

RESOLUTION NO. 3751

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

James and Virginia Gibbons

Purpose

A public utility easement to the City of Albany for the purpose of installing and maintaining a storm drain line.

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

DATED THIS 12TH DAY OF FEBRUARY 1997.



Mayor

ATTEST:



City Recorder





PERMANENT PUBLIC UTILITY EASEMENT

The undersigned, **James and Virginia Gibbons** Trustees of the **GIBBONS FAMILY TRUST DATED 3/1/82** Grantor do hereby grant to **City Albany**, Linn County, Oregon, a municipal corporation, referred to herein as City, a permanent right-of-way and exclusive easement to construct, reconstruct, operate and maintain City storm sewer, and all necessary related facilities under and along the following described premises:

See "Exhibit A", incorporated herein for legal description.
See "Exhibit B", incorporated herein for exhibit map.

TO HAVE AND TO HOLD said easement and right-of-way unto said City, its successors and assigns.

The permanent right-of-way or easement shall include the right, privilege, and authority of City to excavate for, and to construct, install, lay, operate, maintain and remove underground pipelines with all appurtenances incident thereto or necessary thereafter, for the purpose of supplying public utility service under and across the said premises, together with the right of City to place, install, maintain, inspect, add to the number of and relocate pipelines and/or cables and necessary appurtenances and make excavations therefore from time to time, in, under and through the above described premises within said right-of-way, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipelines or repairing, renewing or adding to the number of pipelines and appurtenances and for doing anything necessary, useful or convenient for the enjoyment of the easement hereby granted. Upon the final acceptance of the installed system by the City, the City shall be responsible for all further restorations of the premises if at any time the City causes the utilities to be repaired or maintained. No trees, permanent structures or improvements, including parallel fences, other than those already in existence, shall be placed or constructed on the easement by the Grantor or the Grantor's heirs, assigns or successors in interest. The City, upon each and every occasion that the same be repaired, maintained or removed shall restore the premise of the Grantor, by removing all debris and leaving the ground surface in a neat and presentable condition. Grass and topsoil shall be restored as near as possible to as good a condition as the same were prior to any repair or maintenance by the City.

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

13000

XX James Gibbons
(Grantor) James M. Gibbons, Trustee
JAMES GIBBONS, Trustee of the
Gibbons Family Trust dated 3/1/82

XX Virginia Gibbons
(Grantor) Virginia M. Gibbons, Trustee
Virginia Gibbons, trustee of the
Gibbons Family Trust dated 3/1/82

DATED this 19 day of Dec, 1996

STATE OF OREGON)
) ss.
County of Deschutes)

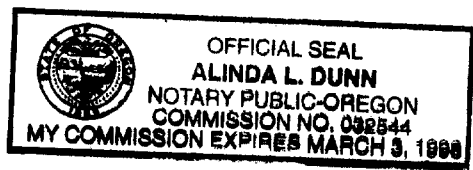
December 19, 1996

Personally appeared the above named JAMES GIBBONS AND VIRGINIA GIBBONS
and acknowledged the foregoing instrument to be a voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: 3/3/98



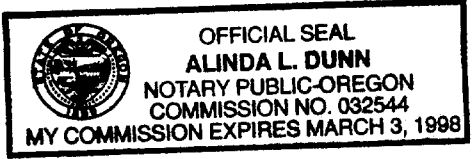
STATE OF OREGON, }
County of Deschutes } ss.

FORM No. 23—ACKNOWLEDGMENT.
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BE IT REMEMBERED, That on this 19th day of December, 1996,
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
named JAMES GIBBONS AND VIRGINIA GIBBONS, TRUSTEES OF THE GIBBONS FAMILY TRUST
DATED 3/1/82

known to me to be the identical individual...s. described in and who executed the within instrument and
acknowledged to me that They executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

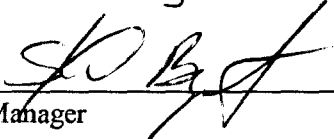


[Signature]
Notary Public for Oregon
My commission expires 3/3/98

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 3751, do
hereby accept on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this 12th
day of February, 1997.



City Manager

ATTEST:



City Recorder

November 15, 1996

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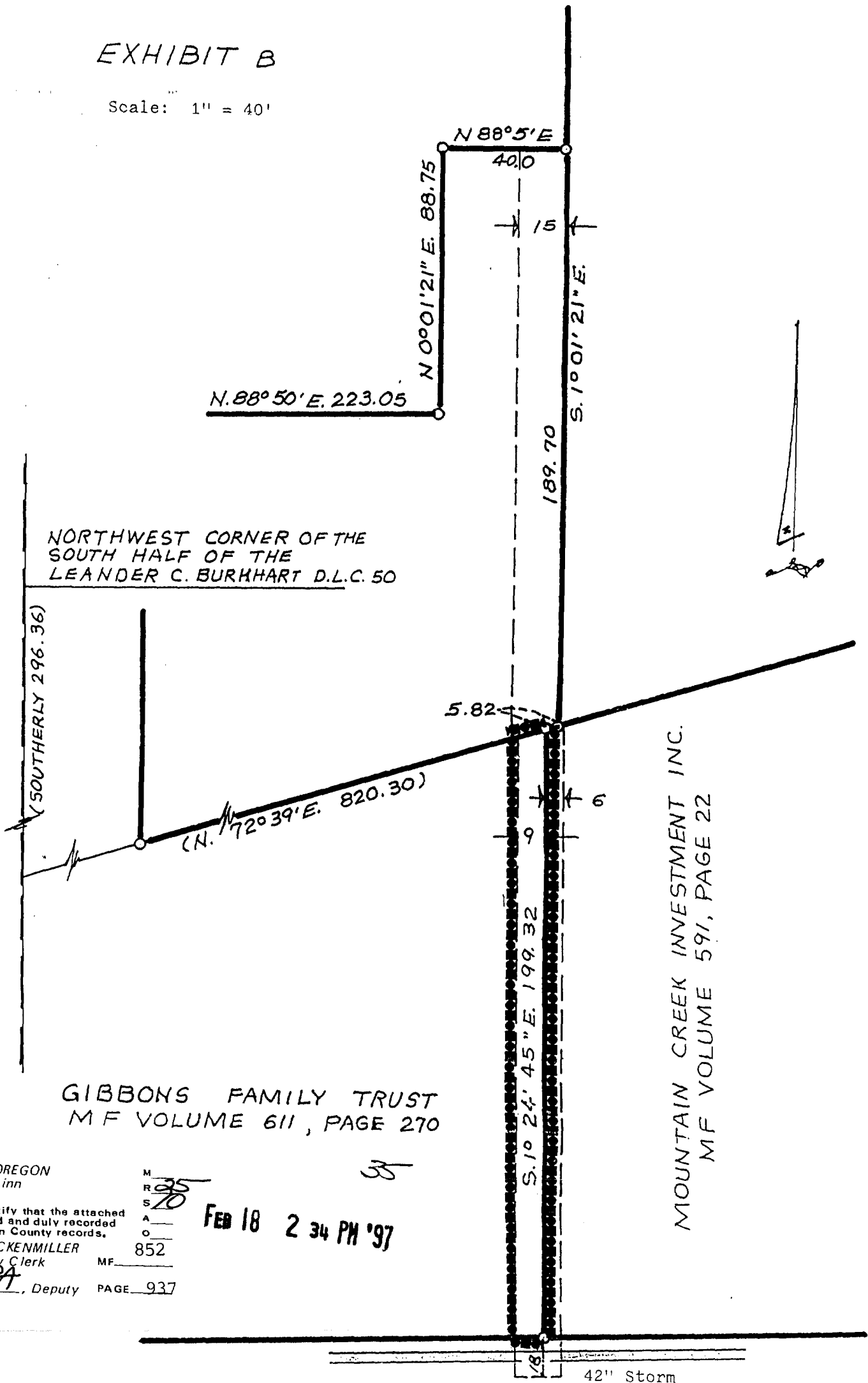
Section 8, T.11 S., R.3 W. W.B. & M.
Description for Westech Engineering

Gibbons Family Trust dated March 1, 1982 easement.

an easement for the purpose of installing and maintaining a storm drain line, being 9 feet in width, the east line of which is described as follows: Beginning at the northeast corner of that parcel conveyed to the Gibbons Family Trust, dated March 1, 1982, by deed recorded in MF Volume 611, Page 270, Linn County Microfilm Records, which point is 296.36 feet Southerly, and 820.30 feet North 72°39" East of the northwest corner of the south half of the Leander C. Burkhardt Donation Land Claim Number 50, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence South 1°24'45" East 199.32 feet to the southeast corner of said Gibbons Family Trust, and there terminating.

EXHIBIT B

Scale: 1" = 40'



NORTHWEST CORNER OF THE SOUTH HALF OF THE LEANDER C. BURKHART D.L.C. 50

(SOUTHERLY 296.36)

(N. 72° 39' E. 820.30)

GIBBONS FAMILY TRUST M.F. VOLUME 611, PAGE 270

MOUNTAIN CREEK INVESTMENT INC. M.F. VOLUME 591, PAGE 22

HERITAGE MALL ASSOCIATES M.F. VOLUME 447, PAGE 707

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

By PA, Deputy PAGE 937

M 35
R 20
S
A
O MF 852

FEB 18 2 34 PM '97

42" Storm

Resolution No. 3751

Recorded Document Recorder File No. 2911