

RESOLUTION NO. 3914

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Mark D. Azevedo and Kathy Lynn Cook

Purpose


A permanent public water line easement, 15 feet in even width across that property conveyed in Benton County Deed Records 182222-94.


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

DATED THIS 25TH DAY OF FEBRUARY 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13th day of February, 1998, by and between Mark D. Azevedo and Kathy Lynn Cook, 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, undergrowth, 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:

15-FOOT PUBLIC WATER LINE EASEMENT

A public water line easement, fifteen feet in even width across that property conveyed in Benton County Deed Record 182222-94; more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a point, said point being 795.90 feet North 0° 09' 23" West, and 718.8 feet North 89° 43' 40" East from the southwest corner of the J. Quinn Thornton Donation Land Claim No. 37; thence 15 feet North 89° 43' 40" East; thence 125 feet South 2° 15' 58" West; thence 15 feet parallel and adjacent to a line running North 89° 43' 40" East; thence 125 feet South 2° 15' 58" East to the True Point of Beginning.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement across that property conveyed in Benton County Deed Record 182222-94; more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a point, said point being 795.90 feet North 0° 09' 23" West, and 733.8 feet North 89° 43' 40" East from the southwest corner of the J. Quinn Thornton Donation Land Claim No. 37; thence 10 feet North 89° 43' 40" East, thence 125 feet South 2° 15' 58" West; thence 10 feet parallel and adjacent to a line running North 89° 43' 40" East; thence 125 feet South 2° 15' 58" East to the True 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.

The temporary easement described herein grants to the City, and 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, repair, evaluation, or maintenance purposes.

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

Recorder Albany, OR 97321

Return to:

- 3. The easement granted is in consideration of \$2,400.00, 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.

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

GRANTOR:

Mark D. Azevedo  
Mark D. Azevedo

Kathy Lynn Cook  
Kathy Lynn Cook

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

The foregoing instrument was acknowledged before me this 13th day of February, 1998, by Mark D. Azevedo and Kathy Lynn Cook as his/her/their voluntary act and deed.

C. Marie Redner  
Notary Public for Oregon  
My Commission Expires: July 29, 2000

WL-97-5  
AZEVEDO.W75



CITY OF ALBANY:

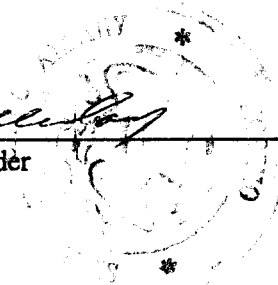
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3914, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of February, 1998.

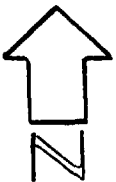
Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

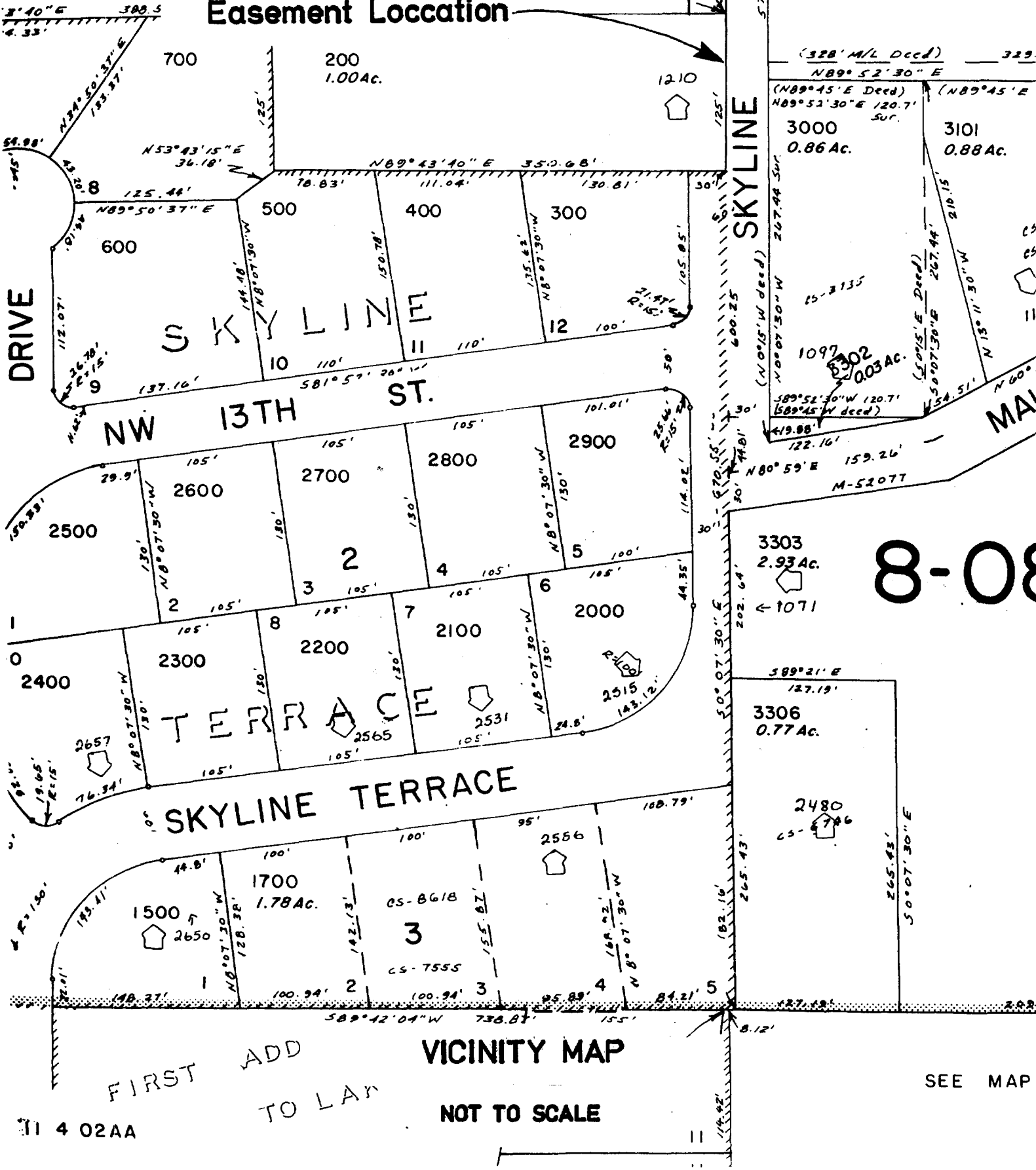






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### Easement Location



### VICINITY MAP

NOT TO SCALE

FIRST ADD TO LAR

SEE MAP

4 02AA

# 8-08

STATE OF OREGON }  
County of Benton } SS. **237093**

I hereby certify that the within instrument  
was received for record

'98APR01 PM 2:23

AND ASSIGNED **M 243954** 1998

In the microfilm records of said county

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

By *[Signature]* Deputy  
35  
15 63

*Incorrectly recorded at  
Linn County. Should be Benton County*

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** MF. 926  
Linn County Clerk

By *[Signature]*, Deputy PAGE 263

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Resolution No. 3914

Recorded Document Recorder File No. 3124