

RESOLUTION NO. 3260

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

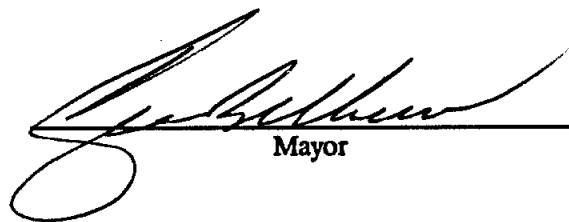
Grantor

Neal Craig and Robert S. Powell, Jr.

Purpose

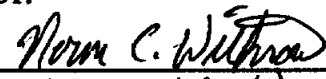
A permanent public utility easement across portions of First Addition to Riverview Heights, a subdivision of record in the City of Albany, Benton County, Oregon, to allow for storm drainage.

DATED this 26 day of May, 1993.

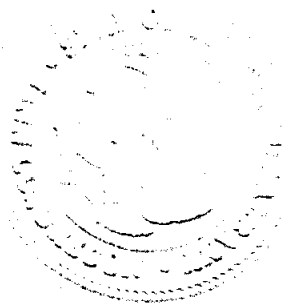


Mayor

ATTEST:



City Recorder (Deput)



M-165709-93

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29 day of April, 1993, by and between Neal Craig and Robert S. Powell, Jr., 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, 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 (for storm drainage) across portions of **First Addition to Riverview Heights Subdivision**, a subdivision of record, in the City of Albany, Benton County, Oregon, more particularly described as follows and shown on the attached map labeled Exhibit A:
 - The easterly 10-feet of even width across Lot 2, Block 11, said First Addition.
(Containing 1,192 square feet, more or less.)
 - ALSO the easterly 10-feet of even width across Lot 8, Block 11, said First Addition.
(Containing 1,150 square feet of land, more or less.)
 - ALSO beginning at the Northwest corner of Lot 2, Block 12, said First Addition; thence on the north line of said Lot 2 North 89° 56' 00" East 6.00 feet; thence South 06° 47' 51" West 106.02 feet to the north right-of-way line of 21st Street NW; thence along said right-of-way on the arc of a 250.00 foot radius curve to the right (the long chord of which bears North 76° 10' 38" West 23.70 feet) 23.71 feet to the Southwest corner of said Lot 2; thence North 16° 31' 50" East 103.90 feet to the Point of Beginning.
(Containing 1,550 square feet, more or less.)
 - ALSO the northerly 5-feet of even width across Lot 3, Block 12, said First Addition.
TOGETHER WITH the southerly 5-feet of even width across Lot 4, Block 12, said First Addition.
(Containing 1,130 square feet, more or less.)
 - ALSO the easterly 10-feet of even width across Lot 5, Block 13, said First Addition.
(Containing 1,100 square feet, more or less.)
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 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.

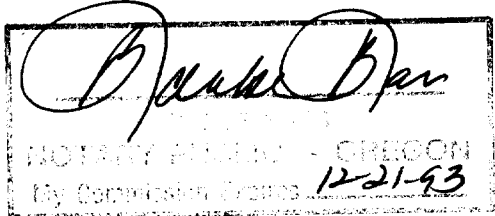
GRANTOR:

Neal Craig
 Neal Craig

Robert S Powell Jr
 Robert S. Powell, Jr.

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

The foregoing instrument was acknowledged before me this 29th day of April, 1993, by Neal Craig as his voluntary act and deed.

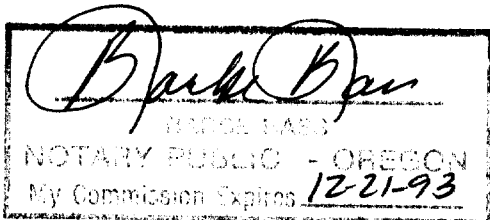


 Notary Public for Oregon

My Commission Expires: _____

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

The foregoing instrument was acknowledged before me this 29th day of April, 1993, by Robert S. Powell, Jr. as his voluntary act and deed.



 Notary Public for Oregon

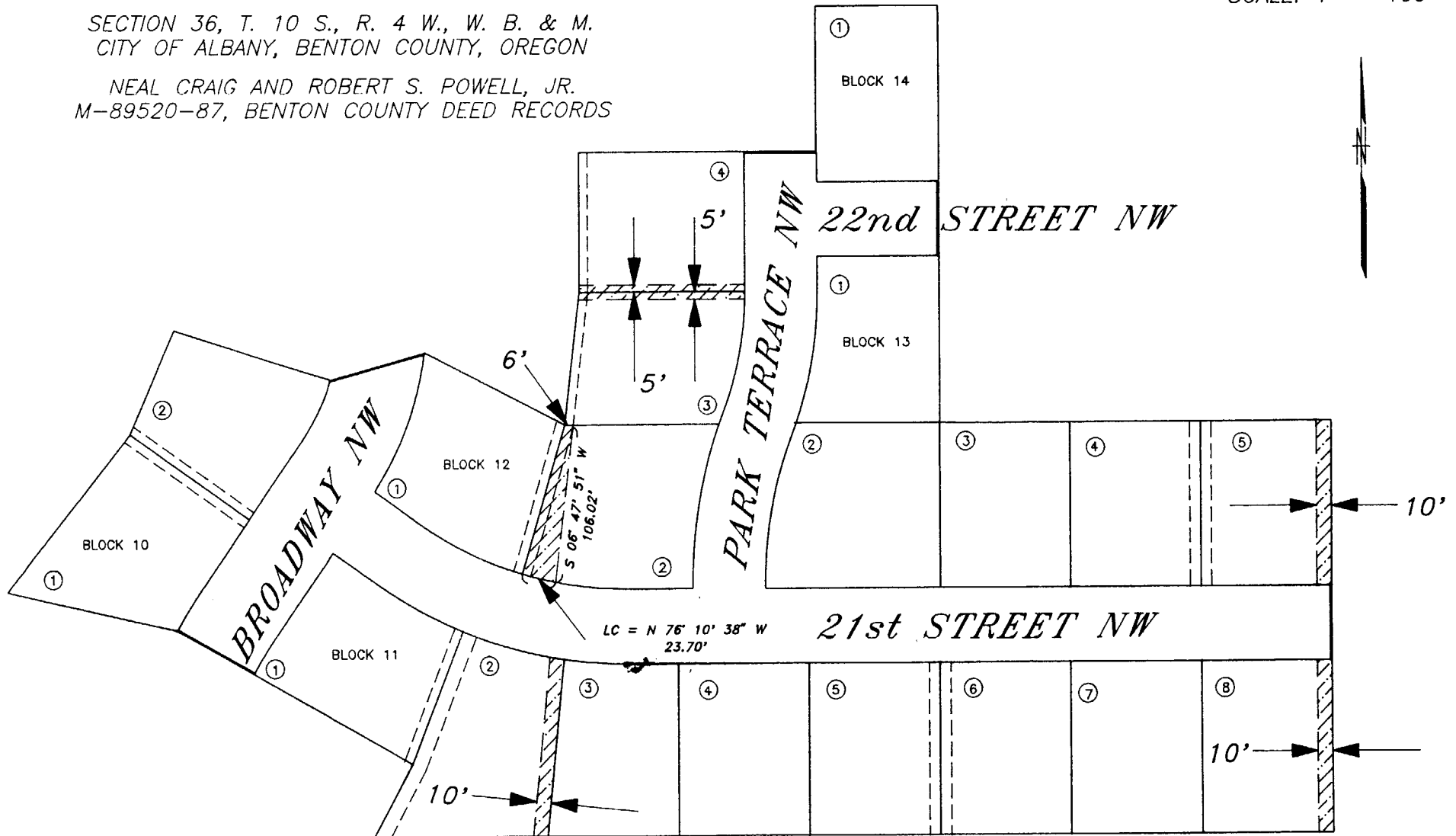
My Commission Expires: _____

FIRST ADDITION TO RIVERVIEW HEIGHTS SUBDIVISION

SECTION 36, T. 10 S., R. 4 W., W. B. & M.
CITY OF ALBANY, BENTON COUNTY, OREGON

NEAL CRAIG AND ROBERT S. POWELL, JR.
M-89520-87, BENTON COUNTY DEED RECORDS

SCALE: 1" = 100'



LEGEND:

- LOT LINES
- ② LOT NUMBERS
- - - EXISTING INTERNAL EASEMENTS (AS PLATTED)
- ▨ EASEMENTS GRANTED HEREIN BY CRAIG & POWELL, JR.

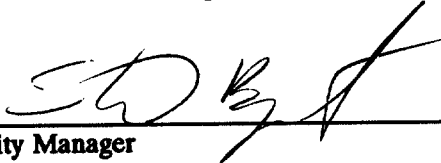
CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/APRIL 1993

EXHIBIT A:
PUBLIC UTILITY (STORM DRAIN)
EASEMENTS FROM NEAL CRAIG
AND ROBERT S. POWELL, JR.
TO THE CITY OF ALBANY

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 3260, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of May, 1993.



City Manager

ATTEST:



City Recorder

STATE OF OREGON }
County of Benton } ss. **155083**

I hereby certify that the within instrument was received for record.

'93 JUN 17 AM 11 10

AND
ASSIGNED

No 165709

1993

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

By _____ Deputy


30⁰⁰

Resolution No. 3260

Recorded Document Recorder File No. 2323