

RESOLUTION NO. 3397

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

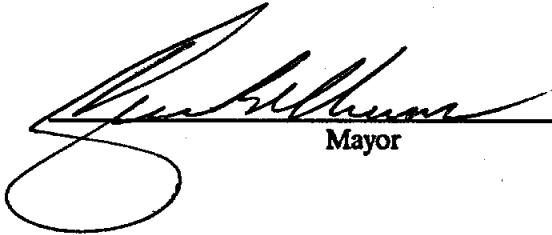
Grantor

Marie Richter, Trustee

Purpose

a public utility easement adjacent to Park Terrace NW and a public utility, sidewalk, and slope easement adjacent to Gibson Hill Road NW

DATED this 10th day of August 1994.

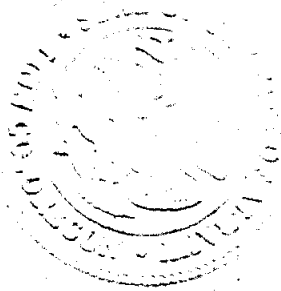


Mayor

ATTEST:



Deputy City Recorder



M-189415-94

EASEMENT FOR PUBLIC UTILITIES

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

THIS AGREEMENT, made and entered into this 14th day of July, 1994, by and between Marie Richter, Trustee for the Marie Richter Revocable Trust, 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 variable-width permanent (public utility adjacent to Park Terrace; public utility, sidewalk, and slope adjacent to Gibson Hill Road) easement across that property conveyed to Marie Richter, Trustee for the Marie Richter Revocable Trust, by deed recorded in M-149391-92, Benton County Deed Records, more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the north line of that parcel conveyed to Richter by deed recorded in M-149391-92, Benton County Deed Records, said point being 10.0 feet North 89° 52' East, 132 feet North 0° 13' West, and 15.735 chains North 89° 58' East along the claim line from the southwest corner of the Gallatin Adkins Donation Land Claim No. 43, in Township 10 South, Range 4 West of the Willamette Meridian, Benton County, Oregon; and running thence South 0° 13' East, parallel with the west line of said Richter parcel, 82.07 feet; thence on the arc of a 15.0 foot radius curve to the left (the long chord of which bears South 45° 07' 30" East 21.18 feet) 23.51 feet; thence North 89° 58' East, parallel with the south line of said Richter parcel, 40.07 feet to the angle point on the northerly line of that parcel conveyed to Benton County by deed recorded in M-58505-84, said Deed Records; continue North 89° 58' East, parallel with the south line of said Richter parcel, 100 feet to a point on the east line of said Richter parcel; thence North 0° 11' West, on the east line of said Richter parcel, 10.0 feet; thence South 89° 58' West, parallel with the south line of said Richter parcel, 148.03 feet; thence North 0° 13' West, parallel with the west line of said Richter parcel, 87.03 feet; thence South 89° 52' West, on the north line of said Richter parcel, 7.0 feet to the Point Of Beginning.

Containing 0.049 acre, 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.

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

GRANTOR:

Marie Richter, Trustee

Marie Richter, Trustee

CITY OF ALBANY:

STATE OF OREGON)
 County of Linn) ss.
 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 t Resolution Number 3397, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of August, 19 94.

The foregoing instrument was acknowledged before me this 14th day of July, 19 94, by Marie Richter, Trustee, as her voluntary act and deed.

Steve Bryant

 City Manager

Diane M Wood

 Notary Public for Oregon

ATTEST:

My Commission Expires: 6-23-95

Norm C. Withrow

 City Recorder



SCALE: 1" = 50'



Park Terrace

Gibson Way

POINT OF BEGINNING

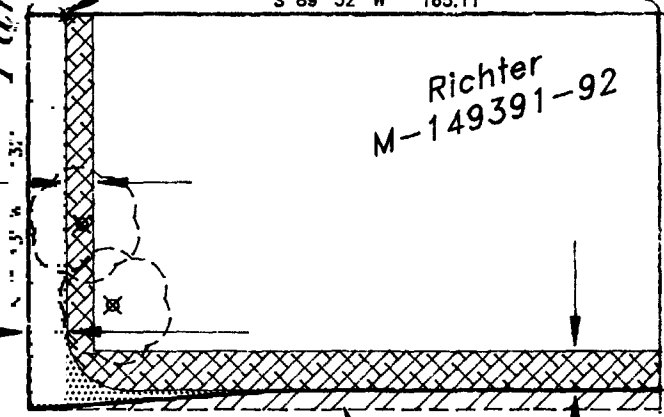
S 89° 52' W 165.11'

Richter
M-149391-92

S 0° 11' E 132'

7' Easement

Variable-Width
Right-of-Way to
be Dedicated to
the City of Albany



30'

15.735 Ch.

N 89° 58' E

165'

35'

65'

SW Corner
Gallatin Adkins
DLC No. 43

BENTON CO.
M-58505-84

10' Easement

30'

Gibson Hill Rd.

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JUNE 1994

Exhibit A:
Permanent Public Utility Easement
from Marie Richter, Tr., to the
City of Albany, Oregon

STATE OF OREGON }
County of Benton } ss. **179362**

I hereby certify that the within instrument
was received for record.

'94 SEP 1 PM 3 51

AND No 189415 1994
ASSIGNED

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

25- By  Deputy

Resolution No. 3397

Recorded Document Recorder File No. 2517