

RESOLUTION NO. 4718

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Robert W. and Jan Knight


Purpose

A variable width (10 feet wide and 15 feet wide) permanent public easement described in Exhibit A and as show in Exhibit B.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED THIS 26TH DAY OF JUNE 2002.



Mayor

ATTEST:



City Recorder

M322580-02
Benton

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22nd day of May, 2002, by **Robert W. and Jan Knight**, herein called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

WITNESSETH:

That the Grantor has this day granted unto the City of Albany, 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 permanent public waterline easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
2. In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry for construction access to the City, its representatives and to the Contractor, for access to, upon and over our property for planning and construction of a sanitary sewer, service connection, and such appurtenances as are required to make the project complete. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.
3. 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.
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. The Grantor and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.
7. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure requires the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said

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P.O. Box 490, Albany, OR 97321

maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Robert W. Knight
Robert W. Knight

GRANTOR:

Jan Knight
Jan Knight

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

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

The foregoing instrument was acknowledged before me this 22nd day of May, 2002, by **Robert W. Knight** as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 22nd day of May, 2002, by **Jan Knight** as her voluntary act and deed.



Notary Public for Oregon
My Commission Expires: 11-5-2002

Notary Public for Oregon
My Commission Expires: 11-5-2002

CITY OF ALBANY:

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

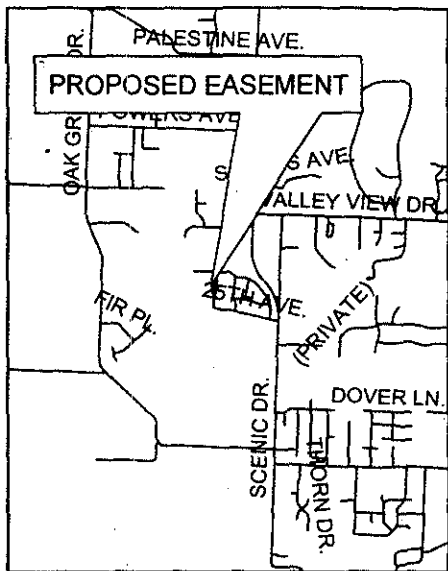
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4718, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of June 2002.

ATTEST:

Steve Bryant
City Manager
Ken Thompson
City Recorder

EXHIBIT B

KNIGHT
PUBLIC WATERLINE
EASEMENT



Sections 26 and 27, Township 10 South,
Range 4 West, Willamette Meridian,
Benton County, Oregon

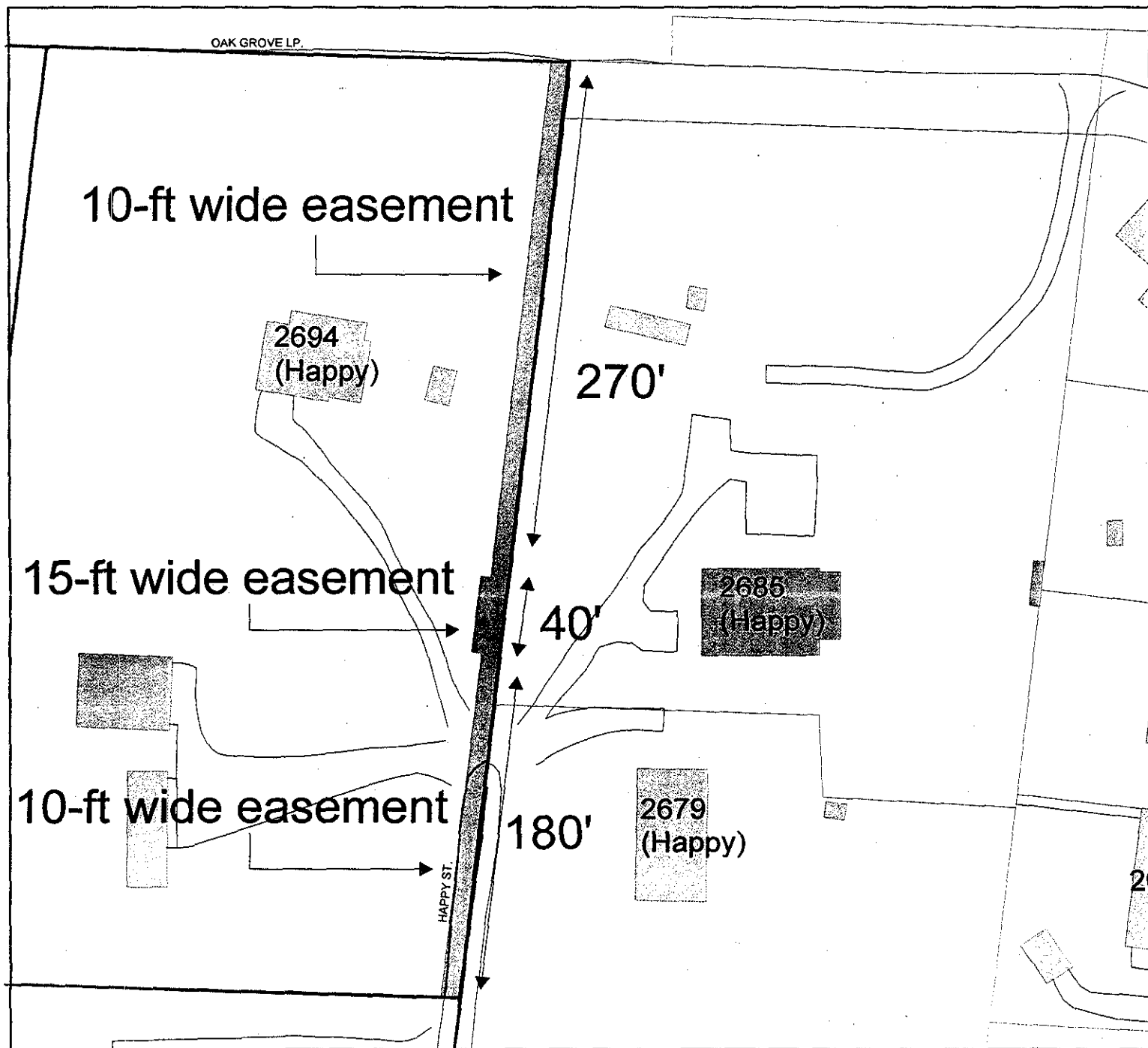


Exhibit A

Legal description for public waterline easement from Knight to the City of Albany:

A variable width (10 feet wide and 15 feet wide) public water line easement along the East property line of that parcel conveyed to Robert W. and Jan Knight by deed recorded in Benton County, Oregon Microfilm Deed Records, M-78914-86 more particularly described as follows and as shown on Attached Exhibit B:

Beginning at the Southeast corner of said Knight parcel; thence North 4° 52' East 490 feet along the East property line of said Knight parcel to the Northeast corner of said Knight Parcel; thence West 10.0 feet along the North line of said Knight parcel; thence South 4° 52' West 270 feet parallel with the East line of said Knight parcel; thence West 5.0 feet parallel with the North line of said Knight parcel, then South 4° 52' West 40 feet parallel with the East line of said Knight parcel; thence East 5.0 feet to a point 10 feet from the East property line of said Knight parcel; thence South 4° 52' West 180 feet parallel with the East property line of said Knight parcel to the South property line of said Knight parcel; thence East 10 feet along the South line of said Knight parcel to the point of beginning.

STATE OF OREGON }
County of Benton }SS.

322601

I hereby certify that the within
instrument was received for record

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M322580

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In the microfilm records of said county

Witness My Hand and Seal of
James J. Morales, County Clerk

By
15 GIS Deputy

Resolution No. 4718

Recorded Document Recorder File No. 4000