

RESOLUTION NO. 4254

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Kenneth A. Griffin and Dayton G. Griffin

Purpose

A 15-foot-wide strip of land for public utility easement purposes, more particularly described in attached EXHIBIT "A," shown in attached map labeled EXHIBIT "B," and located in attached Vicinity Map.

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

DATED THIS 26TH DAY OF APRIL 2000.


Council President

ATTEST:



City Recorder

283362-00

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 3th day of April, 2000, by and between **Kenneth A. Griffin and Dayton G. Griffin**, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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 re-fill 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 15.0 foot wide permanent public utility easement across that parcel of land conveyed to Kenneth A. Griffin and Dayton G. Griffin, by deed recorded as instrument number M-153422-92, Deed Records for Benton County, Oregon. This permanent easement is described in the attached legal description labeled "EXHIBIT A" and is shown on the attached map labeled "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, 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 by Grantor on this easement.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year above written.

GRANTOR:

CITY OF ALBANY:

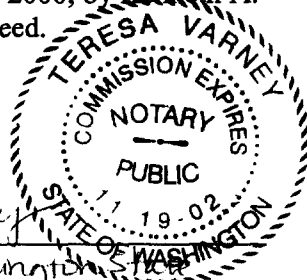
Kenneth A. Griffin
Kenneth A. Griffin

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

STATE OF Washington)
County of King) ss.
City of Seattle)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4854, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of April, 2000.

The foregoing instrument was acknowledged before me this 8th day of April, 2000, by Kenneth A. Griffin as his voluntary act and deed.



Teresa Varney
Notary Public for ~~Oregon~~ Washington
My Commission Expires: 11-19-2002

Steve Bryant
City Manager

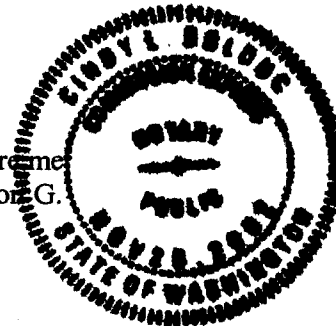
ATTEST:

Ken Thompson
City Recorder

Dayton G. Griffin
Dayton G. Griffin

STATE OF Washington)
County of King) ss.
City of Bremerton)

The foregoing instrument was acknowledged before me this 23 day of March, 2000, by Dayton G. Griffin as his voluntary act and deed.



Cindy L. Blodgett
Notary Public for ~~Oregon~~ Washington
My Commission Expires: 11-20-2002

Vicinity Map
Kenneth A. Griffin and Dayton G. Griffin
Public Utility Easement Dedication to City of Albany.

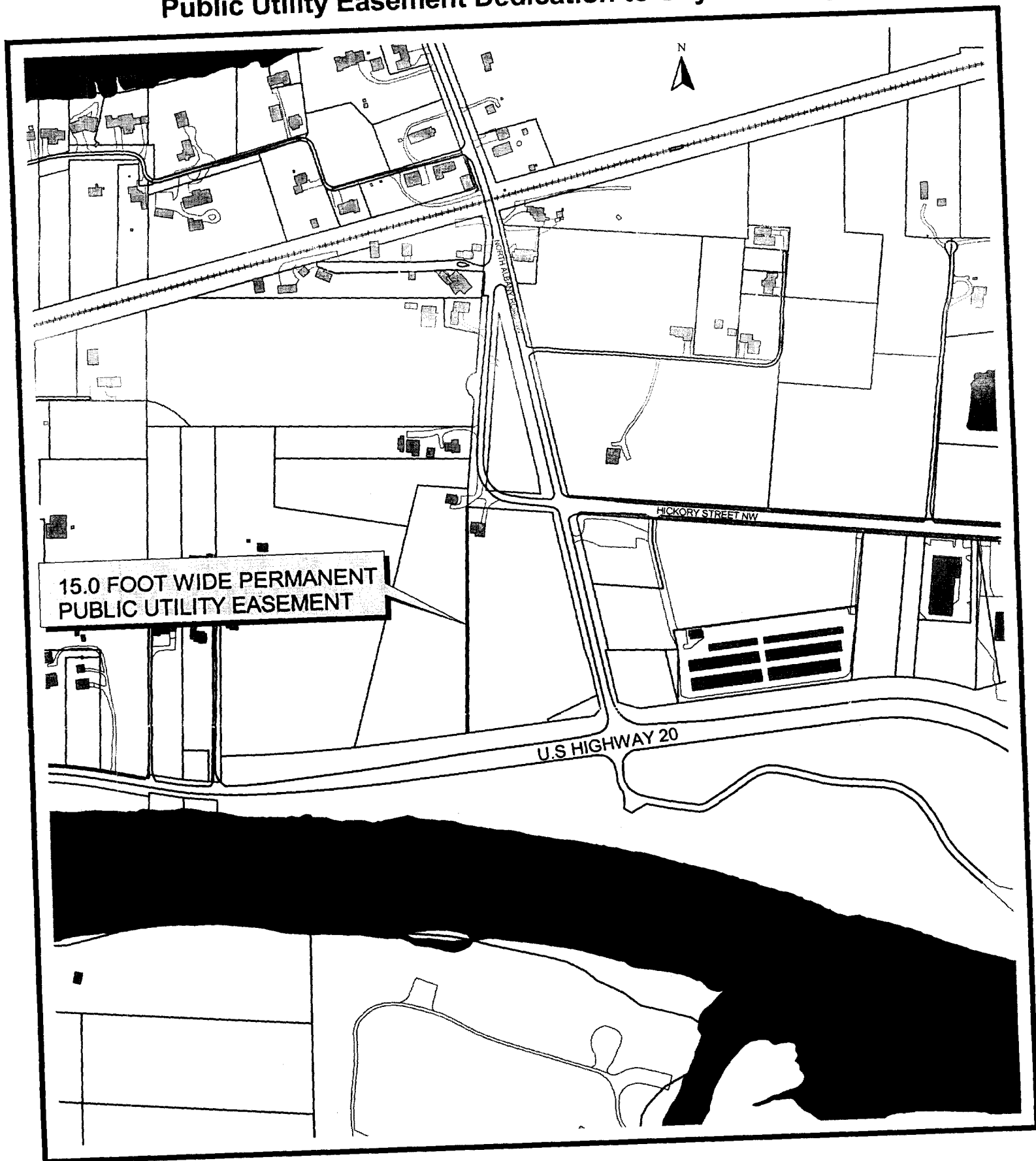
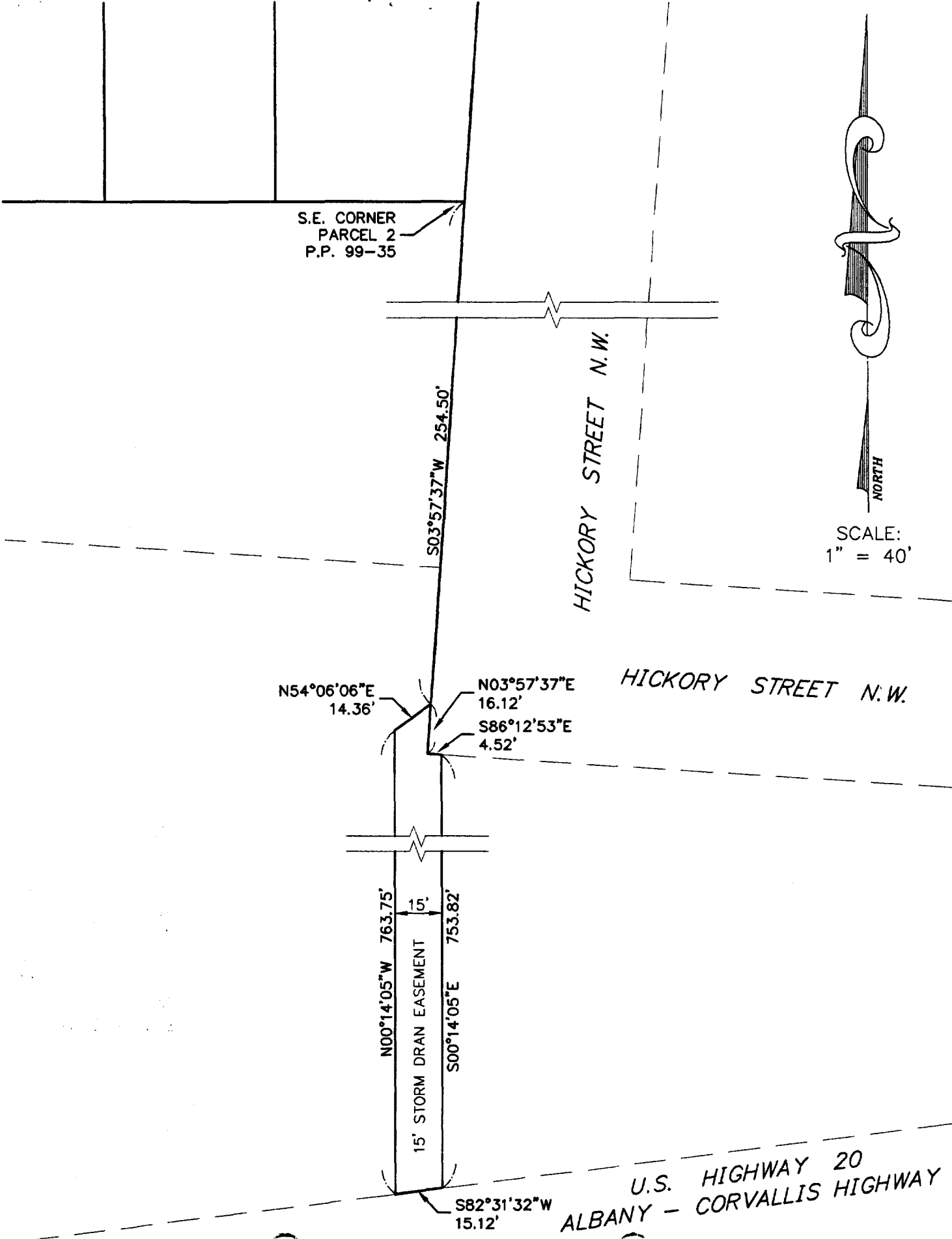


EXHIBIT A

Commencing at the Southeast corner of Parcel 2 of Partition Plat No. 99-35 as recorded in the Benton County Deed Records, said point being on the west right-of-way line of Hickory Street N.W.; thence South $03^{\circ}57'37''$ West, along the said west right-of-way line of Hickory Street N.W., a distance of 254.50 feet to the point of beginning of a Storm Sewer Easement; thence South $03^{\circ}57'37''$ West, continuing along the said west right-of-way line of Hickory Street N.W. a distance of 16.12 feet to a point; thence South $86^{\circ}12'53''$ East, along the south right-of-way line of Hickory Street N.W., a distance of 4.52 feet to a point on the east line of a parcel of land conveyed to Kenneth A. Griffin and Dayton G. Griffin, by deed recorded as instrument number M-153422-92, Deed Records for Benton County, Oregon; thence South $00^{\circ}14'05''$ East, along the said east line of the above described parcel, a distance of 753.82 feet to the north right-of-way line of U.S. Highway 20 (Albany-Corvallis Highway); thence South $82^{\circ}31'32''$ West, along the said north right-of-way line of Highway 20, a distance of 15.12 feet to a point; thence North $00^{\circ}14'05''$ West, parallel with the said east line of the above described parcel, a distance of 763.75 feet to a point; thence North $54^{\circ}06'06''$ East, a distance of 14.36 feet to the point of beginning, and containing 11,455 square feet of land. All being in Section 1, Township 11 South, Range 4 West, Willamette Meridian, Benton County Oregon;



SCALE:
1" = 40'

EXHIBIT 'B'

STATE OF OREGON } ss.
County of Benton } **278972**

I hereby certify that the within instrument
was received for record

PM 1:50 '00MAY02

AND 2000
ASSIGNED **M283362**

In the microfilm records of said county

Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

By *[Signature]* Deputy
4/15 GRS

Resolution No. 4254

Recorded Document Recorder File No. 3577