

RESOLUTION NO. 2969

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

Grantor

Brad Hendricks
and
John Hendricks
Nancy Hendricks

Purpose


A 20-foot permanent public utility easement along the east side of their property located at 2692 Del Rio Avenue SE, and also along the west side of their property located at 2708 Del Rio Avenue SE, Albany, Oregon, for the purposes of storm drainage.

DATED this 11th day of July, 1990.

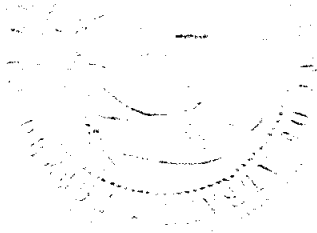


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25th day of June, 1990, by and between John Hendricks and Nancy Hendricks, husband and wife, 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 20-foot wide permanent utility easement across that property conveyed to John Hendricks and Nancy Hendricks, husband and wife in Volume MF 509, Page 944 Linn County Microfilm Deed Records, 10-feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of Lot 11, Block 18, as shown and described in the First Addition to Deerfield, a recorded subdivision plat on file at the Linn County Records Office, Linn County, Oregon; thence South 00° 22' 37" West 10.00 feet to the TRUE POINT OF BEGINNING; thence on the southerly extension of the east boundary line and on the east boundary line of said Lot 11, North 00° 22' 37" East 180.00 feet and there terminating.

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.

John Hendricks
John Hendricks
Nancy Hendricks
Nancy Hendricks

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

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

The foregoing instrument was acknowledged before me this 25th day of June, 1990, by grantor(s) as his/her/their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2969, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of July, 1990.

James F. Davis
Notary Public for Oregon
My Commission Expires: 9/25/93

CITY OF ALBANY, OREGON

Steve Bryant
City Manager

James F. Davis
JAMES F. DAVIS
NOTARY PUBLIC - OREGON
My Commission Expires 9/25/93

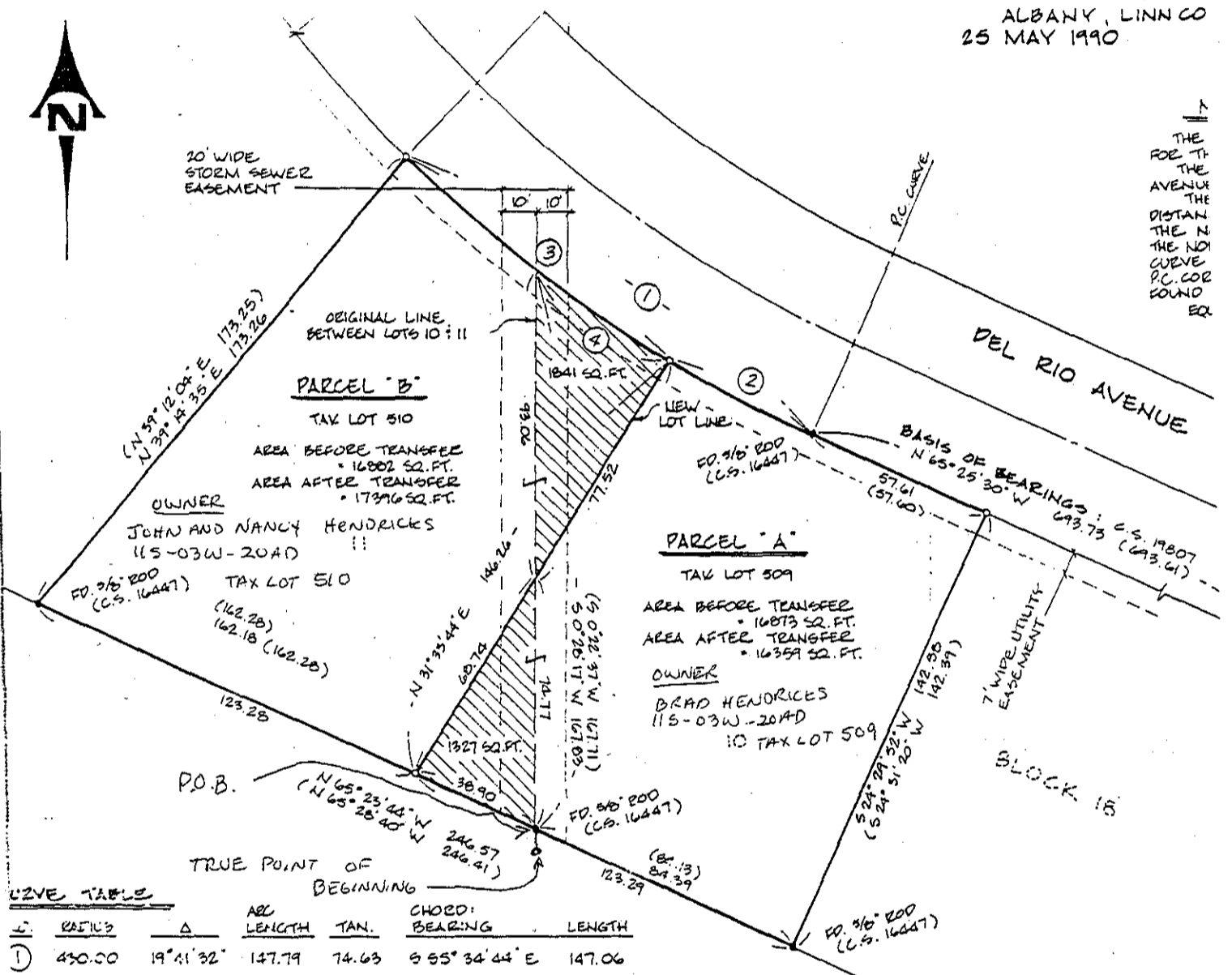
John J. ...
City Recorder



EXHIBIT A:

20-FOOT EASEMENT
JOHN AND NANCY HENDRICKS TO
THE CITY OF ALBANY

ALBANY, LINN CO
25 MAY 1990



CHORD TABLE

Δ	RADIUS	Δ	ARC LENGTH	TAN.	CHORD BEARING	LENGTH
1	430.00	19° 41' 32"	147.79	74.63	S 55° 34' 44" E	147.06
2	430.00	6° 22' 03"	47.79	23.97	S 12° 16' 00" E	47.71

ENTERED AUG 0 2 1990

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER
Linn County Clerk

STATE OF OREGON
County of Linn

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

Volume: MF 538 Page: 262

By mf, Deputy

City of Albany

25

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22 day of JUNE, 1990, by and between Brad Hendricks, 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 20-foot wide permanent utility easement across that property conveyed to Brad Hendricks in Volume MF 509, Page 942 Linn County Microfilm Deed Records, 10-feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of Lot 11, Block 18, as shown and described in the First Addition to Deerfield, a recorded subdivision plat on file at the Linn County Records Office, Linn County, Oregon; thence South 00° 22' 37" West 10.00 feet to the TRUE POINT OF BEGINNING; thence on the southerly extension of the east boundary line and on the east boundary line of said Lot 11, North 00° 22' 37" East 180.00 feet and there terminating.

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.

Brad Hendricks

Brad Hendricks

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

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

The foregoing instrument was acknowledged before me this 22nd day of June, 1990, by grantor(s) as his/her/their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2969, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of July, 1990.

James F. Davis
Notary Public for Oregon
My Commission Expires: 9/25/93

CITY OF ALBANY, OREGON

James F. Davis
JAMES F. DAVIS
NOTARY PUBLIC - OREGON
My Commission Expires 9/25/93

Steve Bryant
City Manager

[Signature]
City Recorder



Resolution No. 2969

Recorded Document Recorder File No. 0598