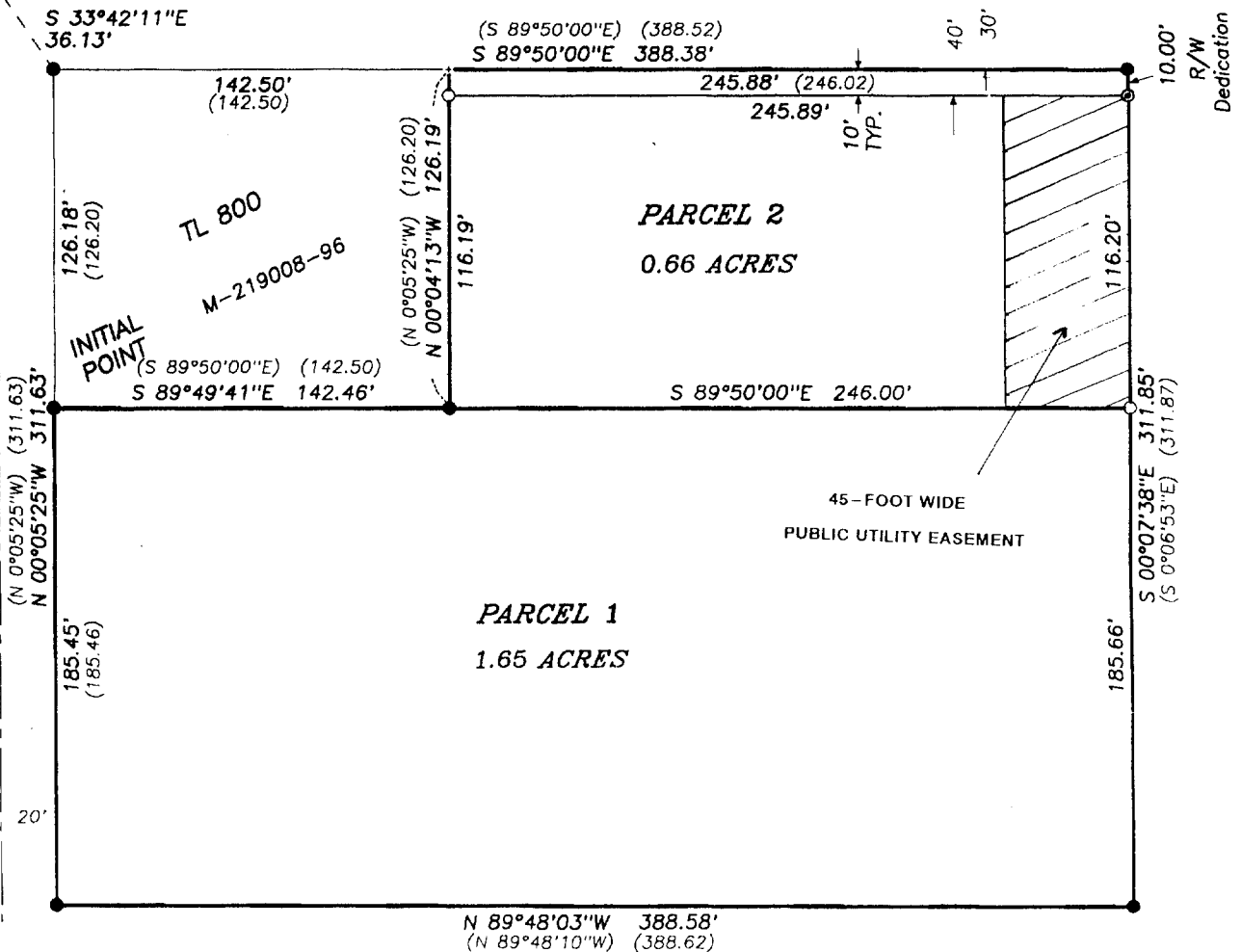
CENTER 1/4
 SECTION 35
 3" Brass Cap
 in Mon. Box

(N 0°04'13"W)
 N 0°04'13"W
 339.58' (339.58')

CCR #6
 2" Aluminum
 cap on 5/8"
 rod "Albany
 GPS 93608"

GIBSON HILL ROAD NW CO. RD. 14400

SCENIC DRIVE NW CO. RD. 14410
 BASIS OF BEARINGS



STATE OF OREGON } SS.
County of Benton } **271888**

I hereby certify that the within instrument
was received for record

1999 NOV 23 PM 2:10

AND
ASSIGNED **M276614** 1999

In the microfilm records of said county

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

By *[Signature]* Deputy
30 GS

Resolution No. 4194

Recorded Document Recorder File No. 3486