

RESOLUTION NO. 6319

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Robin L. Brillon and Vonda L. Brillon

Purpose


A 15.0 foot wide easement for a public water line as part of WL-14-03, Picardy Lane Water Line Project.

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

DATED AND EFFECTIVE THIS 23RD DAY OF APRIL 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**EASEMENT FOR PUBLIC UTILITIES**

THIS AGREEMENT, made and entered into this 14 day of April, 2014, by and between Robin and Vonda Brillon, hereinafter 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 grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement, 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 easement hereby granted consists of:  
  
A 15.0 foot wide easement for a public water line. See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
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 **\$2,000.00**, 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 Grantor does 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 Grantor has hereunto fixed their hand and seal the day and year written below.

**GRANTOR:**

**Robin and Vonda Brillon**

Robin Brillon  
Robin Brillon

Vonda Brillon  
Vonda Brillon

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 14th day of April, 2014, by Robin Brillon as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14th day of April, 2014, by Vonda Brillon as her voluntary act and deed.

C. Marie Redner  
Notary Public for Oregon  
My Commission Expires: 7/29/16

C. Marie Redner  
Notary Public for Oregon  
My Commission Expires: 7/29/16



**CITY OF ALBANY:**

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6319, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of April 2014.

Wes Hare  
City Manager



ATTEST:

Mary A. Dibble  
City Clerk

EXHIBIT "A"

Legal Description

Picardy Lane Utility Easement

A Tract of land for easement purposes located over a portion of that Brillon Tract described by deed recorded in M-244107-98 in the Benton County, Oregon Deed Records on April 6, 1998 that is more particularly described as follows:

Beginning at the most westerly southwest corner of said Brillon Tract; thence North 00°02'33" West, along the west line of said Brillon Tract, 15.00 feet; thence North 89°57'27" East 55.20 feet; thence South 00°02'33" East 2.50 feet to an angle point on the south line of said Brillon Tract; thence South 00°02'33" East, along the south line of said Brillon Tract, 12.50 feet; thence South 89°57'27" West, along the south line of said Brillon Tract, 55.20 feet to the Point of Beginning.

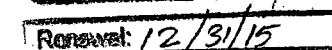
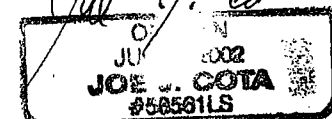
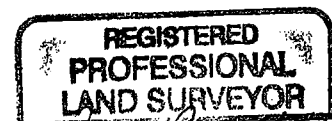
March 11, 2014

EXHIBIT "A"

Brillon easement 1

(13-135) JJC:ls

File Ref: z:/projects/2013/13-135/surveying/documents/brillon.doc



# EXHIBIT "B"

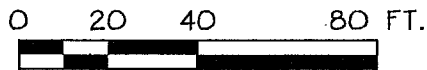
CITY OF ALBANY UTILITY EASEMENT  
 TAX LOT 2700, ASSESSOR MAP 115-3W-06BB  
 207 PICARDY LANE, ALBANY, OREGON

MARCH 12, 2014

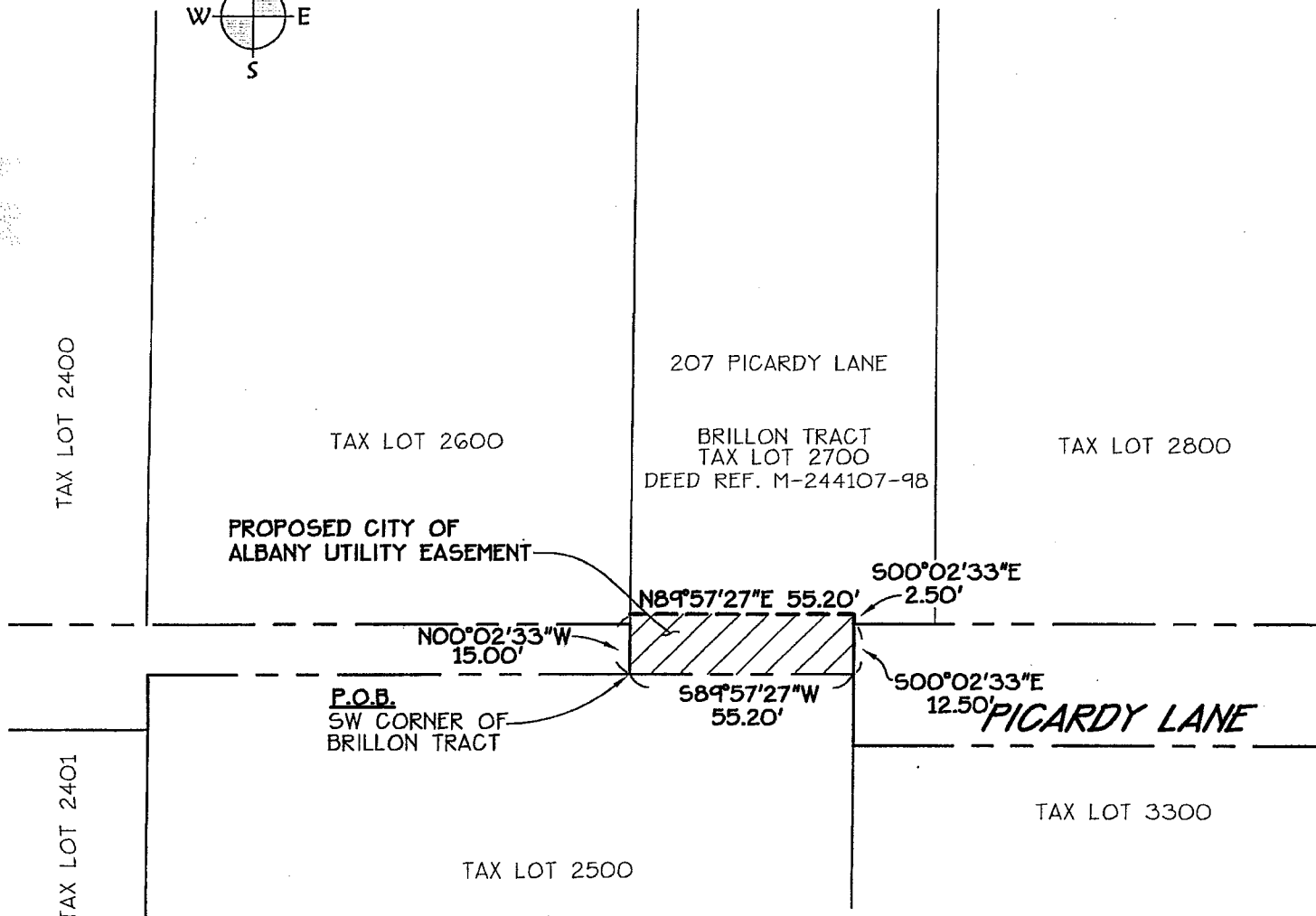
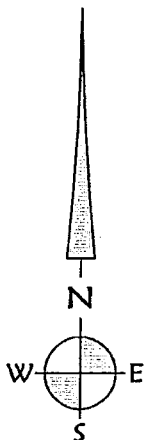
REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Joe J. Cota*  
 OREGON  
 JULY 9, 2002  
**JOE J. COTA**  
 #58561LS

Renewal: 12/31/15



SCALE: 1" = 40'



Date: 3/12/2014 Time: 8:36  
 Scale: 1=40  
 File: dwg\2013\13-135\13-135\_exht.dwg (Brian)



**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

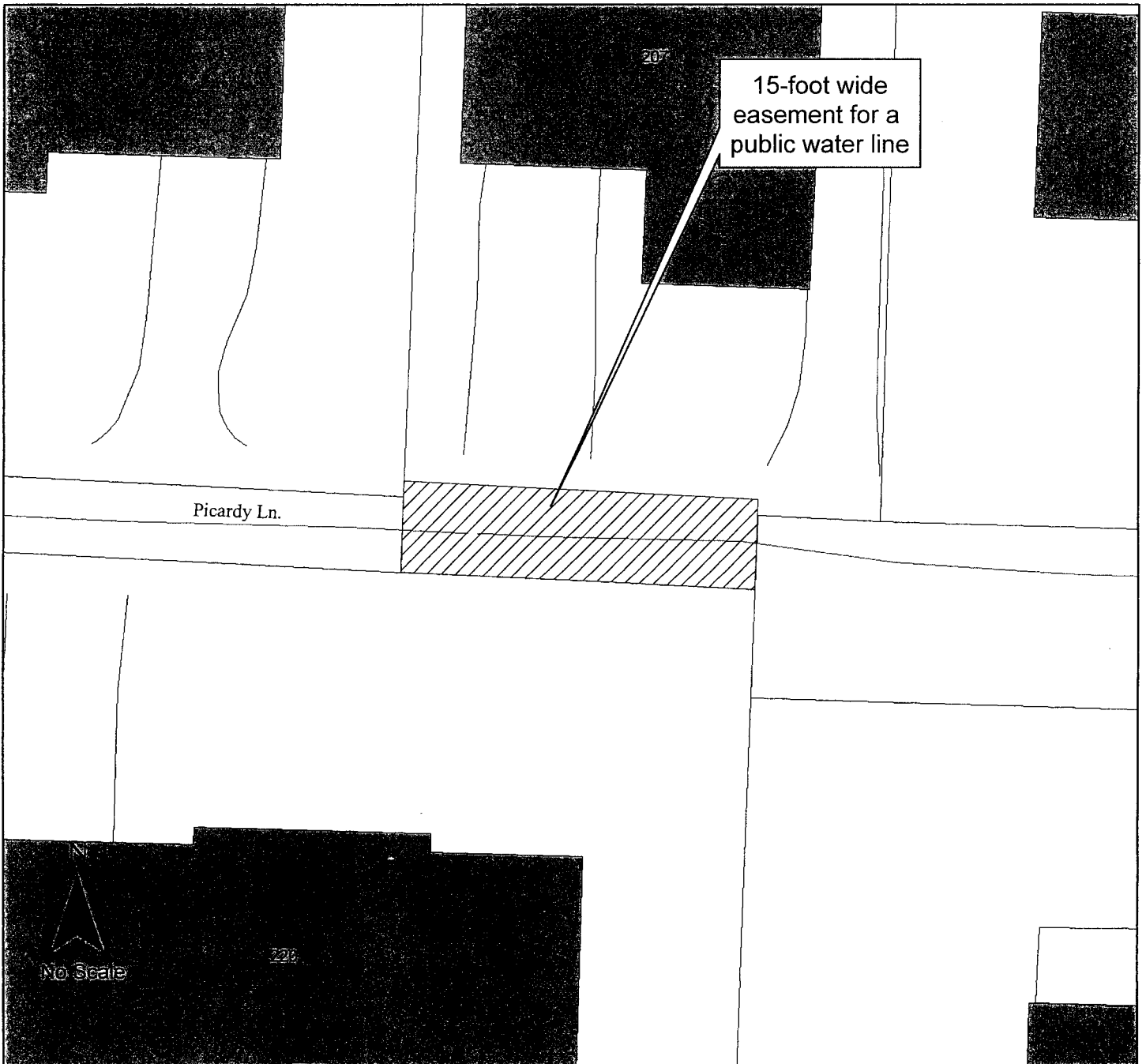
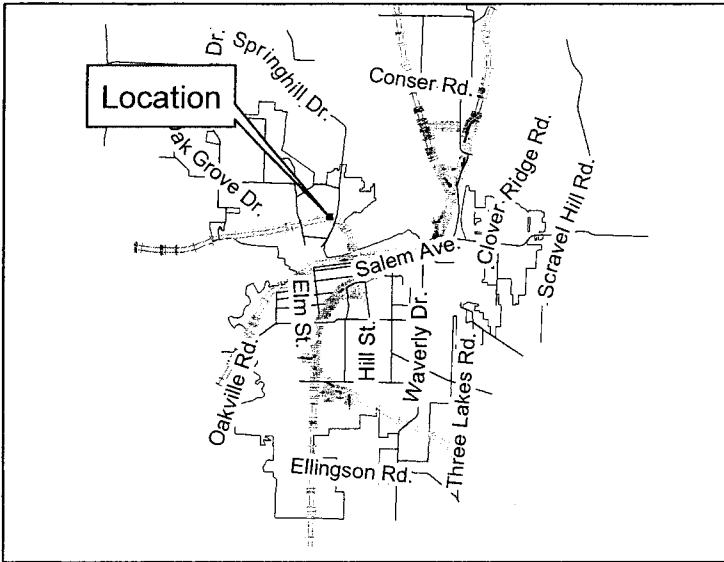
# EXHIBIT C

11S03W06BB02700

A 15 foot wide easement for a public water line as part of WL-14-03, Picardy Lane Water Line Project.



Geographic Information Services



**INVOICING: Charge to City of Albany,  
Attn: Mary Dibble, PO Box 490, Albany, OR, 97321**

**RECORDING RECIEPT: Email to  
mary.dibble@cityofalbany.net**

**RECORDING COVER SHEET (Please Print or Type)**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

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**AFTER RECORDING RETURN TO:**

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Robin L. Brillon and Vonda L. Brillon

\_\_\_\_\_

\_\_\_\_\_

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Robin L. Brillon and Vonda L. Brillon

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$ 2,000

BENTON COUNTY, OREGON **2014-518791**  
DE-EAS **05/01/2014 01:23:43 PM**  
Cnt=1 Stn=9 PF  
\$30.00 \$11.00 \$22.00 \$10.00 \$20.00 **\$93.00**



00280169201405187910060062  
I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



Res. M. 5/1/14