

RESOLUTION NO. 3705

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

Grantor

Gregory and Suzanne Christianson

Purpose

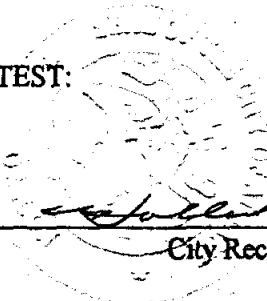
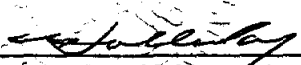
A permanent public utility easement across that property conveyed in Benton County Deed Record No. 189208-94.

DATED THIS 23RD DAY OF OCTOBER 1996.



Mayor

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of October, 1996, by and between Gregory and Suzanne Christianson, 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 permanent public utility easement across that property conveyed to Gregory and Suzanne Christianson by deed recorded as Number 189208-94, Benton County Deed and Microfilm Records, said easement more particularly described as follows and shown on the attached map labeled Exhibit A:

A 15.00 foot wide strip of land, being 7.50 feet wide on either side of the following described centerline:

Commencing at the northwest corner of that Colbert Tract described by deed recorded in M-23038 of the Benton County Deed and Microfilm Records on February 10, 1971; thence North 0°15'56" West, along the west line of that Green Tract described in deed recorded in M-91815 of said Benton County Deed and Microfilm Records on March 13, 1978, a distance of 25.29 feet to a point that is 25 feet northerly (when measured perpendicularly) from the south line of said Green Tract; thence North 81°04' East, parallel with and 25.00 feet distant from the said south line of Green Tract, 80.51 feet to the TRUE POINT OF BEGINNING; thence South 05°04'37" East 13.59 feet; thence South 28°44'19" East 44.19 feet, thence South 05°04'37" East 100.00 feet; thence South 10°41'41" West 33.12 feet to a point on the northerly right-of-way line of West Thornton Lake Drive, which point bears North 82°12'32" East 104.02 feet from the southwest corner of said Colbert Tract.

The Basis of Bearings of the above described easement is County Survey No. C.S. 8708 as filed in the office of the Benton County Surveyor. The northerly terminus of the above described easement is the north line of that southerly 25.00 foot strip of even width of said Green Tract. The southerly terminus of the above described easement is the said northerly right-of-way line of West Thornton Lake Drive (a 40.00 foot wide right-of-way).

Containing 0.066 acre of land, more or less.

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.

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

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:

Gregory Christianson
Gregory Christianson

Suzanne Christianson
Suzanne Christianson

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

The foregoing instrument was acknowledged before me this 4th day of October, 1996 by Gregory and Suzanne Christianson as his/her/their voluntary act and deed.



Lorri J. Headrick
Notary Public for Oregon

My Commission Expires: 10/27/98

enno.536
SI-95-36

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 3705, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of October, 1996.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

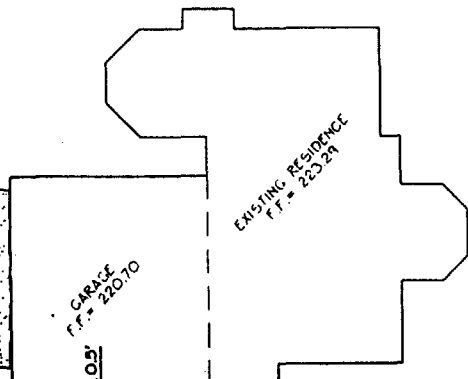
WEST THORNTON LAKE DRIVE

S.W. CORNER OF COLBERT TRACT
AS PER M-23038



EXIST. A.B.S. CULVERT
12" I.E. = 218.18

EXIST. A.B.S. CULVERT
12" I.E. = 217.25



N.W. CORNER OF COLBERT TRACT
AS PER M-23038
(N 00°30'00" W 25.29')
(PER C.S. 8708)

END STORM DRAIN
CONSTRUCTION
CONSTRUCT INLET AS PER
INLET DETAIL SHOWN AT RIGHT
STA. 2+40

EXIST. CONC. CULVERT
12" I.E. = 217.06

CONSTRUCT 18" ASTH F-679 50R-35 PIPE CULVERT
N 05°04'37" W 100.00'

CONST. 18" ASTH F-679 50R-35 CULVERT
S 28°44'19" E 44.19'
23°3'42"

BEGIN STORM DRAIN
CONSTRUCTION
STA. 1+00

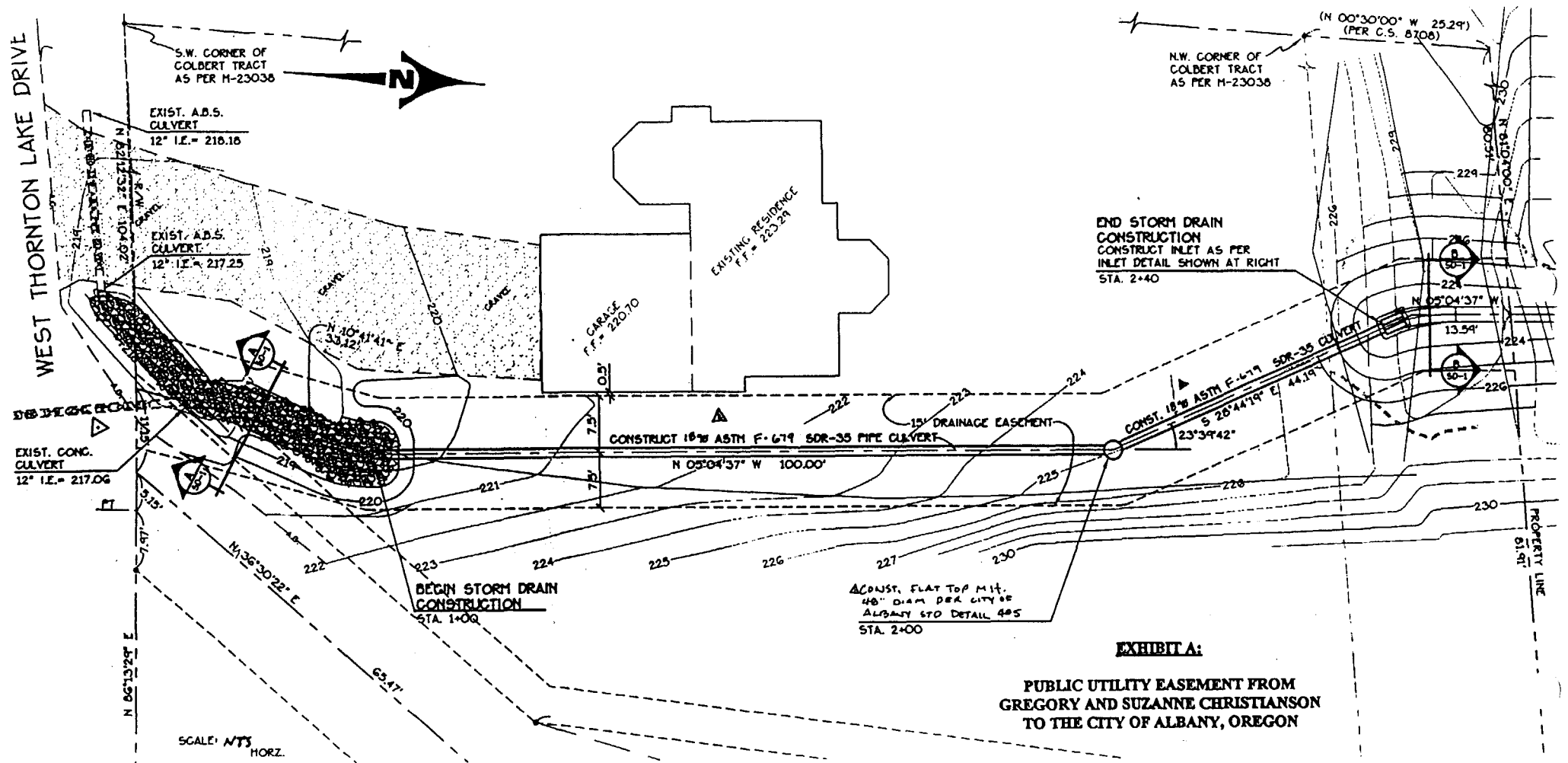
CONST. FLAT TOP M.I.T.
48" DIAM PER CITY OF
ALBANY STD DETAIL 405
STA. 2+00

EXHIBIT A:

**PUBLIC UTILITY EASEMENT FROM
GREGORY AND SUZANNE CHRISTIANSON
TO THE CITY OF ALBANY, OREGON**

SCALE: N.T.S.
HORZ.

11-4-18A-800



STATE OF OREGON }
County of Benton } ss. 212426

I hereby certify that the within instrument
was received for record.

'96 OCT 29 AM 10 56

AND No 220803 1996
ASSIGNED

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK

Director Of Records & Elections

By  Deputy

25
15 GAS

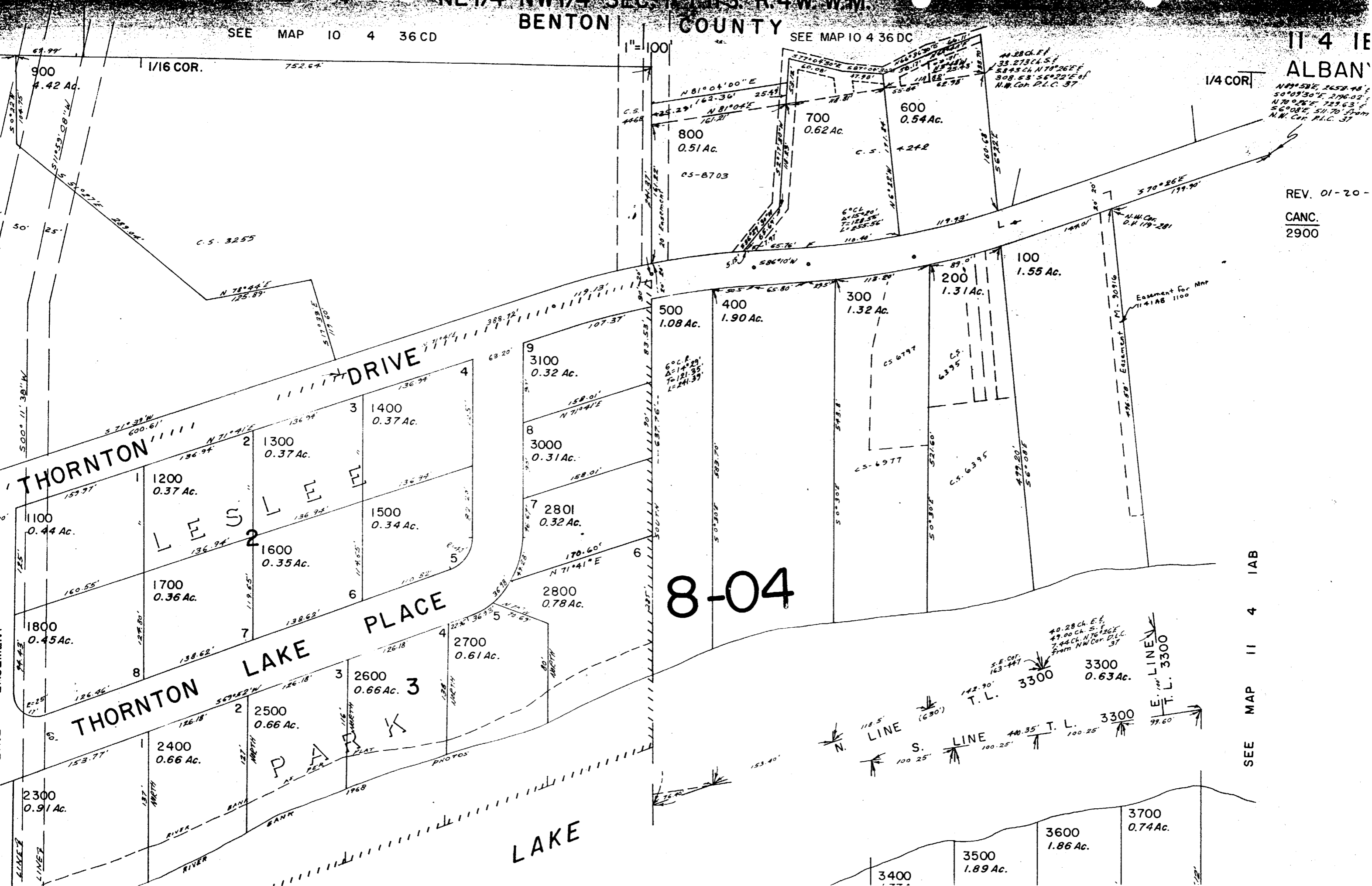
NE 1/4 NW 1/4 SEC. 1 T. 15. R. 4 W. W.M.
BENTON COUNTY

SEE MAP IO 4 36 CD

SEE MAP IO 4 36 DC

T. 14 E
ALBAN

REV. 01-20-
CANC.
2900



8-04

SEE MAP IO 4 IAB

Resolution No. 3705

Recorded Document Recorder File No. 2846