

RESOLUTION NO. 3152

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

Grantor

Oliver W. Petty and Loretta G. Petty,
husband and wife

Purpose

A twenty-five foot wide permanent public utility easement and a fifty foot wide temporary construction easement across that property located South of Gibson Hill Road NW and West of North Albany Road NW, City of Albany, Benton County, Oregon

DATED this 8 day of April, 1992.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20 day of MARCH, 1992, by and between Oliver W. Petty and Loretta G. Petty, 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 25-Foot Wide Permanent Utility Easement:

That portion of a 25-foot wide permanent utility easement as described below which is across those parcels of land conveyed to Oliver W. Petty and Loretta G. Petty, husband and wife, in Book 164, Page 258, Benton County Deed Records, and M-39472-82, Benton County Deed Records, 12.50-feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of the John Q. Thornton Donation Land Claim Number 37 in Section 36, Township 10 South, Range 4 West, Willamette Meridian; thence on the north line of said Donation Land Claim, said line also being the centerline of Gibson Hill Road, County Road Number 04910, North 89° 56' 30" East 3,074.48 feet; thence on the west line and northerly extension thereof of that parcel of land described in M-10417-79, Benton County Deed Records, South 00° 08' 30" East 423.01 feet, to the TRUE POINT OF BEGINNING; thence North 69° 08' 53" East 425.57 feet; thence South 83° 26' 18" East 504.83 feet, more or less, to the westerly right-of-way line of North Albany Road, County Road Number 14400, and there terminating.

And A 50-Foot Wide Temporary Construction Easement:

That portion of a 50-foot wide temporary construction easement as described below which is across those parcels of land conveyed to Oliver W. Petty and Loretta G. Petty, husband and wife, in Book 164, Page 258, Benton County Deed Records, and M-39472-82, Benton County Deed Records, 25.00-feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northwest corner of the John Q. Thornton Donation Land Claim Number 37 in Section 36, Township 10 South, Range 4 West, Willamette Meridian; thence on the north line of said Donation Land Claim, said line also being the centerline of Gibson Hill Road, County Road Number 04910, North 89° 56' 30" East 3,074.48 feet; thence on the west line and northerly extension thereof of that parcel of land described in M-10417-79, Benton County Deed Records, South 00° 08' 30" East 423.01 feet, to the TRUE POINT OF BEGINNING; thence North 69° 08' 53" East 425.57 feet; thence South 83° 26' 18" East 504.83 feet, more or less, to the westerly right-of-way line of North Albany Road, County Road Number 14400, and there terminating.

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.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation or maintenance purposes.

3. The easement granted is in consideration of \$ 4,445.00 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
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 the 25-foot permanent easement.

IN WITNESS WHEREOF, the Grantors have hereunto affixed their signatures this 20 day of MARCH, ~~1991~~ 1992 ^(npo)

Oliver W. Petty
Oliver W. Petty
Loretta G. Petty
Loretta G. Petty

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

The foregoing instrument was acknowledged before me this 20 day of MARCH, 1992, by Oliver W. Petty as his voluntary act and deed.

Notary Public for Oregon
Diane M Wood

My Commission Expires: 6-23-95

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



The foregoing instrument was acknowledged before me this 20 day of MARCH, 1992, by Loretta G. Petty as her voluntary act and deed.

Notary Public for Oregon
Diane M Wood

My Commission Expires: 6-23-95

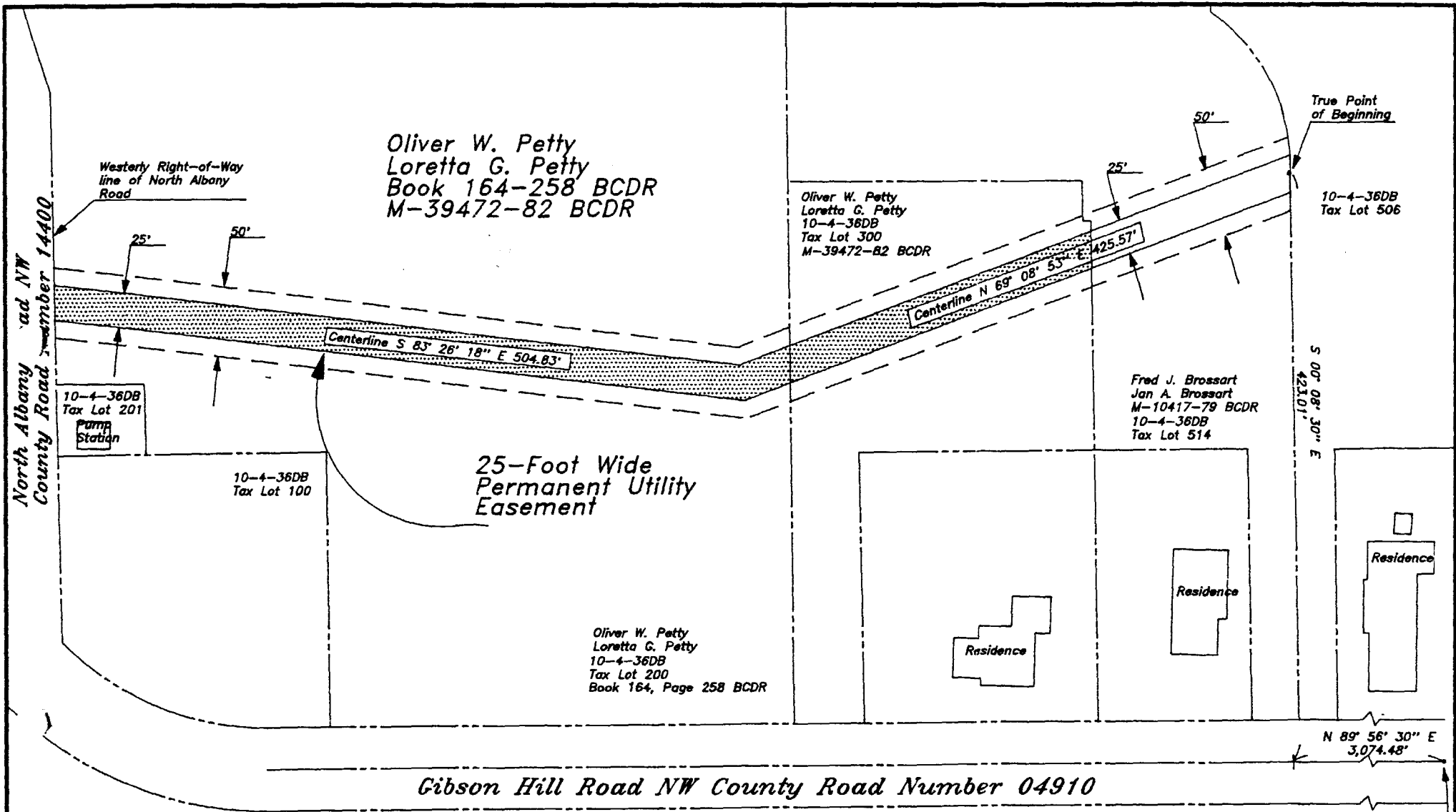
STATE OF OREGON)
County of Linn) ss.
City of Albany)



I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3152 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of April, 1992

CITY OF ALBANY, OREGON
Steve Bryant
City Manager

Noam C. Withrow
Deputy City Recorder



North Albany County Road Number 14400

Oliver W. Petty
Loretta G. Petty
Book 164-258 BCDR
M-39472-82 BCDR

Oliver W. Petty
Loretta G. Petty
10-4-36DB
Tax Lot 300
M-39472-82 BCDR

Fred J. Brossart
Jan A. Brossart
M-10417-79 BCDR
10-4-36DB
Tax Lot 514

10-4-36DB
Tax Lot 506

10-4-36DB
Tax Lot 201
Pump Station

10-4-36DB
Tax Lot 100

25-Foot Wide
Permanent Utility
Easement

Oliver W. Petty
Loretta G. Petty
10-4-36DB
Tax Lot 200
Book 164, Page 258 BCDR

Residence

Residence

Residence

Gibson Hill Road NW County Road Number 04910

N 89° 56' 30" E
3,074.48'

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

25-Foot Wide Permanent Utility Easement
50-Foot Wide Temporary Construction Easement
From Petty to the City of Albany
in Sec. 36, T. 10 S., R. 4 W., W.M.



Scale 1" = 100'

P.O.B. Northwest Corner of
the John Q. Thornton DLC
No. 37 in Section 36,
Township 10 South, Range
4 West, Willamette Meridian

*City of Albany
City Box 4900
Albany, Ore 97321*

80.00

STATE OF OREGON }
COUNTY OF BENTON }
- 137050

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECEIVED FOR RECORD

92 MAY 8 PM 8 40

AND ASSIGNED No 148060 1992

IN THE MICROFILM RECORDS OF SAID COUNTY
WITNESS MY HAND AND SEAL OF COUNTY AFFIXED

DANIEL G. BURK
DIRECTOR OF RECORDS & ELECTIONS

By *D. G. Burk*
DEPUTY

Resolution No. 3152

Recorded Document Recorder File No. 2182