

RESOLUTION NO. 4174

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION:

Grantor

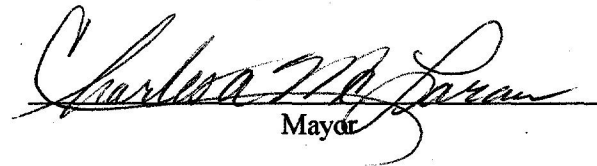
Larry A. and Anne K. Claussen

Purpose

A permanent 20-foot wide public utility easement described in the attached "Exhibit A" and shown in the attached "Exhibit B".

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

DATED THIS 8TH DAY OF SEPTEMBER 1999.


Mayor

ATTEST:


City Recorder Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31 day of August, 1999, by and between **Larry A. and Ann K. Claussen**, hereinafter 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 grantor has this day bargained and sold and by these presents does 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 20-foot wide public utility easement, more particularly described in attached EXHIBIT "A" and shown in 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, 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.
4. The Grantor does 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 Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Larry A. Claussen
Larry A. Claussen

Anne K. Claussen
Anne K. Claussen

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 4174 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of September, 1999.

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

Steve Bryant
City Manager

The foregoing instrument was acknowledged before me this 31 day of August, 1999, by Larry A. and Anne K. Claussen as their voluntary act and deed.

ATTEST:

Charlotte L Hancock
Notary Public for Oregon
My Commission Expires: 2-05-01

Betty Longwell
City Recorder Clerk

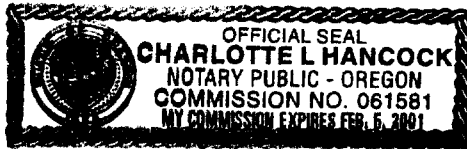




Exhibit "A"

20' Sanitary Sewer Easement

Beginning at a point on the Easterly right of way line of county road no. 14410, also being the South West corner of that certain tract of land described in M-192128-94 of the Benton County Deed Records, said point lying North $00^{\circ}07'33''$ West 1587.27 feet, and South $89^{\circ}51'00''$ West 569.66 feet, from the South West corner of the South East quarter of Section 26; thence 20.82 feet along said right of way, along a arc whose radius is 1115.92 feet and whose central angle is $1^{\circ}04'09''$ and whose chord bears N $16^{\circ}19'14''$ W, 20.82 feet; thence leaving said right of way North $89^{\circ}51'00''$ East 8.90 feet to a point; thence South $08^{\circ}38'58''$ West, 20.24 feet to the point of beginning, all lying in the South East $\frac{1}{4}$ of the South West $\frac{1}{4}$ of Section 26, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, State of Oregon, and containing 89 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Leonard L. Smith

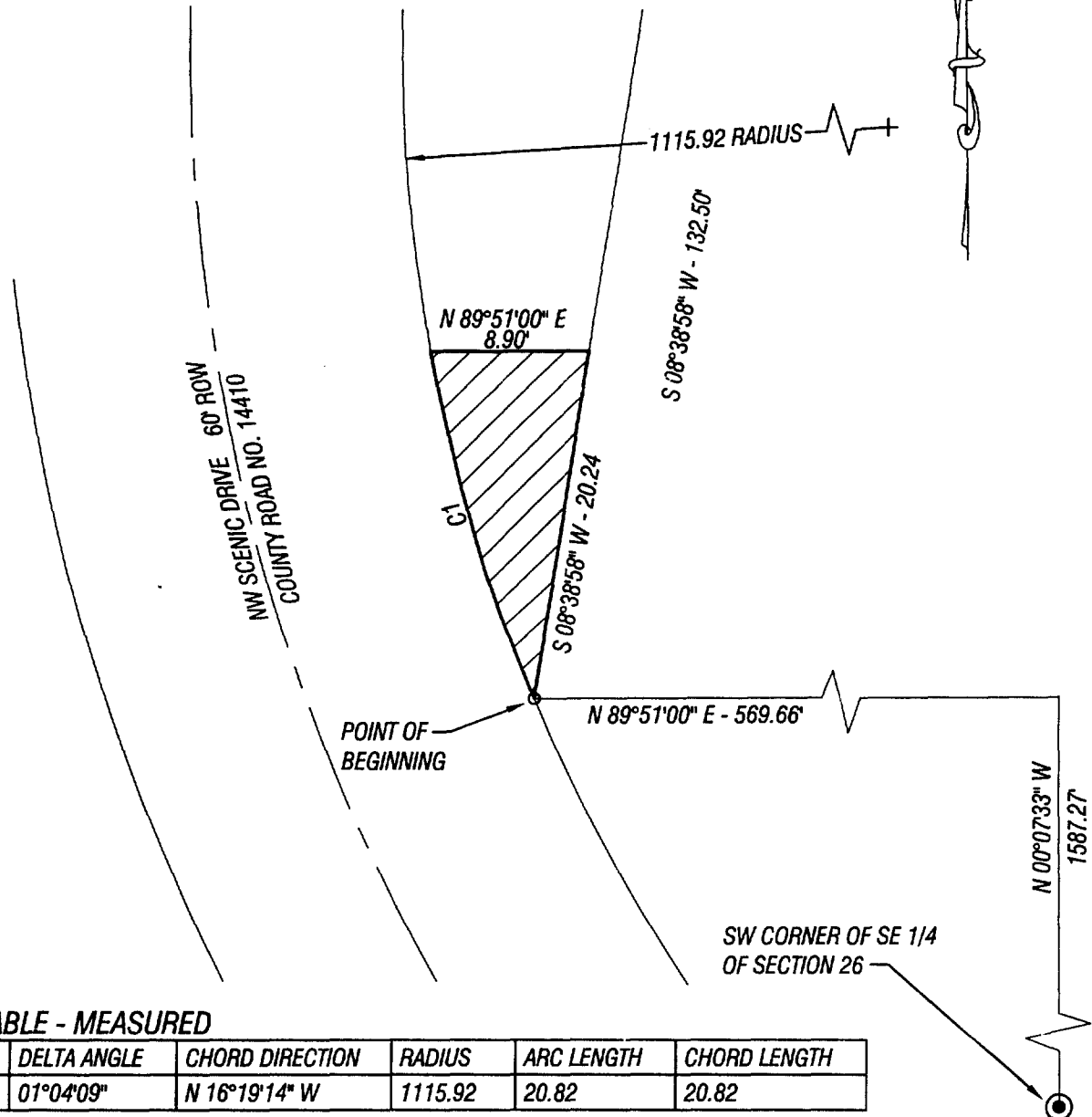
OREGON
SEPTEMBER 23, 1977
LEONARD L. SMITH
1329

PACWEST ENGINEERING

1315 SW Highway 101
Lincoln City, OR 97367
541 994-5166
541 996-3773 Fax

1530 Ninth Avenue SW
Albany, OR 97321
541 926-7634
541 926-7539 Fax

EXHIBIT "B"



CURVE TABLE - MEASURED

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	01°04'09"	N 16°19'14" W	1115.92	20.82	20.82

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Leonard L. Smith

**OREGON
SEPTEMBER 23, 1977
LEONARD L. SMITH
1329**

RENEWAL 6/30/2000

**PacWest
Engineering**

1530 NINTH AVE. SE TEL 1-888-926-7634
ALBANY, OR. 97321 FAX 541-926-7539

Client:
LARRY CLAUSSEN
2834 PINEVIEW DRIVE NW
ALBANY, OR. 97321

Drawn: KENP	Field: D. BECKER
Calc'd: B. SMITH	Checked: L. SMITH

Project:
97-49

Drawing No.:
EXHIBIT.DWG

Date:
11-12-99

Scale:
1"=10'

Page Of
1 1

STATE OF OREGON } SS.
County of Benton } **268597**
I hereby certify that the within instrument
was received for record

'99SEP15 PM 2:53

AND 1999
ASSIGNED **M273500**

In the microfilm records of said county

Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

By *[Signature]* Deputy
30
15 G.S.

Resolution No. 4174

Recorded Document Recorder File No. 3456