

RESOLUTION NO. 3935

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Cameron L. Shuck and Jacquelyne P. Shuck

A permanent public utility easement.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 22ND DAY OF APRIL 1998.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20 day of January, 1998, by and between CAMERON L. SHUCK and JACQUELYNE P. SHUCK, 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:

See legal description on attached Exhibit "A" and map on attached Exhibit "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 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 officially approved the foregoing and acknowledged the same by the signatures set forth below.

GRANTORS:

Cameron L. Shuck
Cameron L. Shuck

Jacquelyne P. Shuck
Jacquelyne P. Shuck

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 3935 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23 day of April, 1998.

Steve Bryant
City Manager

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 20 day of January, 1998, by Cameron L. Shuck.

Roxanne Richardson
Notary Public for Oregon
My Commission Expires: 10-6-99

ATTEST:
[Signature]
City Recorder



STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this 21 day of January, 1998, by Jacquelyne P. Shuck

Roxanne Richardson
Notary Public for Oregon
My Commission Expires: 10-6-99

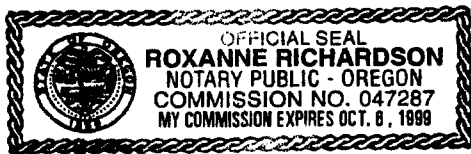


EXHIBIT "A"

PUBLIC UTILITIES EASEMENT

An easement to be used for public utility purposes located in a portion of that Shuck Tract described by deed recorded in M-54552-84 of the Benton County Deed and Microfilm Records on January 5, 1984, that is more particularly described as follows:

Beginning at a 1/2 inch pipe at the southwest corner of said Shuck Tract; thence North 89°54'27" East, along the south line of said Shuck tract; 31.19 feet to a 1/2 inch pipe; thence South 89°46'07" East 124.74 feet to the southeast corner of said Shuck Tract; thence North 06°05'52" West, along the east line of said Shuck Tract, 15.78 feet to a 5/8 inch rod on the south line of the Gallatin Adkins Donation Land Claim No. 79 in Township 10 South, Range 3 West, Willamette Meridian, Benton County, Oregon; thence North 06°05'52" West, along said east line, 7.54 feet to a point that is 7.50 feet northerly, when measured perpendicularly, of said south line of Adkins Donation Land Claim; thence North 89°56'00" West, parallel with said claim line, 148.63 feet to a point on the west line of said Shuck Tract; thence South 11°52'16" West 23.41 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1630

EXPIRATION DATE: 12/31/97

December 12, 1997
EXHIBIT "A":
PUBLIC UTILITY EASEMENTS
(97-131) JRB:nm
File: nm\drushella\legals\shuck.exe

EXHIBIT "B"



"CASCADE HEIGHTS"

39

SHUK TRACT
M-119633-90

TRACT 11

R = 185.11'
 Δ = 26°51'42"
 L = 86.78'
 C = N 13°44'33" E 85.99'

SHUK TRACT
M-54552-84

PROPOSED P.U.E.

SOUTH LINE OF ADKINS D.L.C.

NW LAUREL PL.

P.O.B.
SW COR. SHUK TRACT

N 11°52'16" E
234.76'

31.19'
N 89°54'27" E

N 89°56'00" W

N 89°56'00" W

103.92'
S 89°46'07" E 124.74'

S 89°56'21" E 131.18'

103.45'

N 00°19'17" W
6.06'

S 48°51'55" E
9.00'

S 89°56'21" E

104.68'

S 06°05'52" E 136.30'

7.50'

148.63'

7.54'

151.01'

103.92'

20.82'

15.78'

K & D

K & D ENGINEERING, Inc.
 278 NW Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (503) 828-2583

STATE OF OREGON }
County of Benton } SS. **238546**

I hereby certify that the within instrument
was received for record

'98APR27 PM 2:19

AND 1998
ASSIGNED **M 245304**

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

JOHN K. ANDERSON
County Administrative Officer

By  Deputy
30
15 G.S.

Resolution No. 3935

Recorded Document Recorder File No. 3137