

RESOLUTION NO. 3175

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

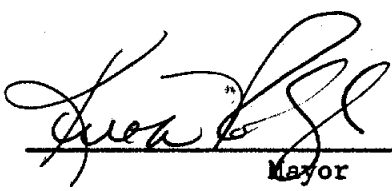
Grantor

Fred J. and Jan A. Brossart

Purpose

A twenty-five foot wide permanent public utility easement across that property located at 1490 North Albany Road NW, City of Albany, Linn County, Oregon, for the North Albany reservoir's fill line and storm drainage line.

DATED this 10 day of June, 1992.

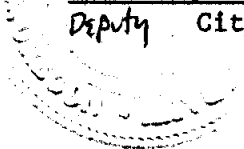


Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of May, 1992, by and between Fred J. Brossart and Jan A. Brossart, husband and wife, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

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

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 that parcel of land conveyed to Fred J. Brossart and Jan A. Brossart, husband and wife, in M-10417-79, 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 that parcel of land conveyed to Fred J. Brossart and Jan A. Brossart, husband and wife, in M-10417-79, 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 \$1.00 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 4th day of May, 1991. 1992

Fred J. Brossart
Fred J. Brossart
Jan A. Brossart
Jan A. Brossart

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

The foregoing instrument was acknowledged before me this 4th day of May, 1992, by Fred J. Brossart as his voluntary act and deed.

Notary Public for Oregon
Mary L. Long
My Commission Expires: 3-6-93

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

The foregoing instrument was acknowledged before me this 4th day of May, 1992, by Jan A. Brossart as her voluntary act and deed.

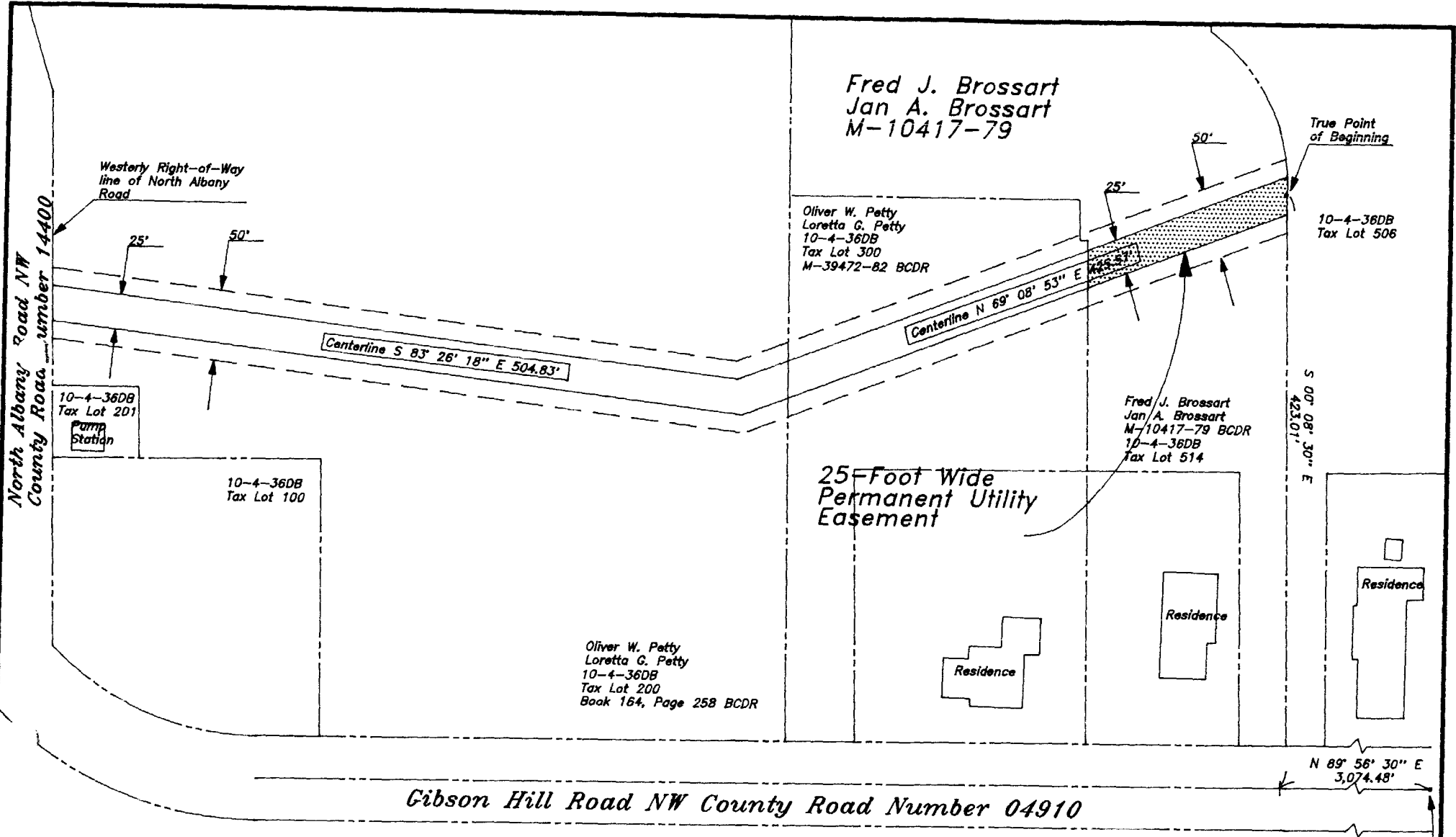
Notary Public for Oregon
Mary L. Long
My Commission Expires: 3-6-93

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 3175 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of June, 1992.

CITY OF ALBANY, OREGON
Steve Bryant
City Manager

Norm C. Withrow
City Recorder - 12/2/91



North Albany Road NW
County Road Number 14400

Fred J. Brossart
Jan A. Brossart
M-10417-79

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

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

10-4-36DB
Tax Lot 201
Pump Station

10-4-36DB
Tax Lot 100

10-4-36DB
Tax Lot 506

25-Foot Wide
Permanent Utility
Easement

Residence

Residence

Residence

Gibson Hill Road NW County Road Number 04910

N 89° 56' 30" E
3,074.48'

S 00° 08' 30" E
423.01'

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 Brossart to the City of Albany
in Sec. 36, T. 10 S., R. 4 W., W.M.



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

Scale 1" = 100'

STATE OF OREGON }
COUNTY OF BENTON } SS. 139836

I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECEIVED FOR RECORD

'92 JUL 10 AM 8 04

AND
ASSIGNED N^o 150943 1992

IN THE MICROFILM RECORDS OF SAID COUNTY

WITNESS MY HAND AND SEAL OF COUNTY AFFIXED

DANIEL G. BURK
DIRECTOR OF RECORDS & ELECTIONS

BY *Marilyn Penillard*
DEPUTY

Resolution No. 3175

Recorded Document Recorder File No. 2203