

RESOLUTION NO. 3404

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

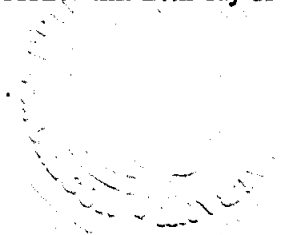
Grantor

Richard Borden

Purpose

a 15-foot permanent public utility easement across that parcel located at 1359 NW Skyline Drive for a waterline.

DATED this 24th day of August, 1994.



Norm R. Sartor
Council President

ATTEST:

Norm C. Wilkerson
Deputy City Recorder

M-189414-94

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9 day of August, 1994, by and between Richard Borelen, herein called Grantors, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the compensation agreed upon, the grantors have this day granted and by these presents do grant, 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, undergrowth, 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

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 the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
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 700, Albany, OR 97321

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

GRANTOR:

Richard Borden

CITY OF ALBANY:

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

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3404, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24th day of August, 1994.

The foregoing instrument was acknowledged before me this 9 day of August, 1994, by Richard Borden as his/her/their voluntary act and deed.

Danita Overcash
Notary Public for Oregon

Steve Bryant
City Manager

ATTEST:

My Commission Expires: 3-19-97

Norm C. Withrow
City Recorder - Deputy



STATE OF OREGON } ss. **179361**
County of Benton }

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

'94 SEP 1 PM 3 51

AND ASSIGNED No 189414 1994

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

DANIEL G. BURK

Director Of Records & Elections

25- By  Deputy

Legal Description 15' Wide Waterline Easement

Being all of the South 15.00 feet of the North 27.50 feet of Lot 10, "Braden Tracts", located in the J.Q. Thornton Donation Land Claim in the southwest one-quarter of Section 36, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon.

Save and Except therefrom the South 118.00 feet of the West 136.00 feet of said Lot 10 of "Braden Tracts".

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Recorded Document Recorder File No. 2520