

RESOLUTION NO. 4306

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

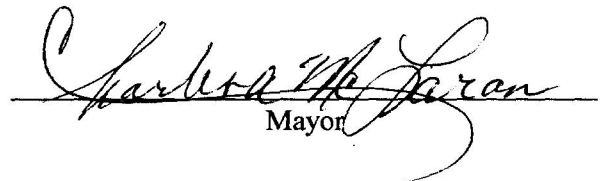
**Patricia Trunk**

Purpose

A 15-foot wide permanent public utility easement more particularly described in the attached "EASEMENT FOR PUBLIC UTILITIES", shown in the attached map labeled "EXHIBIT A", and located in the attached Vicinity Map.

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

DATED THIS 12TH DAY OF JULY 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this <sup>4</sup> 11 day of June, 2006, by and between Patricia Trunk 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 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:

2. The right-of-way hereby granted consists of:  
Beginning at a point 48.84 feet North 01°30'00" West; 350.46 feet South 51°15'00" West and 30.00 feet South 38°45'00" East from the Southwest corner of the Donation Land Claim of Walter Montieth, No. 1798 CL. 55 in Section 12, Township 11 South, Range 4 West, of the Willamette Meridian, Linn County, Oregon; thence South 38°45'00" East 15.00 feet; thence North 51°15'00" East 50.00 feet; thence North 38°45'00" West 15.00; thence South 51°15'00" West 50.00 feet to the point of beginning.  
**See 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, 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.

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

GRANTOR:

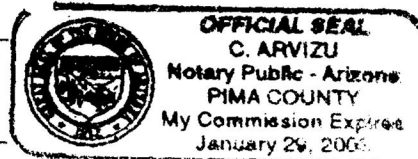
*Patricia A. Trunk*  
Patricia Trunk

STATE OF Arizona )  
County of Pima ) ss.

The foregoing instrument was acknowledged before me this 20 day of June, 2000 by Patricia Trunk.

*C. Arvizu*  
Notary Public for ~~Oregon~~ Arizona

My Commission Expires: 1-29-03



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 4306, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of July, 2000.

*Steve Bryant*  
City Manager

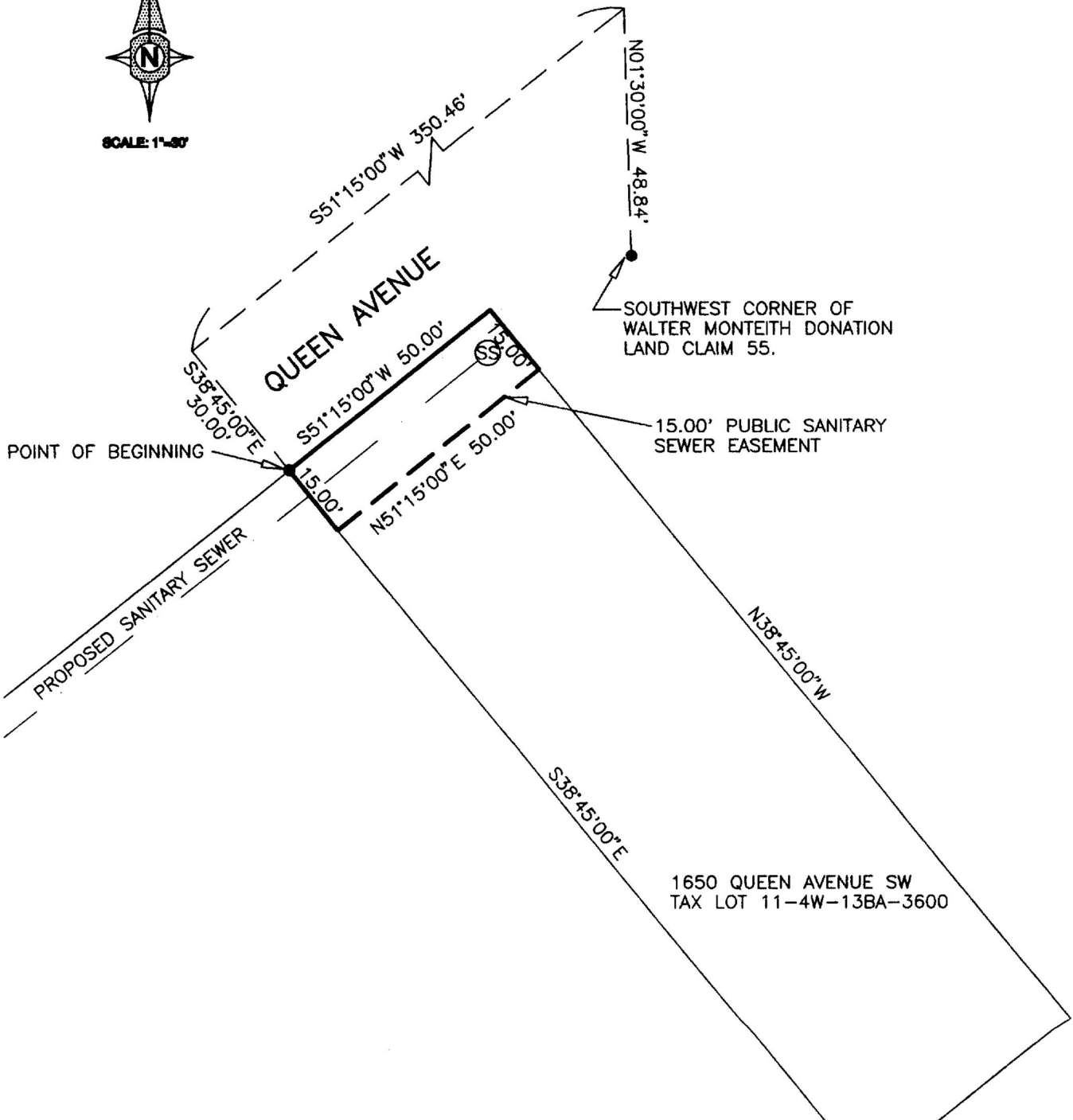
ATTEST:

*Ken Thompson*  
City Recorder

SEC. 12, T. 11 S., R4 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON



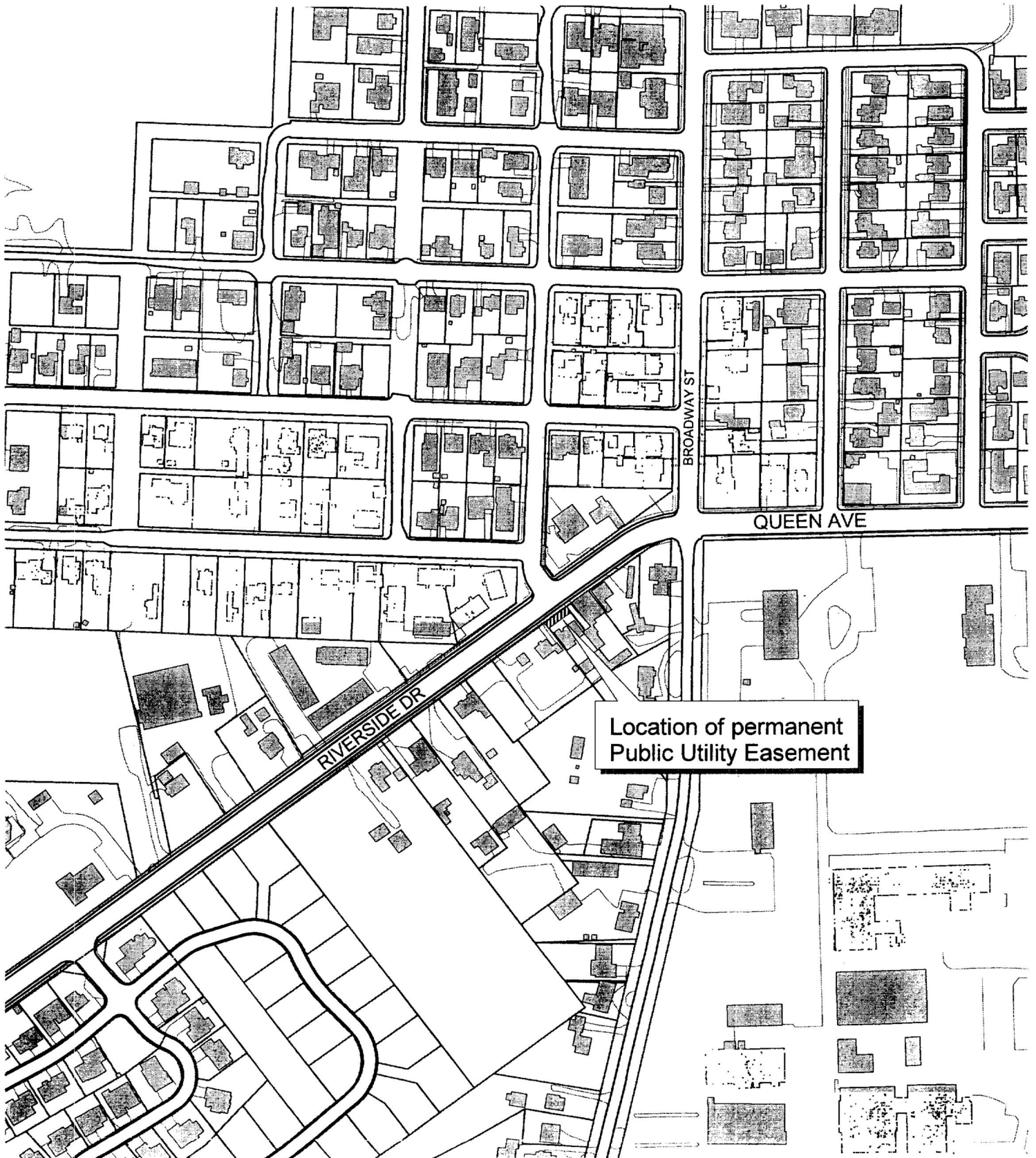
SCALE: 1"=80'





# Vicinity Map

Patricia Trunk  
15-foot wide permanent  
Public Utility Easement



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 ps, Deputy

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A 71  
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