

RESOLUTION NO. 4196

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Steve Becker and Lynda Becker

Purpose

A 10-foot wide permanent public utility easement, more particularly described in attached EXHIBIT "A", shown in attached EXHIBIT "B", and located in attached EXHIBIT "C".

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 10TH DAY OF NOVEMBER, 1999.

  
\_\_\_\_\_  
Mayer  
Council President

ATTEST:

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

4190

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 6<sup>th</sup> day of July, 1999, by and between Steve and Lynda Becker, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 10-foot wide public utility easement, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B" and EXHIBIT "C".
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, 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 Grantor does 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

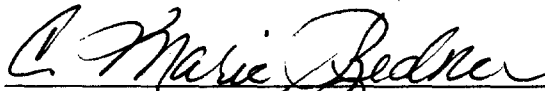
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hands and seal the day and year above written.

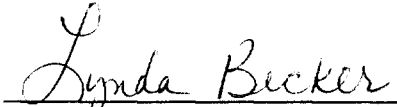
**GRANTOR:**

  
\_\_\_\_\_  
Steve Becker

STATE OF OREGON )  
County of Linn Benton  
City of Albany )

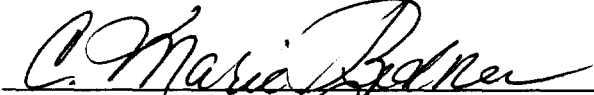
The foregoing instrument was acknowledged before me this 6th day of July, 1999, by Steve Becker as his voluntary act and deed.

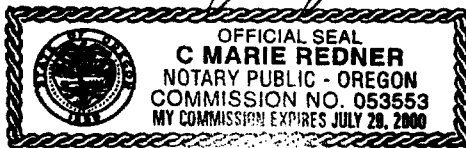
  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: July 29, 2000

  
\_\_\_\_\_  
Lynda Becker

STATE OF OREGON )  
County of Linn Benton  
City of Albany )

The foregoing instrument was acknowledged before me this 6th day of July, 1999, by Lynda Becker as her voluntary act and deed.

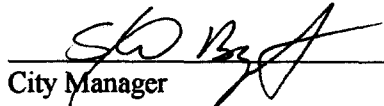
  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: July 29, 2000



**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 4196 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of November, 1999.

  
\_\_\_\_\_  
City Manager

**ATTEST:**

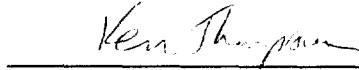
  
\_\_\_\_\_  
City Recorder

EXHIBIT "A"

The following describes a portion of that property described in M - 255504-98 of the Benton County deed records:

The northerly 40 feet of even width of that property described in M - 255504-98. All lying within the Northeast Quarter Section 35, Township 10 South, Range 4 West, Willamette Meridian, in the City of Albany, County of Benton, State of Oregon.

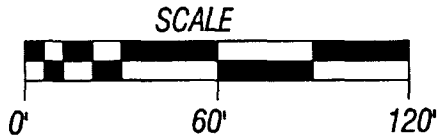
Also a 10' public utility easement of even width lying southerly and coincident to the above described parcel.



EXP 06/30/00

# EXHIBIT "B"

NE 1/4 S 35, T 10 S, R 4 W, W.M.  
CITY OF ALBANY, BENTON COUNTY, OR



DOVER AVENUE

LAURA VISTA DRIVE

SCENIC MEADOWS  
PHASE II

40' R.O.W.  
DEDICATION

10' P.U.E.

SUBJECT PROPERTY

BENTON COUNTY DEED RECORDS  
M-255504-98  
TAX LOT NUMBER 100  
MAP NUMBER 10 4 35AD

PREPARED BY: PacWest Engineering  
1530 Ninth Ave.  
Albany, OR 97321

EXHIBIT "C"

PROJECT SITE



CITY LIMITS / URBAN GROWTH BOUNDARY LINE

RAVENWOOD DR.

LAURA DR.

WISTA DR.

S. SUNNY LN.

DOVER LN.

NW GIBSON HILL DR.

PULVER LN.

12th AVE.

SKYLINE DR.

BROADWAY

ALBANY RD.

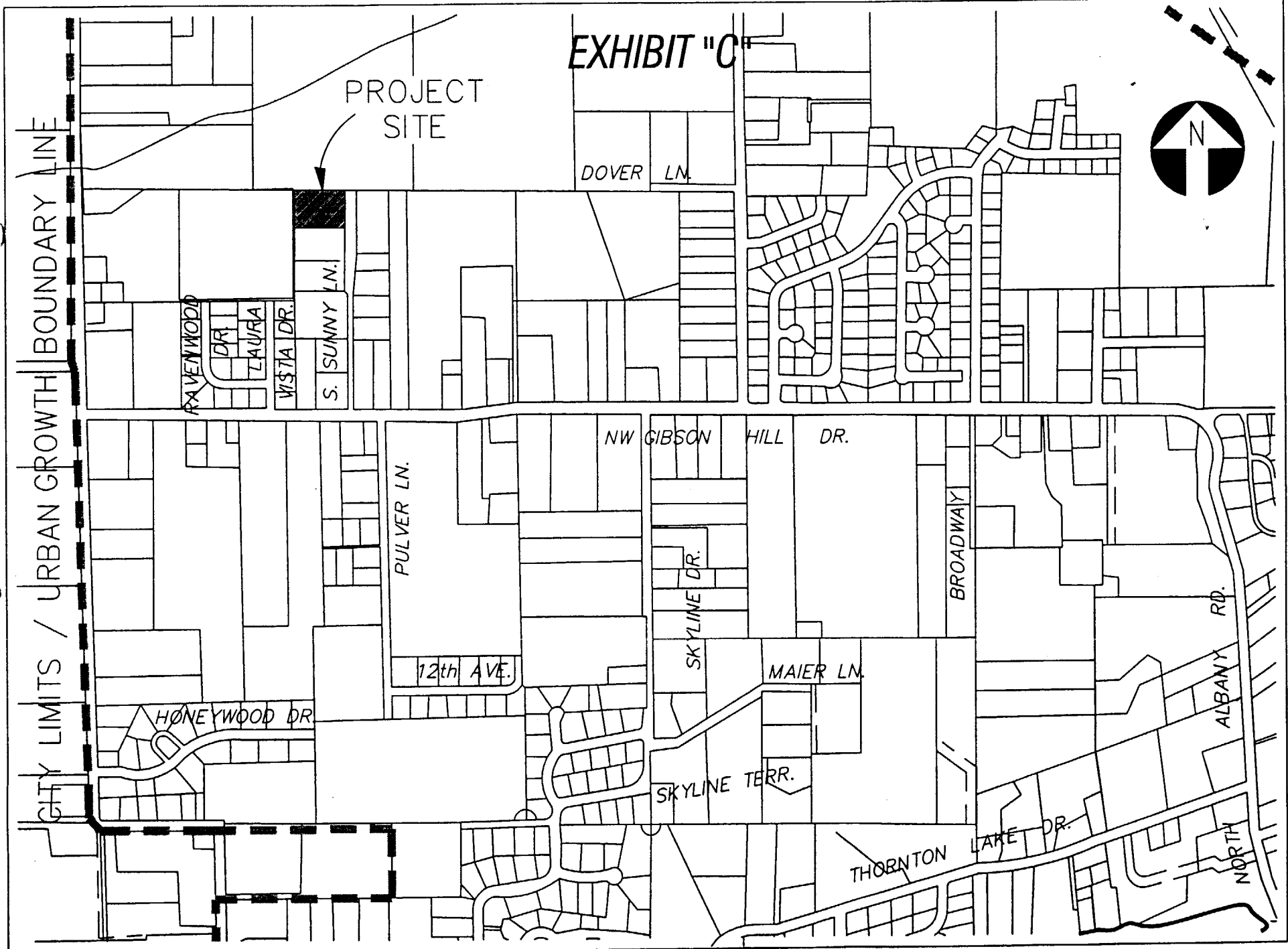
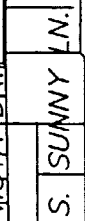
HONEYWOOD DR.

MAIER LN.

SKYLINE TERR.

THORNTON LAKE DR.

NORTH



STATE OF OREGON } SS.  
County of Benton }

**271887**

I hereby certify that the within instrument  
was received for record

'99NOV23 PM 2:10

AND  
ASSIGNED **M276613** 1999

In the microfilm records of said county

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

By  Deputy  
35  
15 G.S.

Resolution No. 4196

Recorded Document Recorder File No. 3487