

RESOLUTION NO. 4913

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Richard and Cynthia Robideaux

Purpose

A permanent public utility easement more particularity shown in attached EXHIBIT B and described in attached EXHIBIT A.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2003.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR CITY OF ALBANY PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7 day of Oct, 2003, by and between **Richard and Cynthia Robideaux**, 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 water, sanitary sewer, or storm drainage 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 permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.
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.

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

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

GRANTORS:

Richard Robideaux  
Richard Robideaux

Cynthia Robideaux  
Cynthia Robideaux

Rachel M Fisher  
Notary Public for Oregon  
My Commission Expires: 3/17/2007

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



The foregoing instrument was acknowledged before me this 7 day of October, 2003, by **Richard and Cynthia Robideaux** as their voluntary act and deed.

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 4913, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of November 2003.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

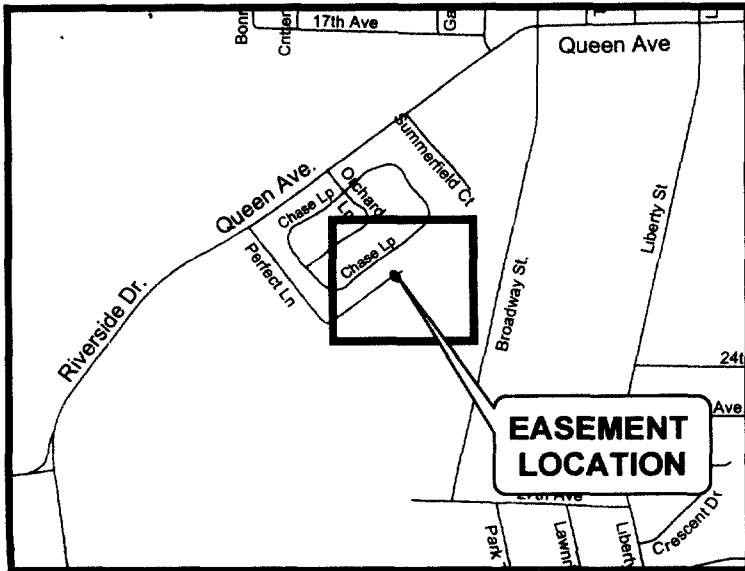


## Exhibit A

Legal Description for Robideaux-to-City of Albany utility easement:

Beginning at the westernmost property corner of the property conveyed to Richard and Cynthia Robideaux by a deed recorded in Linn County Microfilm Deed Records Volume 1198, Page 559; thence northeast 10.0 feet along the southeast boundary of Chase Orchards Planned Community – Phase 3, recorded in the Linn County Record Book of Plats Volume 19, Page 50 on April 16, 1998; thence southeasterly 30.0 feet parallel with the southwest property line of said Robideaux property; thence southwesterly 10.0 feet to the northernmost property corner of that property conveyed to Robert and Karen Young by a deed recorded in Linn County Microfilm Deed Records Volume 414, Page 539; thence northwest 30.02 feet along the southwest property line of said Robideaux property to the point of beginning.

As shown on the attached map labeled Exhibit B.



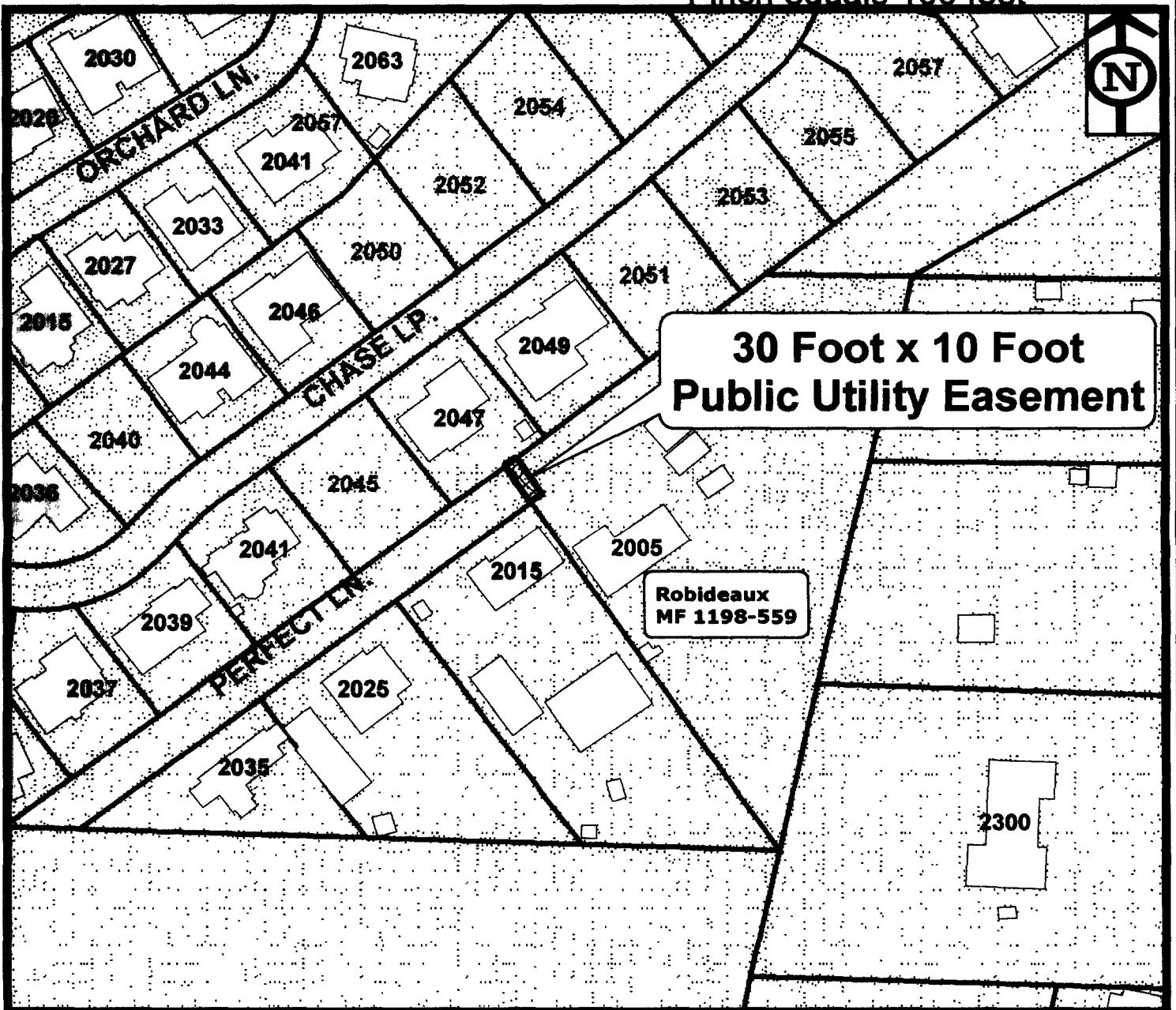
**Richard Robideaux  
Cynthia J C Robideaux**

**11S04W13BA05400  
City of Albany  
Linn Co., OR**

**Perfect Lane Water Line  
Public Utility Easement**

**VICINITY MAP**

1 inch equals 100 feet



**30 Foot x 10 Foot  
Public Utility Easement**

**Robideaux  
MF 1198-559**

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

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MF 1521

By WAB Deputy PAGE 918

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Recorded Document Recorder File 4340