

RESOLUTION NO. 3204

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Robert L. and Helen Harder

Purpose

a fifteen-foot wide permanent public utility easement across that property located adjacent and North of 2711 Gibson Hill Road NW for waterline purposes

DATED this 14 day of October, 1992.



Mayor

ATTEST:



Deputy City Recorder

M-155410-92

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30 day of Sept., 1992, by and between Robert L. Harder and Helen Harder, husband and wife, 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 15-foot wide permanent public utility easement across a portion of that parcel conveyed to Robert L. Harder and Helen Harder as recorded on May 19, 1969 in M-13446, Benton County Deed Records, being 7.5 feet on either side of the following described centerline and as shown on the attached map labeled EXHIBIT A:

Beginning at a point on the northerly right-of-way line of Gibson Hill Road NW which is 20.0 feet North, 32.94 feet South 80° 30' 30" West, and 246.95 feet North 0° 17' West of the Northwest Corner of the J. Q. Thornton Donation Land Claim No. 37, in Section 35, Township 10 South, Range 4 West of the Willamette Meridian, in the City of Albany, Benton County, Oregon; and running thence North 0° 17' West 97.51 feet and there terminating.

Containing 1463 square feet, 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:

Robert L. Harder
Robert L. Harder

Helen Harder
Helen Harder

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

The foregoing instrument was acknowledged before me this 30 day of Sept, 1992 by grantor(s) as his/her/their voluntary act and deed.

Siida Barrett
Notary Public for Oregon

My Commission Expires: 9-25-92

CITY OF ALBANY:

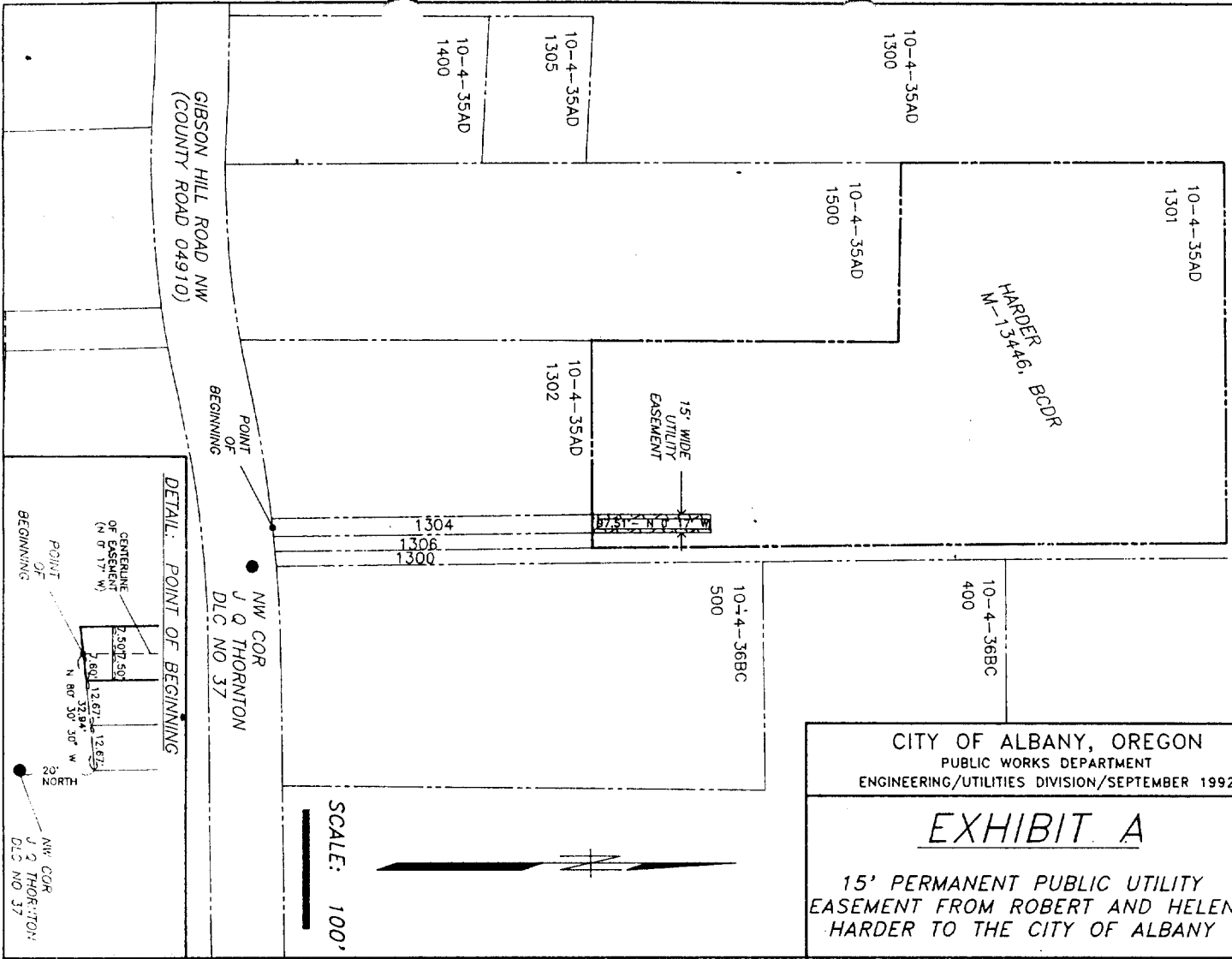
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3204, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15th day of October, 1992.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder - Deputy



CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION/SEPTEMBER 1992

EXHIBIT A

15' PERMANENT PUBLIC UTILITY
 EASEMENT FROM ROBERT AND HELEN
 HARDER TO THE CITY OF ALBANY

STATE OF OREGON } **144309**
 COUNTY OF BENTON }

HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECEIVED FOR RECORD

'92 OCT 22 PM 1 06

AND ASSIGNMENT No **155410** 1992

IN THE MICROFILM RECORDS OF SAID COUNTY

WITNESS MY HAND AND SEAL OF COUNTY AFFIXED

DANIEL G. BURK

DIRECTOR OF RECORDS & ELECTIONS

BY *[Signature]* DEPUTY

25.00

Resolution No. 3204

Recorded Document Recorder File No. 2240