

RESOLUTION NO. 4003

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Rodney R. Fisher and Patricia J. Fisher

Purpose

A public water line easement, fifteen feet in even width, across that property conveyed in Benton County Deed Record 199886.95.

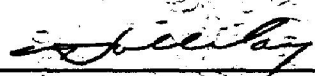
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 26TH DAY OF AUGUST 1998.

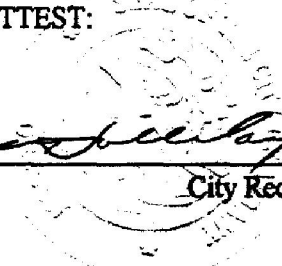


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18th day of August, 1998, by and between Rodney R. Fisher and Patricia J. Fisher, 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:

See attached legal description labeled EXHIBIT A and attached map labeled 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.

The temporary easement described herein grants to the City, and to its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, or maintenance purpose.
- 3. The easement granted is in consideration towards the construction of a fence across the north property line (184.41 feet) of that property deeded to Rodney and Patricia Fisher in Benton County Deed reference No. 199886-95, 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. The City will pay up to \$1000.00 towards the construction of a fence at and around that time when the water line construction is completed across the Grantors property. In general, the fence shall be a "farm" fence with 4 feet wire mesh and 5 feet tall wood poles (4-inch diameter). It is agreed that any expense over \$1000.00 will be covered by the Grantor.
- 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:

Rodney R. Fisher
Rodney R. Fisher

Patricia J. Fisher
Patricia J. Fisher

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

The foregoing instrument was acknowledged before me this 18th day of August, 1998, by Rodney R. Fisher and Patricia J. Fisher as his/her/their voluntary act and deed.

Nicole M. Loney
Notary Public for Oregon
My Commission Expires: 10-29-00

wi-98-1



CITY OF ALBANY:

STATE OF OREGON)
Countys of Linn and Benton) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4003, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of August, 1998.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

EXHIBIT A

15' PUBLIC WATER LINE EASEMENT

A public water line easement, fifteen feet in even width, across that property conveyed in Benton County Deed Record 199886-95; more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at a point which is 827.04 feet S00°10'00"W and 666.71 feet S89°55'35"E of the Northwest corner of the Northeast quarter, Section 2, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon; thence 383.68 feet N00°10'00"E; thence 151.57 feet S89°55'15"E to the Point of Beginning; thence 184.41 feet S89°55'15"E; thence 15' S00°10'35"W; thence 184.41 feet N89°55'15"W; thence 15 feet N00°10'35"W to the Point of Beginning.

TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement, ten feet in even width, across that property conveyed in Benton County Deed Record 199886-95; more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at a point which is 827.04 feet S00°10'00"W and 666.71 feet S89°55'35"E of the Northwest corner of the Northeast quarter, Section 2, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon; thence 383.68 feet N00°10'00"E; thence 151.57 feet S89°55'15"E; thence 15' S00°10'35"W to the Point of Beginning; thence 10 feet S00°10'35"W; thence 184.41 feet S89°55'15"E; thence 10 feet N00°10'35"E; thence 184.41 feet N89°55'15"W to the Point of Beginning.

EXHIBIT B
 PUBLIC WATER LINE
 EASEMENT
 114W-2AB-00300
 3015 WILDWOOD DRIVE NW



1" = 100'

INITIAL REF. POINT
 NW Cor. NE1/4
 Sec. 2

INITIAL REFERENCE POINT:
 S 00° 10' 00" W 827.04' AND S 89°
 55' 35" E 666.71' of the Northwest
 Corner of the Northeast 1/4 of
 Section 2, T. 11 S., R. 4 W.,
 Willamette Meridian, Benton Co.,
 Oregon.

N 00° 10' 00" E 383.68'

S 89° 55' 15" E 151.57'

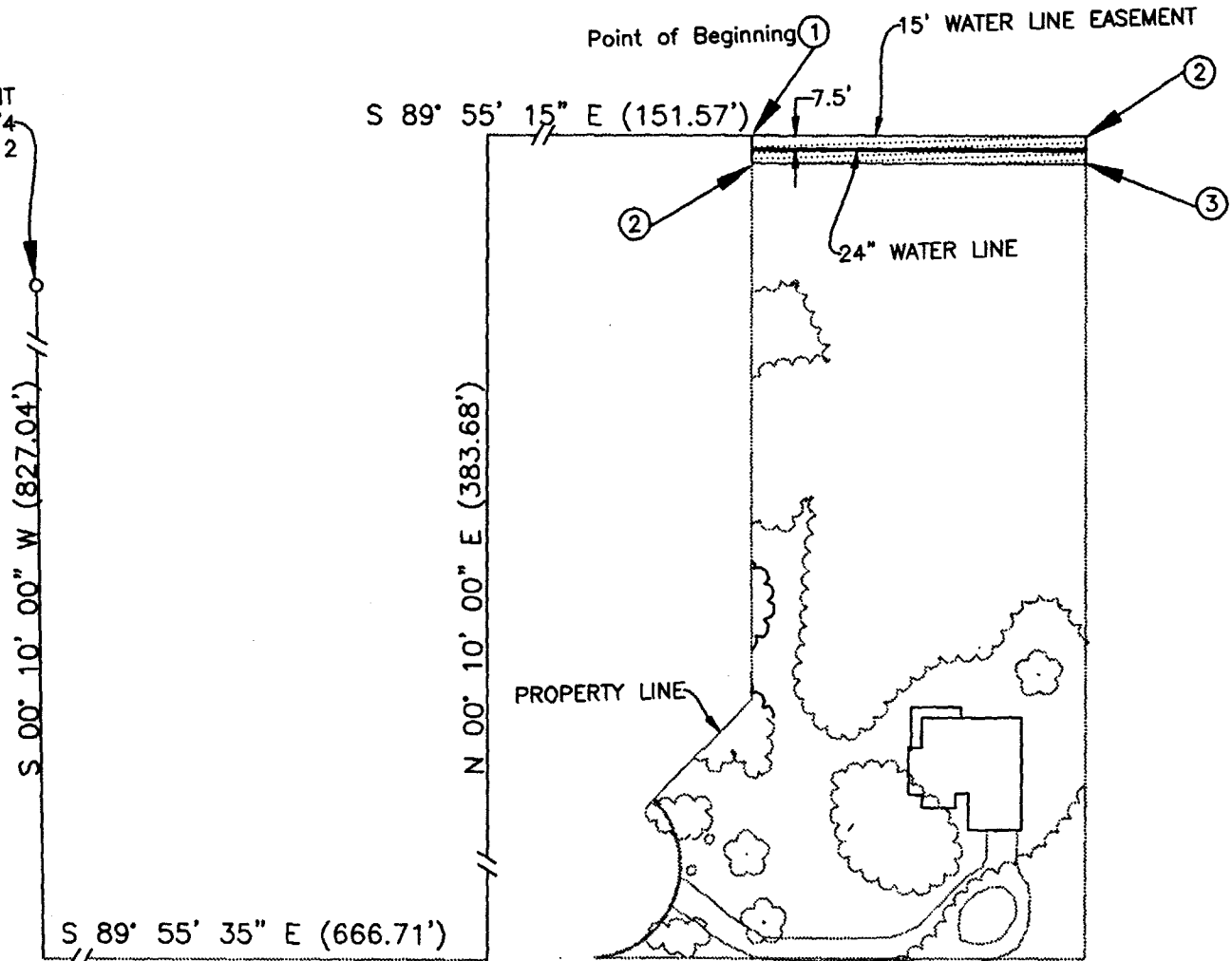
TO THE POINT OF BEGINNING:

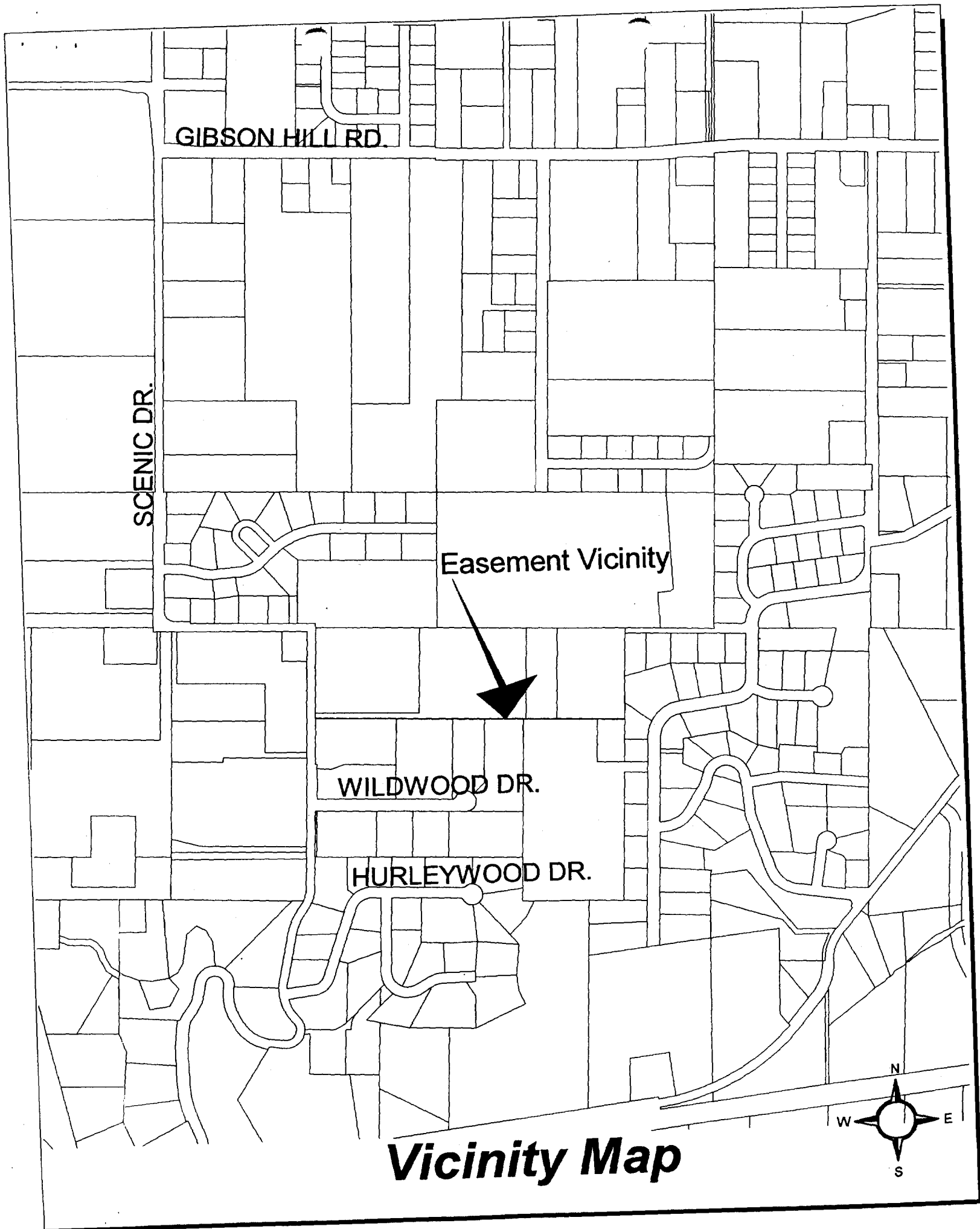
1. S 89° 55' 15" E 184.41'

2. S 00° 10' 35" W 15'

3. N 89° 55' 15" W 184.41'

4. N 00° 10' 35" E 15'





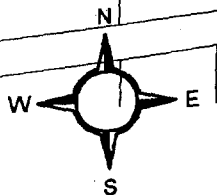
GIBSON HILL RD.

SCENIC DR.

Easement Vicinity

WILDWOOD DR.

HURLEYWOOD DR.



Vicinity Map

STATE OF OREGON }
County of Benton } SS. **246259**

I hereby certify that the within instrument
was received for record

1998AUG31 PM 1:57

AND 1998
ASSIGNED **M 252322**

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

JOHN K. ANDERSON

County Administrative Officer

By

[Handwritten Signature]
35
15628

Deputy

Resolution No. 4003

Recorded Document Recorder File No. 3207