


RESOLUTION NO. 3859

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
GREGORY H. MACPHERSON	A permanent public utility easement, of variable width, described as four easements in attached EXHIBIT "A" and shown in attached EXHIBIT "B."

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

DATED THIS 24TH DAY OF SEPTEMBER 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27th day of August, 1997, by and between GREGORY H. MACPHERSON, herein 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 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:  
See legal description on attached Exhibit "A" and map on 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 \$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 Grantor does hereby covenant with the City that he is 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.

WITNESS the hand(s) of the Grantor(s) this 27th day of August, 1997

BY: Gregory H. Macpherson  
GREGORY H. MACPHERSON

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

ACKNOWLEDGMENT

STATE OF OREGON )  
 ) ss  
County of Multnomah )

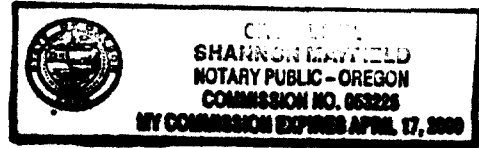
On this 27<sup>th</sup> day of August, in the year of 1997, before me personally appeared Gregory H Macpherson, who being personally known to me or proved to me on the basis of satisfactory evidence and being first duly sworn, declared that he is the identical person named in the foregoing instrument and that the statements therein contained are true, and acknowledged said instrument to be his free and voluntary act and deed.

WITNESS my hand and official seal as of the date first written above.

Shannon Mayfield  
Notary Public

My Commission Expires

April 17, 2000  
Residing at 14952 NW Farmstead Ct.  
Beaverton, OR 97006



CITY OF ALBANY:

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

I, Steve Brvant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3859 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of September, 1997.

Steve Brvant  
City Manager

ATTEST:

[Signature]  
City Recorder

Four (4) Public Utility Easements located in Parcel 2 of Partition Plat No. 1997 - 18, a partition of record in Benton County, Oregon, which are more particularly described as follows:

Public Utility Easement No. 1

Beginning at the northeast corner of Lot 8 in "SUMMERHILL", a subdivision of record in Benton County, Oregon; thence North 89°58'14" West, along the north line of said subdivision, 251.94 feet; thence North 00°01'46" East 20.00 feet; thence South 89°58'14" East, parallel with and 20.00 feet from the said north line of "SUMMERHILL", a distance of 282.06 feet to a point that is 30.00 feet easterly of the northerly extension of the east line of said Lot 8; thence South 00°21'30" West, parallel with and 30.00 feet from said east line, a distance of 100.59 feet to the northerly right-of-way line N.W. Summerhill Place; thence along said right-of-way line on the arc of a 45.00 foot radius curve to the left (chord bears South 76°40'25" West 30.88 feet) a distance of 31.52 feet to the northerly southeast corner of said Lot 8; thence North 00°21'30" East, along said east line of Lot 8, a distance of 87.72 feet to the Point of Beginning.

Public Utility Easement No. 2

Beginning at the northerly southeast corner of Lot 8 in "SUMMERHILL", a subdivision of record in Benton County, Oregon, which point is on the northerly right-of-way line of N.W. Summerhill Place; thence North 00°21'30" East, along the east line of said Lot 8, a distance of 8.18 feet to a point that is 7.00 from the said right-of-way line when measured radially; thence along a 52.00 foot radius curve to the right is 7.00 feet from and concentric with said north right-of-way line (chord bears South 89°38'30" East 50.00 feet) a distance of 52.16 feet to a point on the west line of Lot 9 in said subdivision; thence South 00°21'30" West 8.18 feet to the northerly southwest corner of said Lot 9, which point being on said right-of-way line; thence along said right-of-way line on the arc of a 45.00

foot radius curve to the left (chord bears North 89°38'30" West 50.00 feet) a distance of 53.01 feet to the Point of Beginning.

Public Utility Easement No. 3

Commencing at the northerly southeast corner of Lot 8 in "SUMMERHILL", a subdivision of record in Benton County, Oregon, which point being on the north right-of-way line of N.W. Summerhill Place; thence along said right-of-way line on the arc of 45.00 foot radius curve to the right (chord bears North 67°03'51" East 16.33 feet) a distance of 16.42 feet to the TRUE POINT OF BEGINNING of the herein described Public Utility Easement No. 3; thence North 00°21'30" East 18.82 feet; thence South 89°38'30" East 20.00 feet; thence South 00°21'30" West 18.82 feet to a point on said right-of-way line; thence along said right-of-way line on the arc of a 45.00 foot radius curve to the left (chord bears North 89°38'30" West 20.00 feet) a distance of 20.17 feet to the TRUE POINT OF BEGINNING.

Public Utility Easement No. 4

Commencing at the northerly southeast corner of Lot 8 in "SUMMERHILL", a subdivision of record in Benton County, Oregon, which point being on the north right-of-way line of N.W. Summerhill Place; thence along said right-of-way line on the arc of 45.00 foot radius curve to the right (chord bears North 75°04'34" East 28.51 feet) a distance of 29.01 feet to the TRUE POINT OF BEGINNING of the herein described Public Utility Easement No. 4; thence North 00°21'30" East 15.26 feet; thence South 89°38'30" East 15.00 feet; thence South 00°21'30" West 18.73 feet to a point on said right-of-way line; thence along said right-of-way line on the arc of a 45.00 foot radius curve to the left (chord bears North 76°36'24" West 15.40 feet) a distance of 15.47 feet to the TRUE POINT OF BEGINNING.

August 21, 1997  
File: nm\summerhill\exhibit.utl

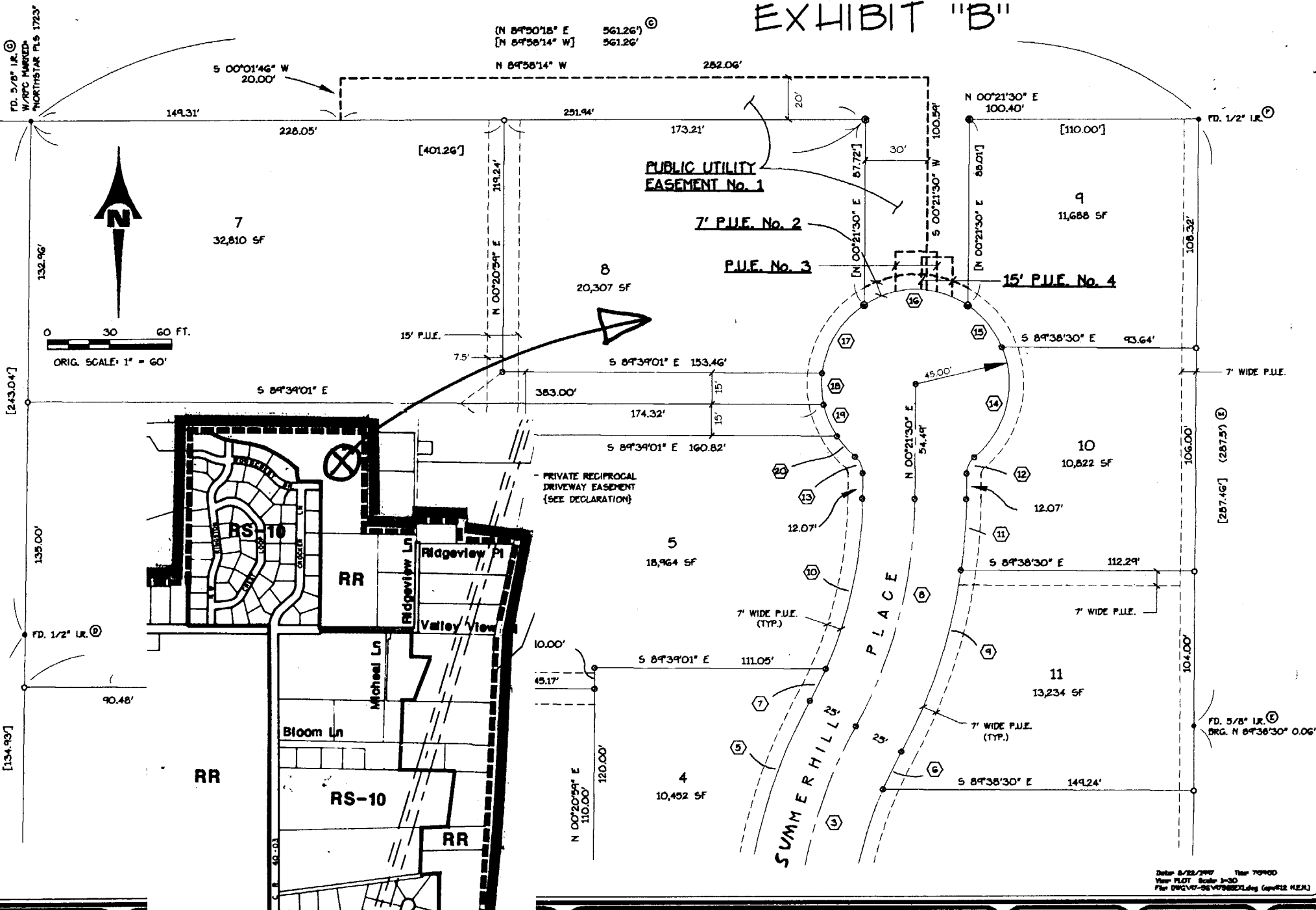
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*

OREGON  
JACK R. BURRELL  
1830

EXPIRATION DATE: 12/31/97

# EXHIBIT "B"



**EXHIBIT "B"**  
 FOR:  
**PUBLIC UTILITY EASEMENTS**  
**SUMMERHILL SUBDIVISION**  
 LOCATED IN

Date: 8/22/997 Plot: 70900  
 Year: 1997 Scale: 1"=30'  
 The Original Surveying Company, INC.

SCALE: 1" = 30'  
 DATE: AUGUST 15, 1997  
 DESIGNED BY:  
 DRAWN BY: M.E.H.  
 CHECKED BY: J.R.B.

SHEET: 1  
 OF: 1

STATE OF OREGON }  
County of Benton } ss. 228184

I hereby certify that the within instrument  
was received for record

'97 OCT 2 PM 3 21

AND  
ASSIGNED MN<sup>o</sup> 235593

1997

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  
15625

Resolution No. 3859

Recorded Document Recorder File No. 3042