

RESOLUTION NO. 3603

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

Grantor

Denis H. Derksen and Rachel L. Derksen

Purpose

A permanent public utility easement 15.00 feet in even width across that property in Benton County deed reference M-131703-91.

DATED this 28th day of February 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

MA-210068-96

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20 day of February, 1996, by and between **Denis H. Derksen and Rachel L. Derksen**, 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 easterly 15.00 feet of even width of that Derksen Tract described by deed recorded in M- 131703-91 of the Benton County Deed Records on February 4, 1991, EXCEPTING THEREFROM the easterly 7.00 feet of even width. The above strip therefore being 8.00 feet in width and more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a 5/8 inch rod on the north line of said Derksen Tract, which point is South 00°07'40" East 597.96 feet and South 89°46'32" East 720.83 feet from the northwest corner of the J. Q. Thornton Donation Land Claim No. 37 in Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon; thence North 89°46'32" West, along the said north line of Derksen Tract, 8.00 feet; thence South 00°12'00" East 149.49 feet to the south line of said Derksen Tract; thence South 89°46'33" East, along the south line of said Derksen Tract, 8.00 feet to a 5/8 inch rod; thence North 00°12'00" West 149.49 feet to the Point of Beginning.

- 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.

GRANTOR:

Rachel L. Derksen

Denis H. Derksen  
Denis H. Derksen

Rachel L. Derksen

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

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

The foregoing instrument was acknowledged before me this  
20 day of Feb, 19 96, by Denis H. Derksen and Rachel  
L. Derksen as his/her/their voluntary act and deed.

Nancy Mehr  
Notary Public for Oregon

My Commission Expires: 4-11-97



**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 3603, do hereby  
accept on behalf of the City of Albany, the above instrument  
pursuant to the terms thereof this 28th day of  
February, 1996.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

**EXHIBIT "A"**

**DERKSEN EASEMENT FOR  
PUBLIC UTILITIES AND SIDEWALK  
JANUARY 1996**

NW COR., J. Q. THORNTON D.L. NO. 37  
FD. 3" DIA. BENTON COUNTY BRASS  
CAP IN MONUMENT BOX. CORNER  
RESTORATION NO. 104837040

NW GIBSON HILL ROAD



SCALE: 1" = 100'

18-410-36 CB  
T.L. 1700

S 00°07'40" E 597.96'

N 00°07'40" W 149.49'

EXISTING 28'  
WIDE P.U.E.

15'  
45' R/W

NW SKYLINE DRIVE

8' WIDE PUBLIC UTILITY  
AND SIDEWALK EASEMENT

7' WIDE RIGHT-OF-WAY  
DEDICATION TO PUBLIC

POINT OF  
BEGINNING

S 89°46'32" E 720.83'

EXISTING 28' WIDE  
P.U.E. (M-204438-95)

**DERKSEN TRACT**  
(M-131703-91)

133.78'  
T.L. 1700  
19,999 SF

EXISTING 28' WIDE  
P.U.E. (M-205910-95)

**RIGONI et al TRACT**  
(M-117468-89)

111.73'  
T.L. 1600  
16,702 SF

609.48'  
S 89°46'33" E 728.21'  
**RYCKMAN TRUST TRACT**  
(M-181838-94)

STATE OF OREGON }  
County of Benton } ss. 201081

I hereby certify that the within instrument  
was received for record.

'96 MAR 1 AM 8 47

AND No 210068 1996  
ASSIGNED

In the microfilm records of said county  
Witness My Hand and Seal of County Affixed

DANIEL G. BURK  
Director Of Records & Elections

By \_\_\_\_\_ Deputy

25-  
15-615

Resolution No. 3603

Recorded Document Recorder File No. 2710