

RESOLUTION NO. 3604

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

Grantor

Herbert Rigoni and Mary Ann Wahl

Purpose

A permanent public utility easement across that property described by deed recorded in M-11746889 of the Benton County Deed Records.

DATED this 28th day of February 1996.



Mayor

ATTEST:



City Recorder

MA-210070-96

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12 day of February 1996, by and between **Herbert C. Rigoni and Mary Ann Wahl**, 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:

The easterly 15.00 feet of even width of that Rigoni et al Tract described by deed recorded in M- 11746889 of the Benton County Deed Records on November 16, 1989, EXCEPTING THEREFROM the easterly 7.00 feet of even width. The above strip therefore being 8.00 feet in width and more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a 5/8 inch rod on the north line of said Rigoni et al Tract, which point is South 00°07'40" East 747.45 feet and South 89°46'33" East 721.02 feet from the northwest corner of the J. Q. Thornton Donation Land Claim No. 37 in Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon; thence North 89°46'33" West, along the said north line of said Rigoni et al Tract, 8.00 feet; thence South 00°12'00" East 149.49 feet to the south line of said Rigoni et al Tract; thence South 89°45;33: East, along the south line of said Rigoni et al Tract, 8.00 feet to a 5/8 inch rod; thence North 00°12'00" West 149.49 feet to the 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 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.

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



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

GRANTOR:

Herbert C. Rigoni
Herbert C. Rigoni

Mary Ann Wahl
Mary Ann Wahl

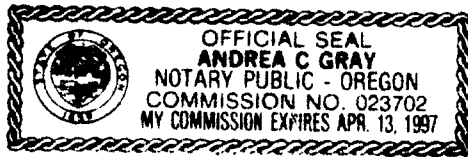
STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 12 day of Feb., 1996, by Herbert C. Rigoni and Mary Ann Wahl as his/her/their voluntary act and deed.

Andrea C. Gray
Notary Public for Oregon

My Commission Expires: April 13, 1997

rigonigr.cas



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 3604, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of February, 1996.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

EXHIBIT "A"

RIGONI EASEMENT FOR PUBLIC UTILITIES AND SIDEWALK JANUARY 1996

NW COR., J. Q. THORNTON D.L.C. NO. 37
FD. 3" DIA. BENTON COUNTY BRASS
CAP IN MONUMENT BOX. CORNER
RESTORATION NO. 104837040

NW GIBSON HILL ROAD



SCALE: 1" = 100'

EXISTING 28'
WIDE P.U.E.

15'
45' R/W

NW SKYLINE DRIVE

10-4W-36 CB
TL 1600

S 89°46'32" E 720.83'

EXISTING 28' WIDE
P.U.E. (M-204438-95)

DERKSEN TRACT
(M-131703-91)

T.L. 1700
19,999 SF

587.24'

S 89°46'33" E 721.02'

EXISTING 28' WIDE
P.U.E. (M-205910-95)

RIGONI et al TRACT
(M-117468-89)

T.L. 1600
16,702 SF

609.48'

S 89°46'33" E 728.21'
RYCKMAN TRUST TRACT
(M-181838-94)

POINT OF
BEGINNING

8' WIDE PUBLIC UTILITY
AND SIDEWALK EASEMENT

7' WIDE RIGHT-OF-WAY
DEDICATION TO PUBLIC

FILE: 9464A-1.DWG 1/31/96
K+D PROJ. 96-64-A R.J.R.

STATE OF OREGON } ss 201082
County of Benton }

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

'96 MAR 1 AM 8 47

AND No 210070 1996
ASSIGNED

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

DANIEL G. BURK
Director Of Records & Elections

By _____ Deputy

25-
15- G/S

Resolution No. 3604

Recorded Document Recorder File No. 2711