

RESOLUTION NO. 4394

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Lawrence D. Anderson

Purpose

A permanent 50-foot wide public utility easement more particularly described in the attached "EXHIBIT A", shown in the attached drawing "Exhibit B" and located on the attached Vicinity Map.

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

DATED 28TH DAY OF FEBRUARY 2001



Mayor

ATTEST:



City Recorder

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17th day of JANUARY, 2001 by and between **Lawrence D. Anderson**, herein 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, 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 50.0 foot wide permanent public utility easement across a portion of land in the Northwest ¼ of Section 36, Township 10 South, Range 4 West, of the Willamette Meridian, described in the attached legal description labeled "EXHIBIT A" and shown on the 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.
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 by Grantor on this easement.

<p>After recording, return to: City of Albany, Engineering P.O. Box 490 Albany, OR 97321</p>
--

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

GRANTOR:

Lawrence D. Anderson
Lawrence D. Anderson

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 to Resolution Number 4394, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28 day of February, 2001

The foregoing instrument was acknowledged before me this 17th day of January, 2001, by Lawrence D. Anderson as his voluntary act and deed.

Steve Bryant
City Manager

ATTEST:

Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2004

Ken Thompson
City Recorder

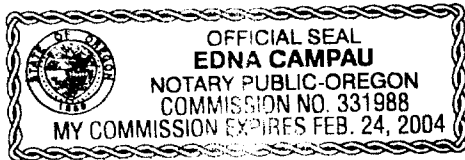


EXHIBIT "A"
LAWRENCE ANDERSON
50-FOOT PUBLIC UTILITY EASEMENT
LEGAL DESCRIPTION

A portion of that track of land as described in Microfilm Volume M240853-98 of the Benton County Deed Records and more particularly described as the Northwest ¼ of, Section 36, Township 10 South, Range 4 West, of the Willamette Meridian, described as follows:

Beginning at 5/8" iron rod which is the Northwest corner of Parcel 3 of Partition Plat 1999-39; thence North 89°48'00" West 50.00 feet; thence South 00°12'00" West 180.00 feet; thence South 89°48'00" East 50.00 feet to a point on the West line of Parcel 3 of Partition Plat 1999-39; thence North 00°12'00" East 180.00 feet along said west line to the point of beginning.

NW 1/4 SEC. 36, T. 10 S., R. 4 W., W.M.
ALBANY, BENTON COUNTY, OREGON

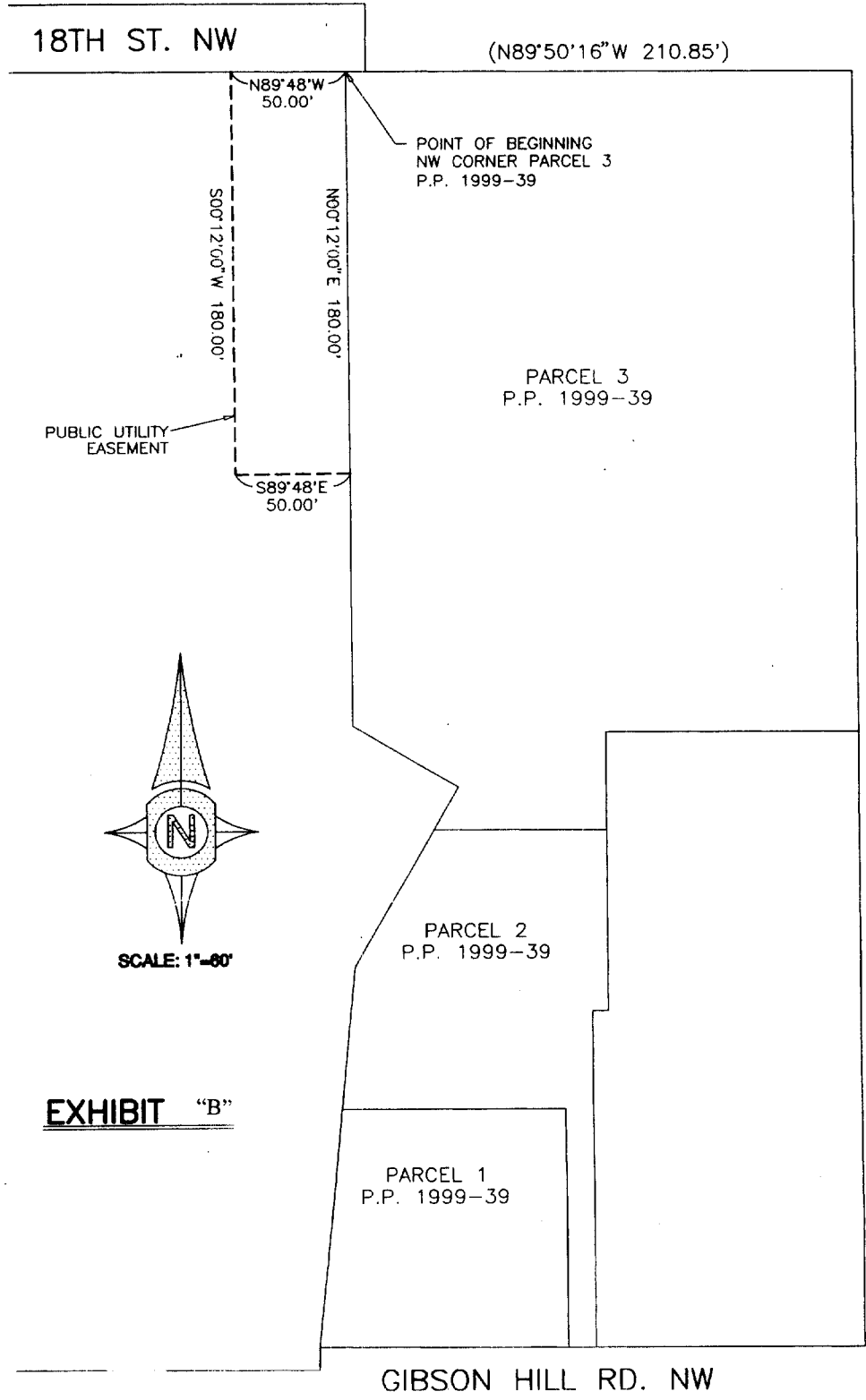
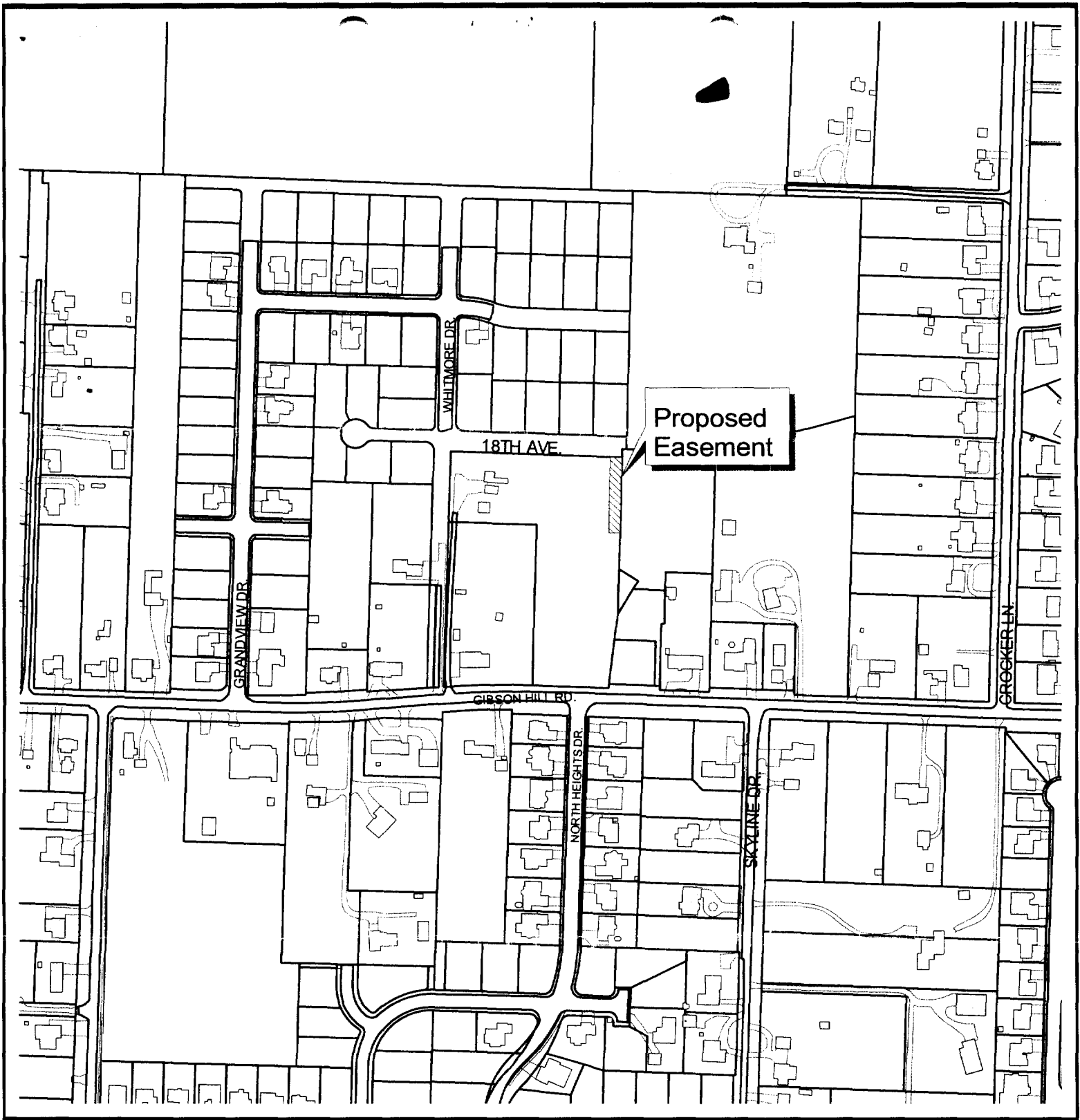


EXHIBIT "B"



VICINITY MAP

ANDERSON PUBLIC UTILITY EASEMENT



Engineering

Mike Brash ET IV

john1 j:\av_proj\vicinity_maps.apr

Feb 14th, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



By John K. Anderson 46 15 625
Deputy
County Administrative Officer

JOHN K. ANDERSON
Witness My Hand and Seal of County Affixed
In the microfilm records of said county

AND ASSIGNED
M296569
2000

PM 1:59:01 APR 05

STATE OF OREGON }
 } ss.
County of Benton }
293147
I hereby certify that the within instrument
was received for record

MAR 30 2001

Resolution No. 4394

Recorded Document Recorder File No. 3762