

RESOLUTION NO. 3283

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby grant the following easement:

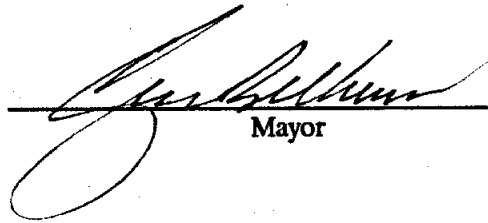
Grantor

City of Albany, Oregon

Purpose

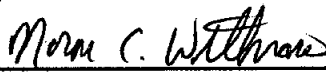
A temporary easement for landscape purposes (located south of 1370 Gibson Hill Road NW) across a portion of that City property known as the Broadway Reservoir site

DATED this 25 day of August, 1993.

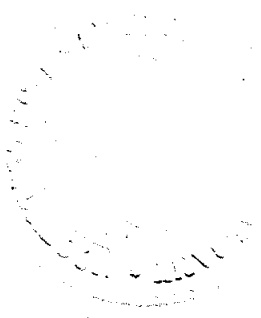


Mayor

ATTEST:



City Recorder - Deputy



M-169469-93

LANDSCAPE EASEMENT

THIS AGREEMENT, made and entered into this 1st day of September, 1993, by and between the CITY OF ALBANY, OREGON, a Municipal Corporation, herein called "City", and Raymond C. Harris and Susanna Ida Harris, husband and wife, herein called Grantees, and

WITNESSETH:

That for and in consideration of the total compensation to be paid by the Grantees, the City has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the Grantees, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to place and maintain and repair landscaping for the purpose of screening/blocking/obstructing the view of the Broadway reservoir, an appurtenance of the City's municipal water system, together with the right to excavate and refill ditches and/or trenches for the location of the said landscaping.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 20-foot wide temporary landscape easement across a portion of that property conveyed to the City of Albany, Oregon by judgement recorded as C-00210-92, Benton County Deed Records, said strip being more particularly described as follows and as shown on the attached map labeled Exhibit A:


A 20-foot wide strip of land across said City parcel, said strip being parallel with, adjacent to, and south of the southern boundary of and the easterly projection of the southern boundary of that parcel conveyed to Raymond C. Harris and Susanna Ida Harris by deed recorded as M-79627-86, Benton County Deed Records in the Southwest 1/4 of Section 36, Township 10 South, Range 4 West, Willamette Base and Meridian, City of Albany, Benton County, Oregon.

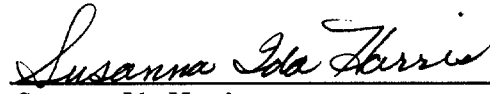
Containing 2800 square feet, more or less.

2. The temporary easement described herein grants to the Grantees, and their authorized contractors, a right to enter upon said easement at any time so long as Raymond C. Harris and Susanna Ida Harris live in the house located at 1370 Gibson Hill Road NW. This easement shall become null and void at that time when said house is sold or when Raymond C. Harris and Susanna Ida Harris no longer reside there.
3. The easement granted is in consideration of \$1.00 and in further consideration that Grantees will release the City, only, from all future visual claims against the reservoir project.
4. The City does hereby covenant with the Grantees that the City has 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. No permanent structure shall be constructed on this easement.
6. The following trees are specifically prohibited in that area where the waterlines are located because of their potential negative impact on buried waterlines in this area: box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailanthus.

Return to: City of Albany
PO Box 490
Albany, OR 97321

We, Raymond C. Harris and Susanna Ida Harris, Grantees, have reviewed and accept the above terms and conditions.

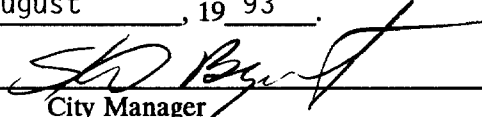

Raymond C. Harris


Susanna Ida Harris


IN WITNESS WHEREOF, the City has hereunto fixed their hands and seals the day and year above written.

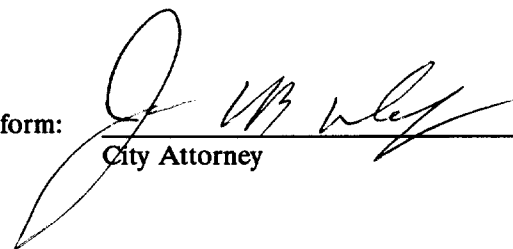
GRANTOR: City of Albany, Oregon

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3283 do hereby grant on behalf of the City of Albany, the above easement pursuant to the terms thereof this 25th day of August, 19 93.

By: 
City Manager

ATTEST:


City Recorder - Deputy

Approved as to form: 
City Attorney

STATE OF OREGON }
County of Benton } ss. **159094**

I hereby certify that the within instrument
was received for record.

'93 SEP 7 PM 2 15

AND
ASSIGNED **No 169469** 1993

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

By _____ Deputy

40.00