

RESOLUTION NO. 4217

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Randy Tripp and Rodney W. Tripp

Purpose

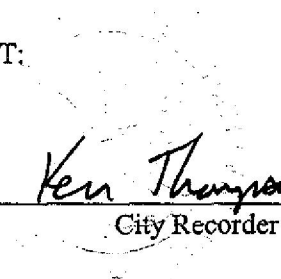
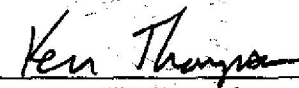
A 15-foot-wide permanent public utility easement, more particularly described in the attached easement document, as shown in attached EXHIBIT "A", and located in attached vicinity map.

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

DATED THIS 26TH DAY OF JANUARY 2000.


Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 13 day of January, 2000, by and between **Randy Tripp**, herein called Grantors, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City." Rodney W.
Tripp

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: Beginning at a point that is the Northeast corner of Lot 3, Block 6, Eastgate Park Subdivision, City of Albany, Linn County, Oregon, Section 9, Township 11 South, Range 3 West, of the Willamette Meridan, point being on the West right-of-way line of Interstate No. 5, thence South 89°45'30" West 150.03 feet to a point on the East line of Lehigh Way right-of-way; thence along East line of said right-of-way on a curve to the right with a radius of 1600 feet which chord bears South 38°48'39" West 19.32 feet to a point on said right-of-way; thence North 89°45'30" East 162.24 feet to a point on the West right-of-way line of Interstate No.5 ; thence along said right-of-way line North 0°23'30" West 15.00 feet to the point of beginning.
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 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

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

GRANTOR:

Randy Tripp
Randy Tripp

Rodney W. Tripp
Rodney W. Tripp

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

The foregoing instrument was acknowledged before me this 13-day of January, 2000 by his voluntary act and deed.

Cheryl Lynn Kirby
Notary Public for Oregon
My Commission Expires: 2/9/03

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4217, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of January, 2000.

Steve Bryant
City Manager

ATTEST:

Ken Thompson
City Recorder

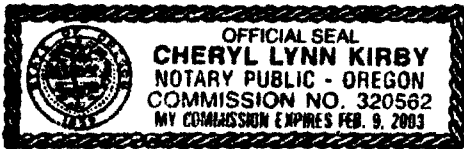
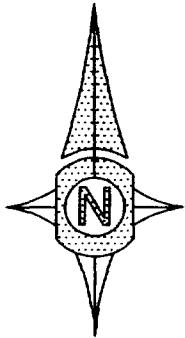


EXHIBIT "A"

SEC. 9, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON



16TH AVENUE

LEHIGH WAY

R = 160'
CH = S38°48'39"W
19.32'

(S89°45'30"W 150.03') C.S. 7704

8" PUBLIC SS

N89°45'30"E 162.24'

3
BLOCK 6
EAST GATE PARK
SUBDIVISION

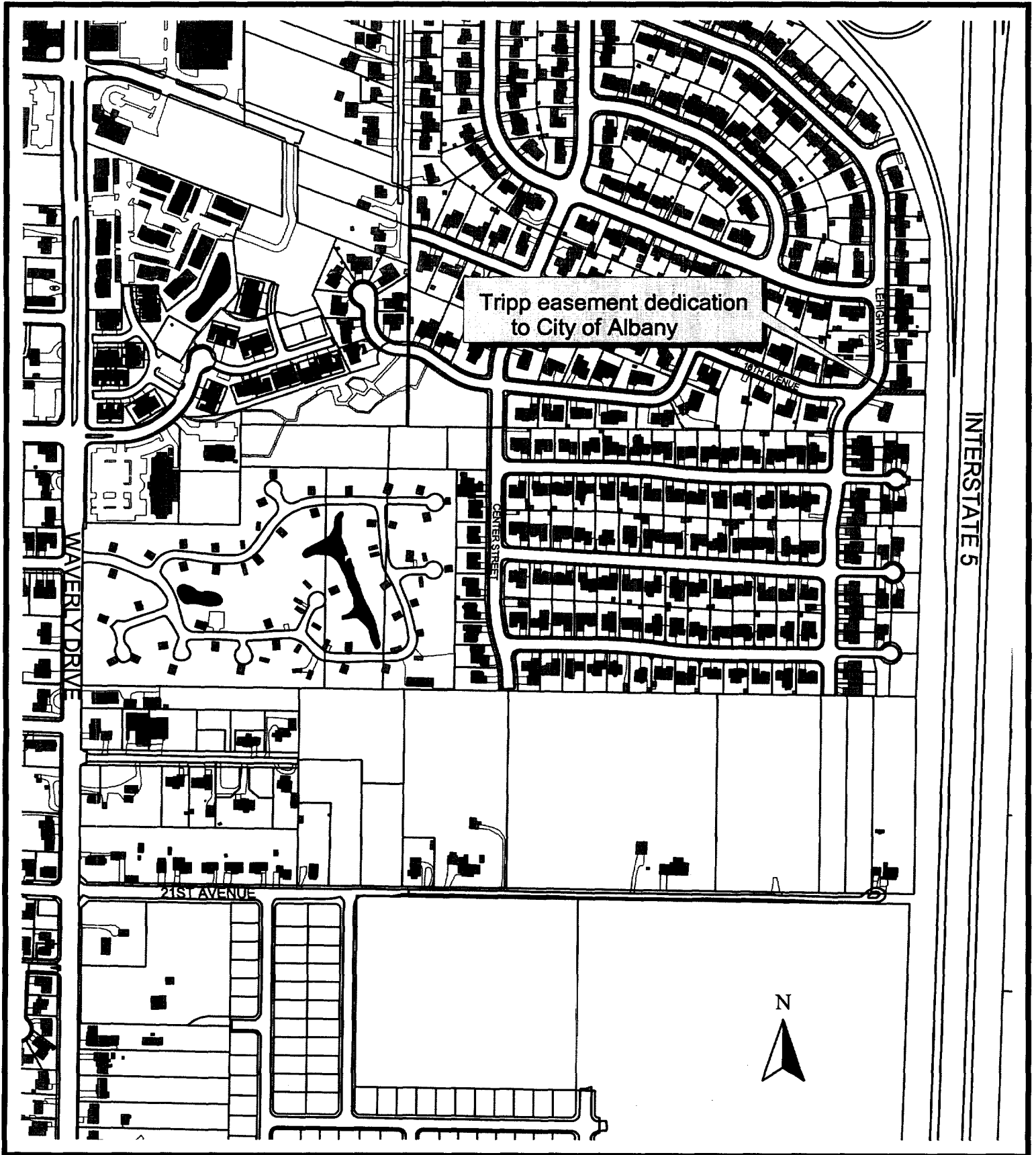
(N88°33'20"E 243.06') C.S. 7704

EXIST. 8" PUBLIC SS
7704
(N07°23'30"W 128.59') C.S. 7704

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VICINITY MAP

Tripp easement dedication to City of Albany



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 PA, Deputy

M
R
S
A
O

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FEB 4 2 24 PM '00

MF 1088

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Recorded Document Recorder File No. 3537