

RESOLUTION NO. 4130

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Kenneth E. Royer and Betty K. Royer

Purpose

A 10-foot wide permanent easement for a public water line, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".

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

DATED THIS 9TH DAY OF JUNE 1999.



Mayor

ATTEST:



City Recorder Clerk



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31st day of May, 1999, by and between Kenneth E. Royer and Betty K. Royer, 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 permanent water line easement more particularly described in attached EXHIBIT "A" and shown in attached 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 a new 1-inch water service from Sarah Avenue, 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.

CITY of Albany
FINANCE DEPT
PO Box 490
Albany, OR 97321

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

GRANTOR:

CITY OF ALBANY:

Kenneth E. Royer
Kenneth E. Royer

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

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

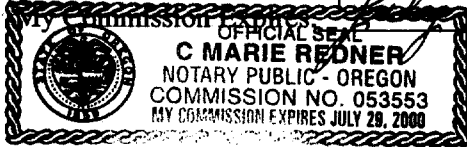
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4130 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of June, 1999.

The foregoing instrument was acknowledged before me this 21st day of May, 1999, by Kenneth E. Royer as his voluntary act and deed.

Steve Bryant
City Manager

C. Marie Redner
Notary Public for Oregon

ATTEST:



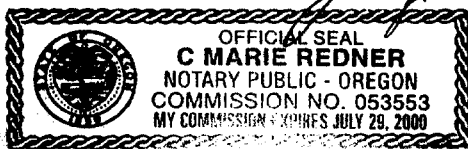
Betty Laquell
City Recorder

Betty K. Royer
Betty K. Royer

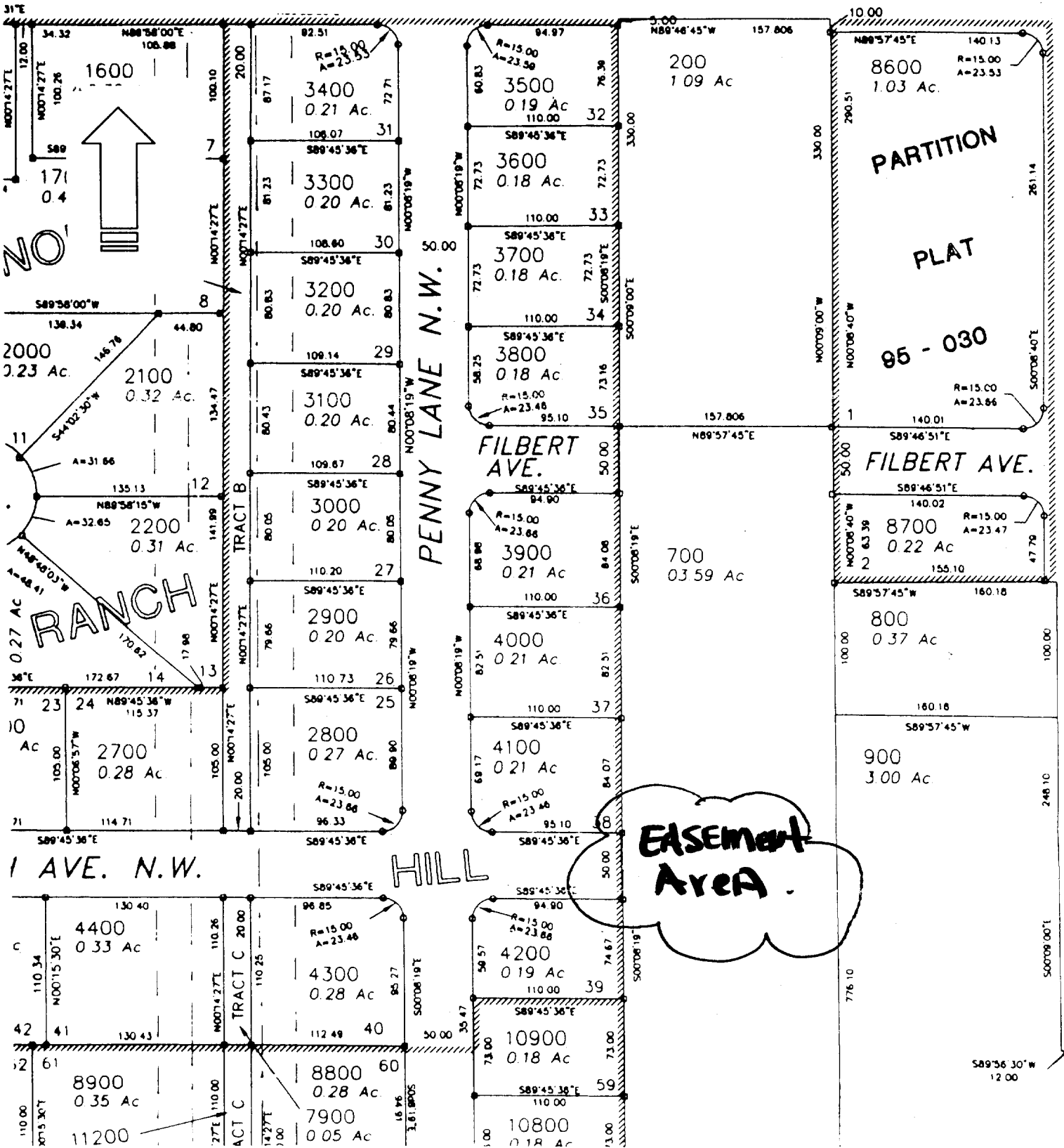
STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 21st day of May, 1999, by Betty K. Royer as her voluntary act and deed.

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



Gibson Hill Road



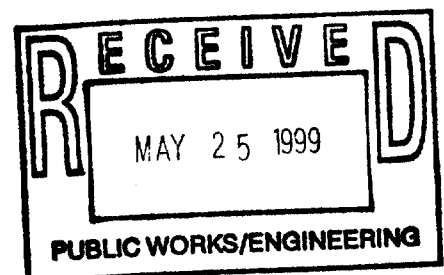
Vicinity Map

EXHIBIT "A"

A 10.00 FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 36, TOWNSHIP 10 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF "GIBSON HILL", A SUBDIVISION RECORDED IN BOOK 9, PAGE 26 OF THE BENTON COUNTY BOOK OF PLATS, SAID POINT ALSO BEARS NORTH 0° 08' 19" WEST 15.00 FEET FROM THE NORTHEAST CORNER OF LOT 39 OF SAID SUBDIVISION; THENCE SOUTH 89° 45' 36" EAST 20.00 FEET; THENCE SOUTH 75° 32' 00" EAST 142.41 FEET, MORE OR LESS, TO THE EAST LINE OF THAT PARCEL OF LAND DESCRIBED IN BENTON COUNTY DEED RECORDS M-120497-90.

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM THE AFOREMENTIONED "GIBSON HILL" SUBDIVISION.



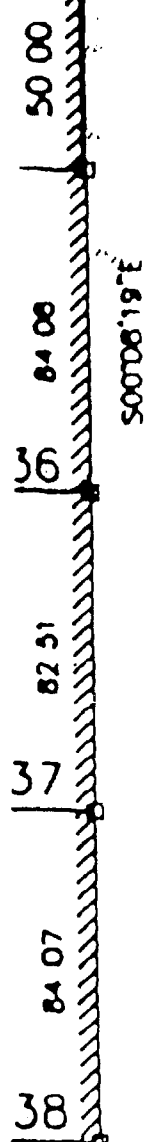
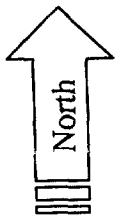
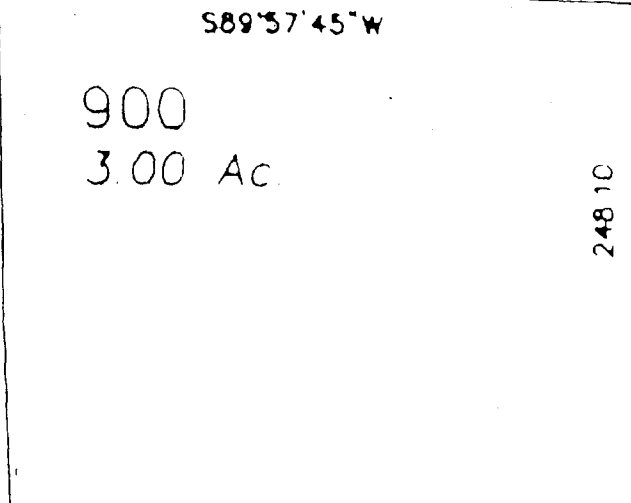
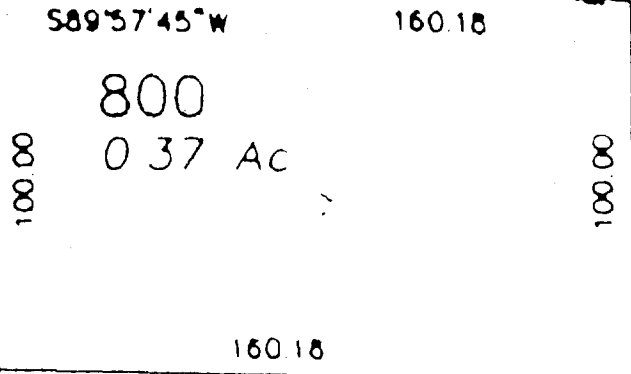
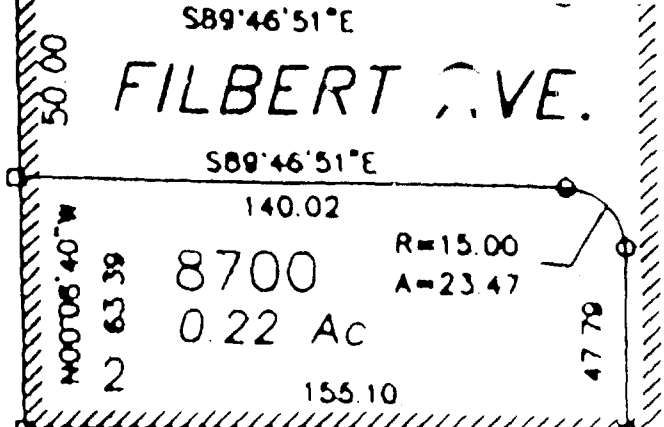
N89°57'45"E

S89°46'51"E

FILBERT AVE.

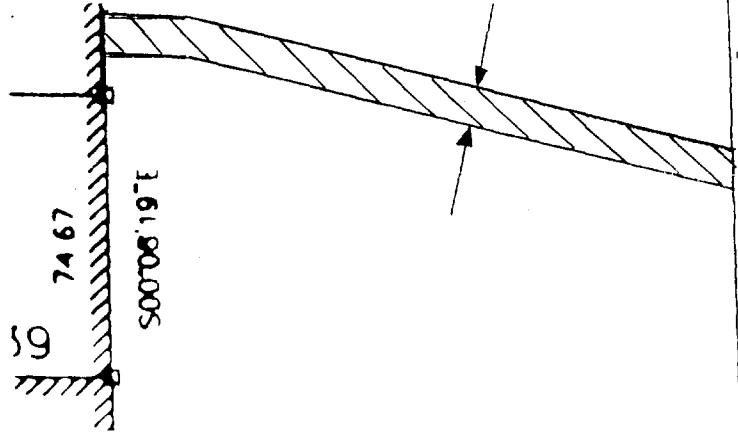
BROADWA

700
03.59 Ac



Sarah Ave.

10 foot wide water line easement



STATE OF OREGON } SS.
County of Benton } 263655

I hereby certify that the within instrument was received for record

'99 JUN 16 PM 3:26

Benton County, Oregon
10S-4W-36CA TL 700

AND ASSIGNED **M268822** 1999

EXHIBIT B
Not to scale

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

By *[Signature]*
35 15 GRS Deputy

Resolution No. 4130

Recorded Document Recorder File No. 3394