

RESOLUTION NO. 4013

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

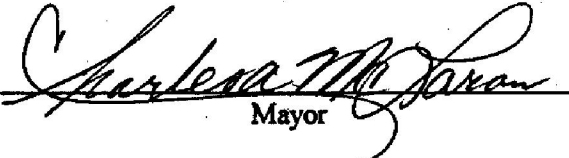
Thomas G. Burns and Sandra A. Burns

Purpose

A public water line easement, fifteen feet in even width, across that property conveyed in Benton County Deed Record 81097-86.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 9TH DAY OF SEPTEMBER 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31 day of August, 1998, by and between Thomas G. Burns and Sandra A. Burns, 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:

See attached legal description labeled EXHIBIT A and 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.

The temporary easement described herein grants to the City, and to 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, or maintenance purpose.

- 3. The easement granted is in consideration of \$385.00, 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 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.

GRANTOR:

Thomas G. Burns  
Thomas G. Burns

Sandra A. Burns  
Sandra A. Burns

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

The foregoing instrument was acknowledged before me this 31 day of Aug, 1998, Thomas G. Burns and Sandra A. Burns as his/her/their voluntary act and deed.

Nancy V Karpinski  
Notary Public for Oregon

My Commission Expires: 4-18-2002

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 4013, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of September, 1998.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder



EXHIBIT A15' PUBLIC WATER LINE EASEMENT

A public water line easement, fifteen feet in even width, across that property conveyed in Benton County Deed Record 81097-86; more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at a point on the northerly right of way line of Thornton Lake Drive which is 40.49 feet N00°10'00"E and 188.22 feet S81°34'43"W from the Southeast corner of the tract described in Book 86, page 587, Benton County Deed Records, said corner being on the northerly right of way of the Southern Pacific Company's Railroad and on the north-south centerline of Section 2, Township 11 South, Range 4 West, Willamette Meridian, Benton County Oregon; running thence along the northerly right of way line of Thornton Lake Drive N81°34'43"E 429.68 feet to a 5/8" iron rod; thence N8°11'24"W 339.71 feet to a 5/8" iron rod; thence N89°50'00"W 189.37 feet to a 5/8" iron rod on the centerline of Section 2; thence along said center line N00°10'00"E 153.30 feet to the Point of Beginning; thence N00°10'00"E 15 feet; thence N89°50'00"W 37.94 feet to a point on a curve (chord bears S54°04'15"W, 120.69 feet); thence along said curve to the right a distance of 19.06 feet; thence S89°50'00"W 49.89 feet to the Point of Beginning.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement across that property conveyed in Benton County Deed Record 81097-86; more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at a point on the northerly right of way line of Thornton Lake Drive which is 40.49 feet N00°10'00"E and 188.22 feet S81°34'43"W from the Southeast corner of the tract described in Book 86, page 587, Benton County Deed Records, said corner being on the northerly right of way of the Southern Pacific Company's Railroad and on the north-south centerline of Section 2, Township 11 South, Range 4 West, Willamette Meridian, Benton County Oregon; running thence along the northerly right of way line of Thornton Lake Drive N81°34'43"E 429.68 feet to a 5/8" iron rod; thence North8°11'24"West 339.71 feet to a 5/8" iron rod; thence N89°50'00"W 189.37 feet to a 5/8" iron rod on the centerline of Section 2; thence along said center line N00°10'00"E 163.30 feet to the Point of Beginning; thence N00°10'00"E 10 feet; thence N89°50'00"W 32.52 feet to a point on a curve (chord bears S54°04'15"W, 120.69 feet); thence along said curve to the right a distance of 11.33 feet; thence S89°50'00"W 37.94 feet to the Point of Beginning.

EXHIBIT B  
PUBLIC WATER LINE EASEMENT  
114W-2AC-01501  
625 SCENIC DRIVE

INITIAL REFERENCE POINT:  
N 00° 10' 00" E 40.49 feet and S 81° 34' 43" W 188.22 feet from the Southeast corner of the tract of land described in Book 86, page 587, Benton County Deed Records, said corner being on the northerly right of way of the Southern Pacific Company's Railroad and on the north-south centerline of Section 2, T. 11 S., R. 4 W., Willamette Meridian, Benton Co., Oregon.

N 81° 34' 43" E 429.68'

N 8° 11' 24" W 339.71'

N 89° 50' 00" W 189.37'

N 00° 10' 00" E 153.30'

TO THE POINT OF BEGINNING:

1. N 00° 10' 00" E 15.00'

2. N 89° 50' 00" W 37.94'

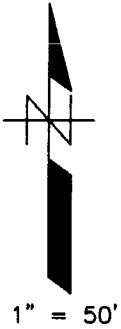
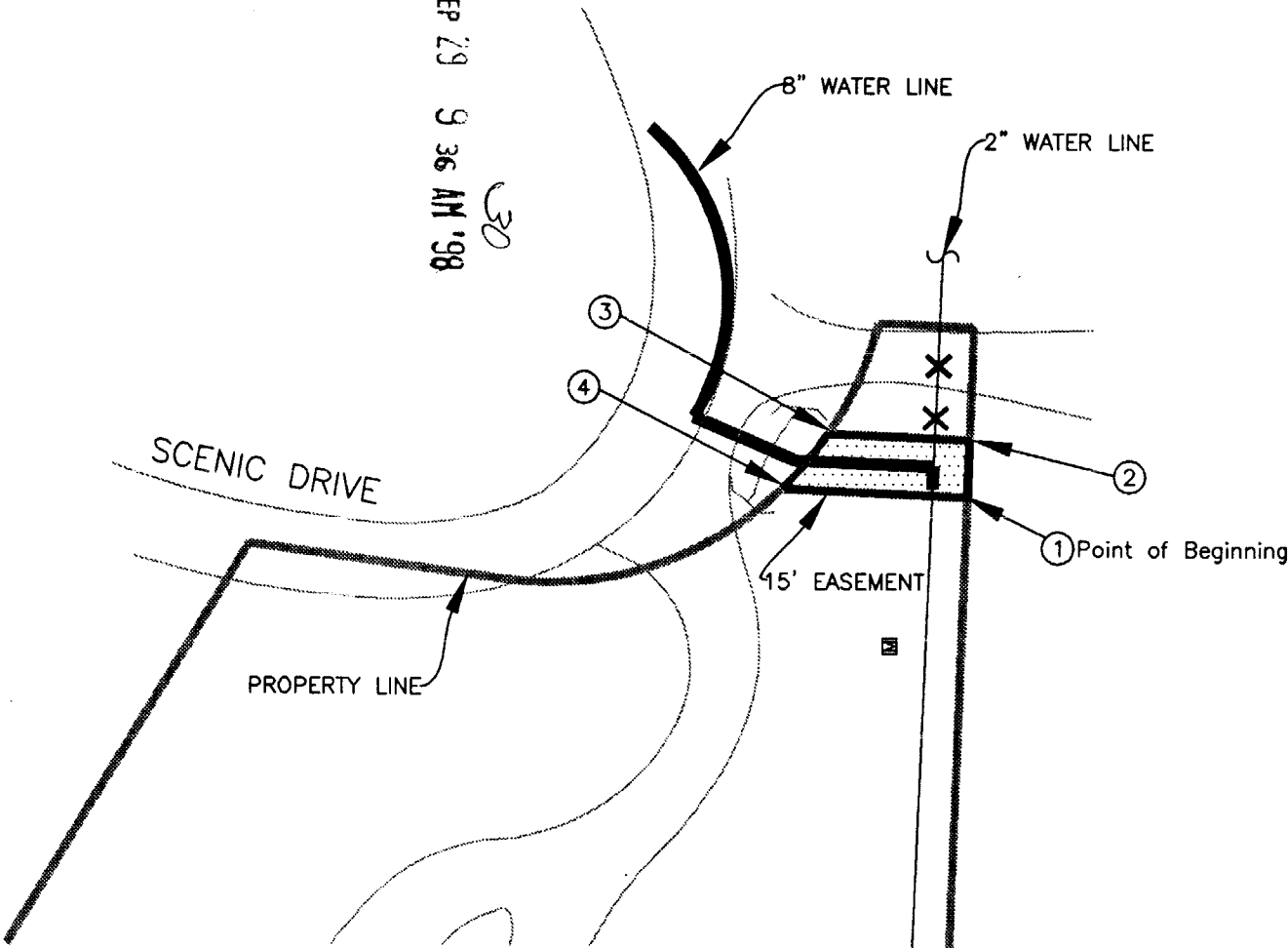
3. 19.06' along 90.89 radius curve, chord bears S 54° 04' 15" W

4. S 89° 50' 00" W 49.89'

STATE OF OREGON  
County of Linn  
I hereby certify that the attached was received and duly recorded by me in Linn County records,  
STEVE DRACKENMILLER  
Linn County Clerk  
By *[Signature]* Deputy  
MF 976  
PAGE 683

SEP 29 9 36 AM '98

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STATE OF OREGON }  
County of Benton } **SS 249302**

I hereby certify that the within instrument  
was received for record


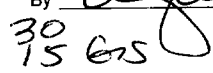
RECORDED 21 APR 1998

AND  
ASSIGNED **M 255161**

1998

In the microfilm records of said county

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

By   
30 15 625  Deputy

Resolution No. 4013

Recorded Document Recorder File No. 3255