

RESOLUTION NO. 3856

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Kenneth M. and Kristin N. D. Richardson

Purpose

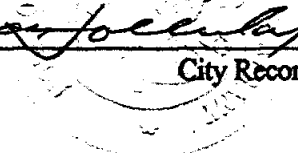
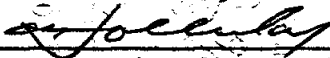
A permanent public utilities easement and right-of-way, 5 feet in even width, across that property described in the attached EASEMENT FOR PUBLIC UTILITIES, dated July 25, 1997, and shown in the attached EXHIBIT A.

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

DATED THIS 10TH DAY OF SEPTEMBER 1997.

  
Mayor

ATTEST:

  
  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of July, 1997, by and between **Kenneth M. and Kristin N. D. Richardson**, 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:

The westerly 5 feet of even width of the following described parcel:

Beginning at the northeast corner of that parcel conveyed to Theodore R. Hill et ux by deed recorded in MF Volume 17, Page 418, Linn County Microfilm Records; which point is 1157.28 feet North 1°39' West from the southeast corner of the Leander C. Burkhart Donation Land Claim No. 50 in Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence along the lines of that parcel conveyer to Kenneth M. Richardson et al by deed recorded in MF Volume 825, Page 245, Linn County Microfilm Records, North 1°39' West 101.40 feet, South 89°58' West 260 feet, and South 1°39' East 101.40 feet to the northwest corner of said Hill parcel, thence North 89°58' East 260 feet to the point of beginning (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.

GRANTORS:

By: Kt M. Richardson  
Kenneth M. Richardson

By: Kristin N. Richardson  
Kristin N. D. Richardson

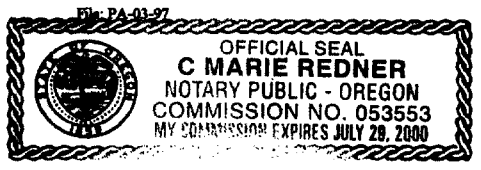
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this  
25th day of July, 1997, by

C. Marie Redner  
Notary Public for Oregon

My Commission Expires: 7/29/2000

RICHRDSN.000



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 3856 do hereby accept on  
behalf of the City of Albany, the above instrument pursuant to  
the terms thereof this 10th day of  
September, 1997.

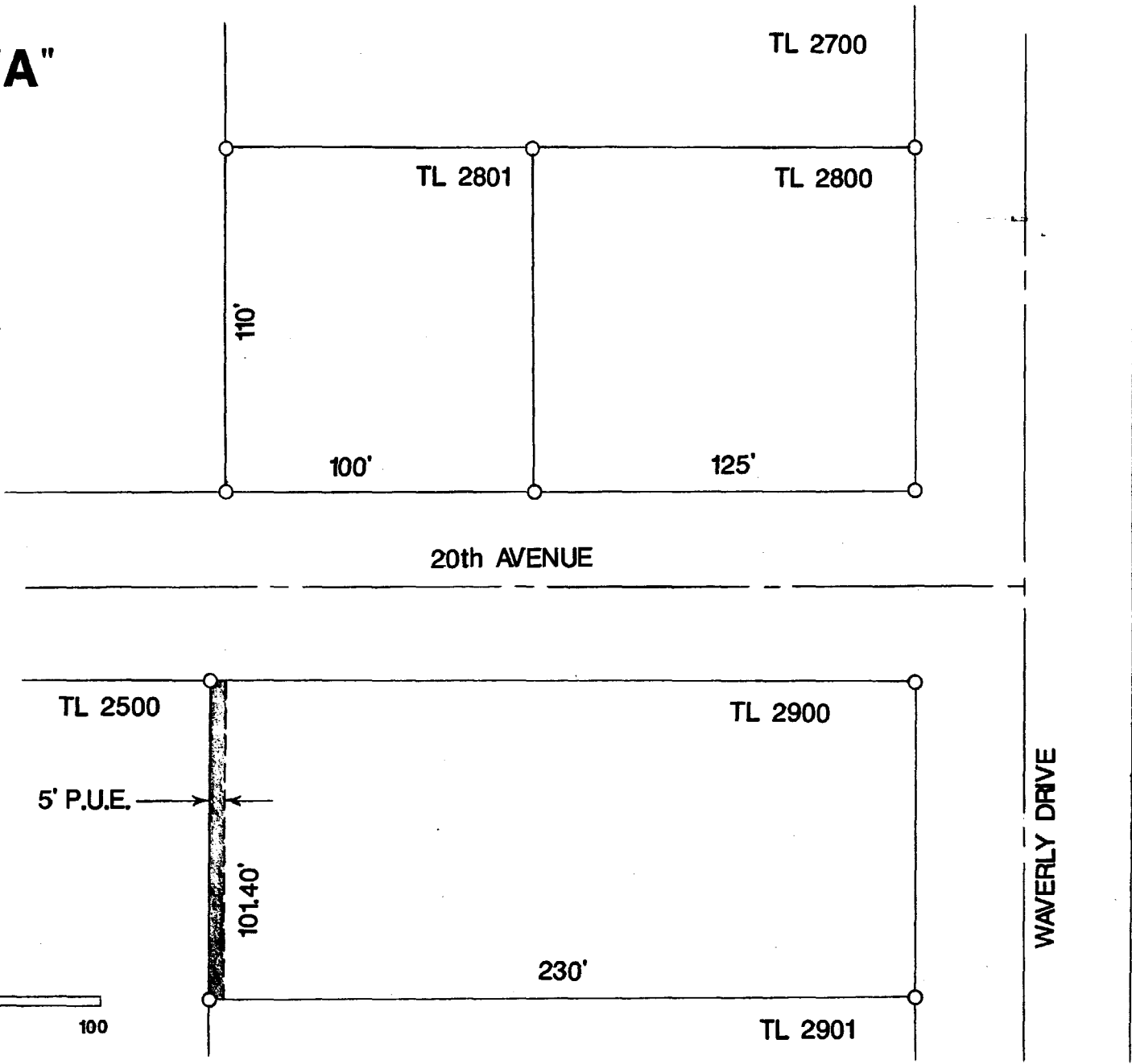
Steve Bryant  
City Manager

ATTEST:

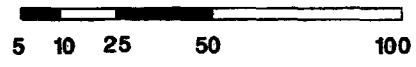
Speedy  
City Recorder

# EXHIBIT "A"

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SCALE:



STATE OF OREGON  
County of Linn

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

STEVE DRUCKENMILLER  
Linn County Clerk

By RJ, Deputy

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Resolution No. 3856

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