

RESOLUTION NO. 4081

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

John Thorn, Sherri Thorn, and Stacey Thorn

Purpose

A permanent public utility easement 70 feet in width and 30 feet in length, 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



M261669-99

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9TH day of DEC, 1998, by and between John Thorn, Sherri Thorn, & Stacey 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:
Beginning at a 5/8" Iron Rod said rod being on the center line of Thorn Drive N.W. and being S 89°54'55" E 128.64 feet from the Southwest corner of lot 20 of Scenicview Subdivision being in Sec 35 T 10S R 4W W.M. Benton County Oregon; thence S 89°54'55" E 35.00 feet; thence South 0°05'05" West 30.00 feet; thence N 89°54'55' W 70.00 feet; thence N 0°05'05' E 30.00 feet; thence S 89°54'55" E 35.00 feet to the P.O.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 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR: John Thorn *John Thorn*

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 11TH day of JAN, 1999, by John Thorn.

Susan C. Creel
Notary Public for Oregon

My Commission Expires: 6-21-2000

Sherri Thorn *Sherri S. Thorn*

STATE OF CO)
County of Boulder) ss.

The foregoing instrument was acknowledged before me this 9 day of DEC, 1998 by Sherri Thorn.

Patricia J. Bicknell
Notary Public for PATRICIA BICKNELL

My Commission Expires: APRIL 19, 2000

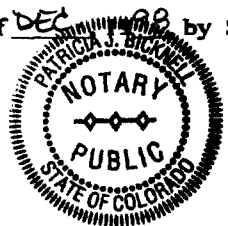
Stacey Thorn *Stacey Thorn*

STATE OF OH)
County of CUYAHOGA) ss.

The foregoing instrument was acknowledged before me this 30 day of DEC, 1998 by Stacey Thorn.

Cynthia J. Arvidson
Notary Public for CYNTHIA J. ARVIDSON

Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires May 27, 2003



MY COMMISSION EXPIRES:
APRIL 19, 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 4081, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of February, 1999.

Steve Bryant
City Manager

ATTEST:

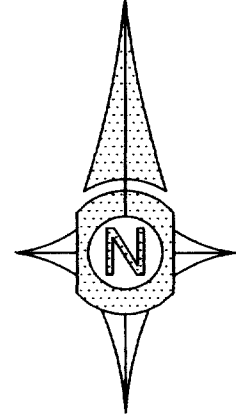
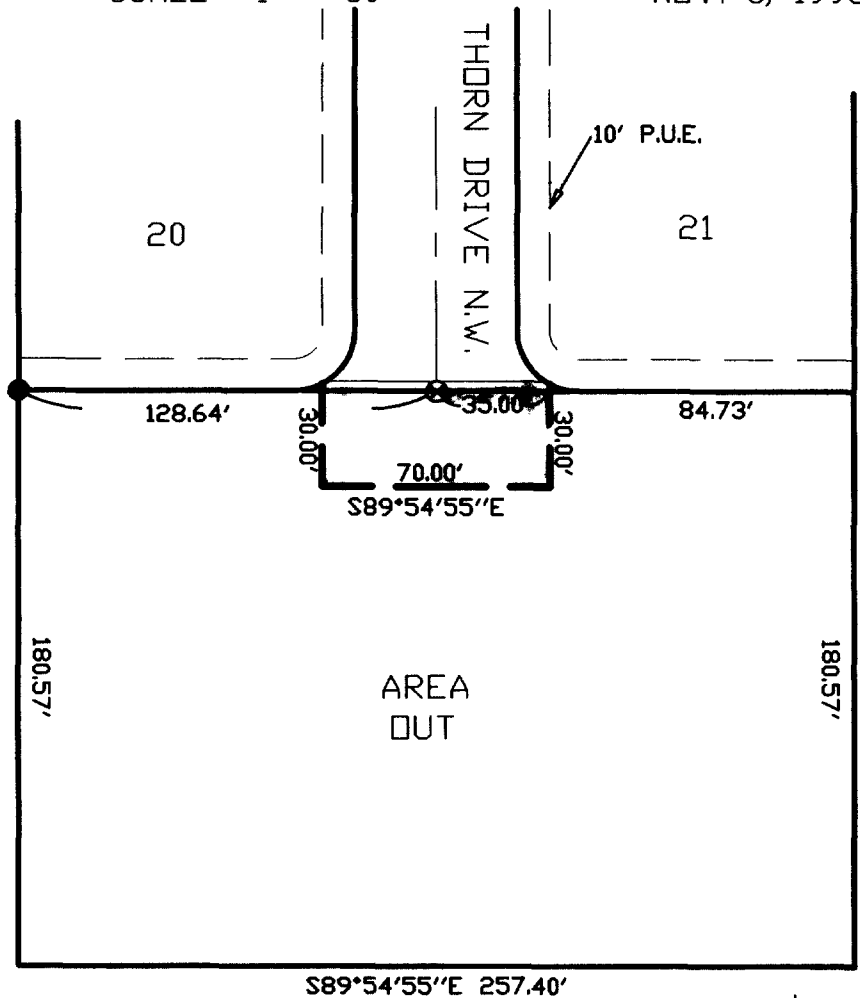
[Signature]
City Recorder

EXHIBIT A

SCENICVIEW SUBDIVISION ALBANY, BENTON COUNTY, OREGON

SCALE: 1" = 60'

NOV. 3, 1998



SCEN_EXA

STATE OF OREGON } ss.
County of Benton } **256143**
I hereby certify that the within instrument
was received for record

COPIED FROM 105

AND
ASSIGNED **M261669** 1999

In the microfilm records of said county
Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

BY  Deputy
25 15 GS

Resolution No. 4081

Recorded document Recorder file 3336

Released by Resolution No. 6829, Recorder file 7163