

RESOLUTION NO. 3268

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

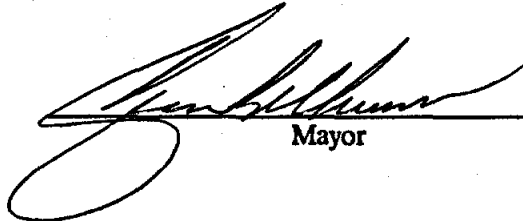
Grantor

Billy D. and Merced E. Henshaw; Richard K. and Shirley Henshaw; Rodney C. and Dorothy F. Henshaw; Stephen Henshaw and Michael Henshaw heirs to Clay C. Henshaw

Purpose

A permanent public utility easement for storm drainage improvements, to be constructed in conjunction with the Waverly Drive extension project, across Henshaw property located at 6150 Columbus Street SE.

DATED this 23 day of June, 1993.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24th day of MAY, 1993, by and between Billy D. and Merced E. Henshaw; Richard K. and Shirley Henshaw; Rodney C. and Dorothy F. Henshaw; Stephen Henshaw and Michael Henshaw heirs to Clay C. Henshaw, 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 is described as follows and is shown on the attached map labeled EXHIBIT A:

Commencing at the southwest corner of the Jordan S. Robinson DLC No. 55 in Section 20, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 00° 20' East 935.22 feet along the east line of the Robert Pentland DLC No. 69 in said Section 20; thence South 89° 42' West 40.00 feet to a point on the westerly right-of-way of Columbus Street and the True Point of Beginning, said point also being the southwest corner of that tract described in dedication deed to the City of Albany recorded October 21, 1992 in Volume 617, Page 66, Deed Records of Linn County, Oregon; thence continue South 89° 42' West 50.00 feet; thence South 00° 20' West, parallel with the westerly right-of-way of Columbus Street, 170.00 feet; thence North 89° 42' East 50.00 feet to a point on the aforementioned westerly right-of-way of Columbus Street; thence North 00° 20' East 170.00 feet along said westerly right-of-way to the True Point of Beginning.

Containing 8500 square feet, more or less.

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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTORS:

Billy D. Henshaw 5-18-93
Billy D. Henshaw Date

Merced E. Henshaw 5-18-93
Merced E. Henshaw Date

Richard K. Henshaw 5-24-93
Richard K. Henshaw Date

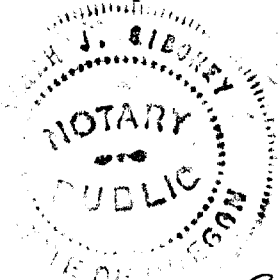
Shirley Henshaw 5/24/93
Shirley Henshaw Date

Deceased
Rodney C. Henshaw Date

Dorothy F. Henshaw 5/19/93
Dorothy F. Henshaw Date

Stephen Henshaw 5-18-93
Stephen Henshaw (Heir) Date

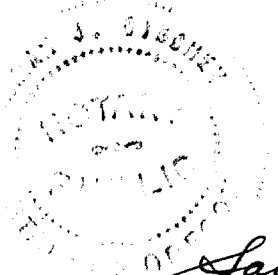
Michael Henshaw 5-18-93
Michael Henshaw (Heir) Date



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

The foregoing instrument was acknowledged before me this 18th day of May, 1993, by Billy D. Henshaw as his voluntary act and deed.

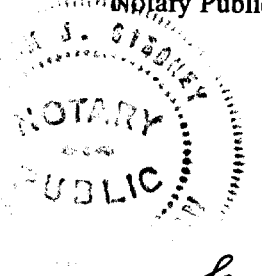
Sarah J. Stodney My Commission Expires: 2-28-94
Notary Public for Oregon



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

The foregoing instrument was acknowledged before me this 18th day of May, 1993, by Merced E. Henshaw as her voluntary act and deed.

Sarah J. Stodney My Commission Expires: 2-28-94
Notary Public for Oregon



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

The foregoing instrument was acknowledged before me this 24th day of May, 1993, by Richard K. Henshaw as his voluntary act and deed.

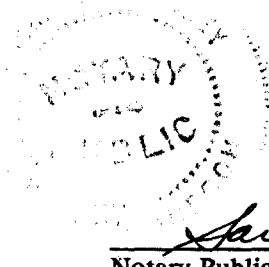
Sarah J. Stodney My Commission Expires: 2-28-94
Notary Public for Oregon



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

The foregoing instrument was acknowledged before me this 24th day of May, 1993, by Shirley Henshaw as her voluntary act and deed.

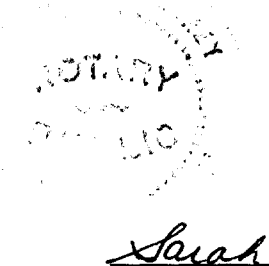
Sarah J. Shively My Commission Expires: 2-28-94
Notary Public for Oregon



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

The foregoing instrument was acknowledged before me this 19th day of May, 1993, by Dorothy F. Henshaw as her voluntary act and deed.

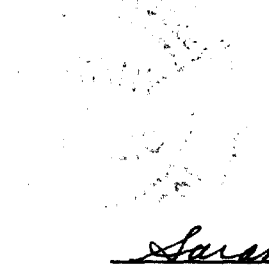
Sarah J. Shively My Commission Expires: 2-28-94
Notary Public for Oregon



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

The foregoing instrument was acknowledged before me this 18th day of May, 1993, by Stephen Henshaw as his voluntary act and deed.

Sarah J. Shively My Commission Expires: 2-28-94
Notary Public for Oregon



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

The foregoing instrument was acknowledged before me this 8th day of May, 1993, by Michael Henshaw as his voluntary act and deed.

Sarah J. Shively My Commission Expires: 2-28-94
Notary Public for Oregon

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 3268, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of June, 1993.



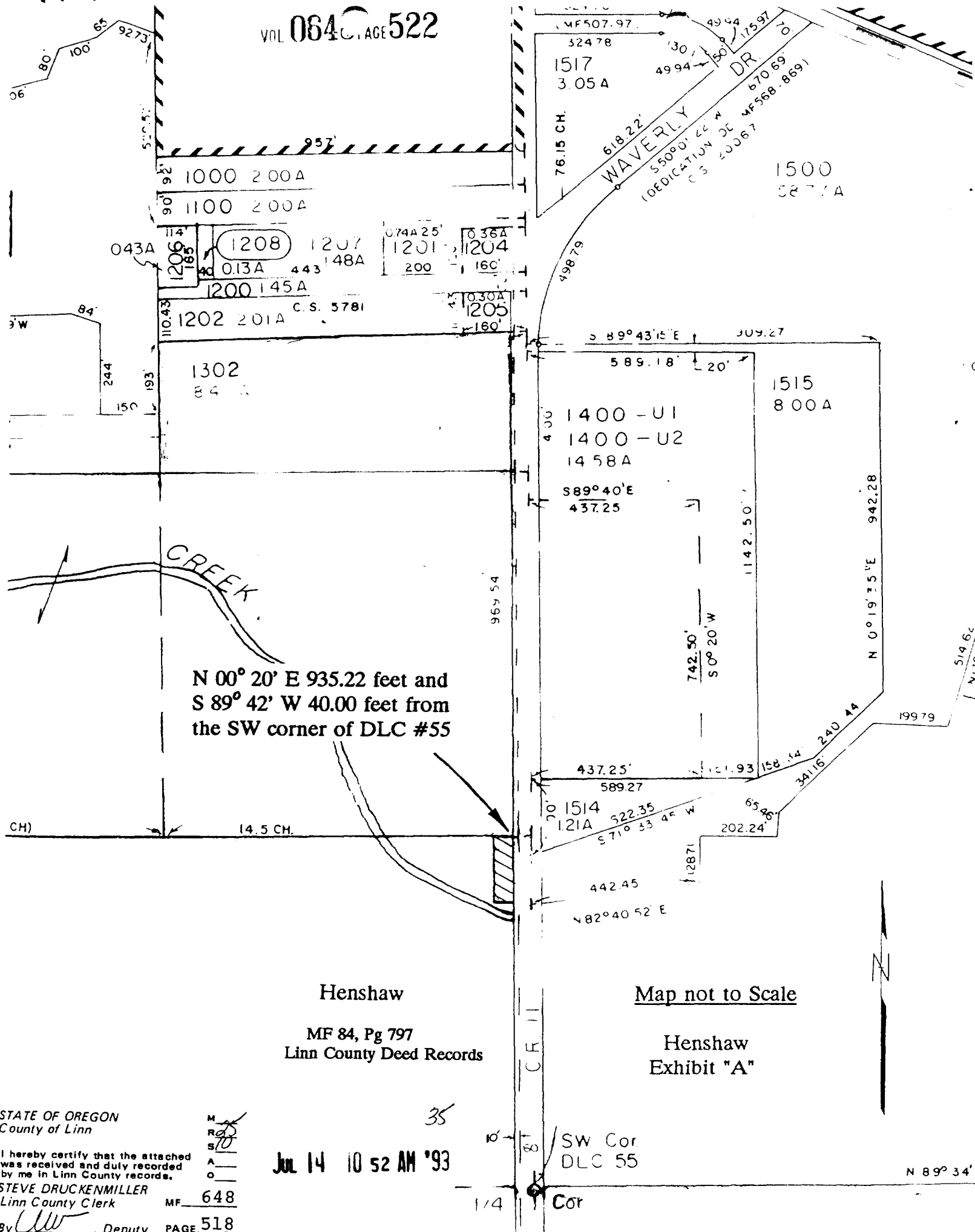
City Manager

ATTEST:



City Recorder





N 00° 20' E 935.22 feet and
S 89° 42' W 40.00 feet from
the SW corner of DLC #55

Henshaw

MF 84, Pg 797
Linn County Deed Records

Map not to Scale

Henshaw
Exhibit "A"

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]*, Deputy

M
R
S
A
O

MF 648
PAGE 518

35
Jul 14 10 52 AM '93

1/4 Cor

SW Cor
DLC 55

N 89° 34' W

Resolution No. 3268

Recorded Document Recorder File No. 2331