

RESOLUTION NO. 5967

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

Paul L. Zehr

Purpose

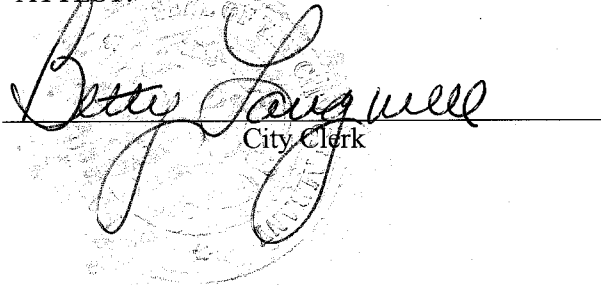
A 7 foot wide franchise utility easement along the street frontage of lots 3-12 in Skyline Terrace Subdivision.

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

DATED AND EFFECTIVE THIS 8TH DAY OF DECEMBER 2010.

  
Mayor

ATTEST:

  
City Clerk

## FRANCHISE UTILITY EASEMENT

THIS AGREEMENT, made and entered into this 8<sup>th</sup> day of December, 2010, by and between Paul L. Zehr, 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 the utilities adjacent to the right-of-way for the purpose of providing franchise utility access over, across, under and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said franchise utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
A 7 foot wide franchise utility easement along the street frontage of lots 3-12 in Skyline Terrace Subdivision. See legal description on attached Exhibit A and maps on attached Exhibits B and C.
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 franchisee performing the maintenance shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

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

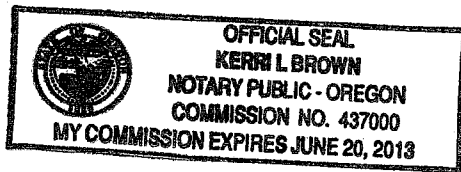
**GRANTOR:**

Paul L. Zehr

Paul L. Zehr  
Paul L. Zehr

STATE OF Oregon )  
County of Umatilla ) ss.  
City of Milton Freewater

The instrument was acknowledged before me this  
8 day of NOV, 2010,  
by Paul L. Zehr as his voluntary act and deed.



Kerri L. Brown  
Notary Public for Milton Freewater  
My Commission Expires: 6-20-13

**CITY OF ALBANY:**

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5967 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
City Manager

ATTEST:

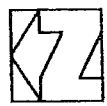
\_\_\_\_\_  
City Clerk

## Exhibit A

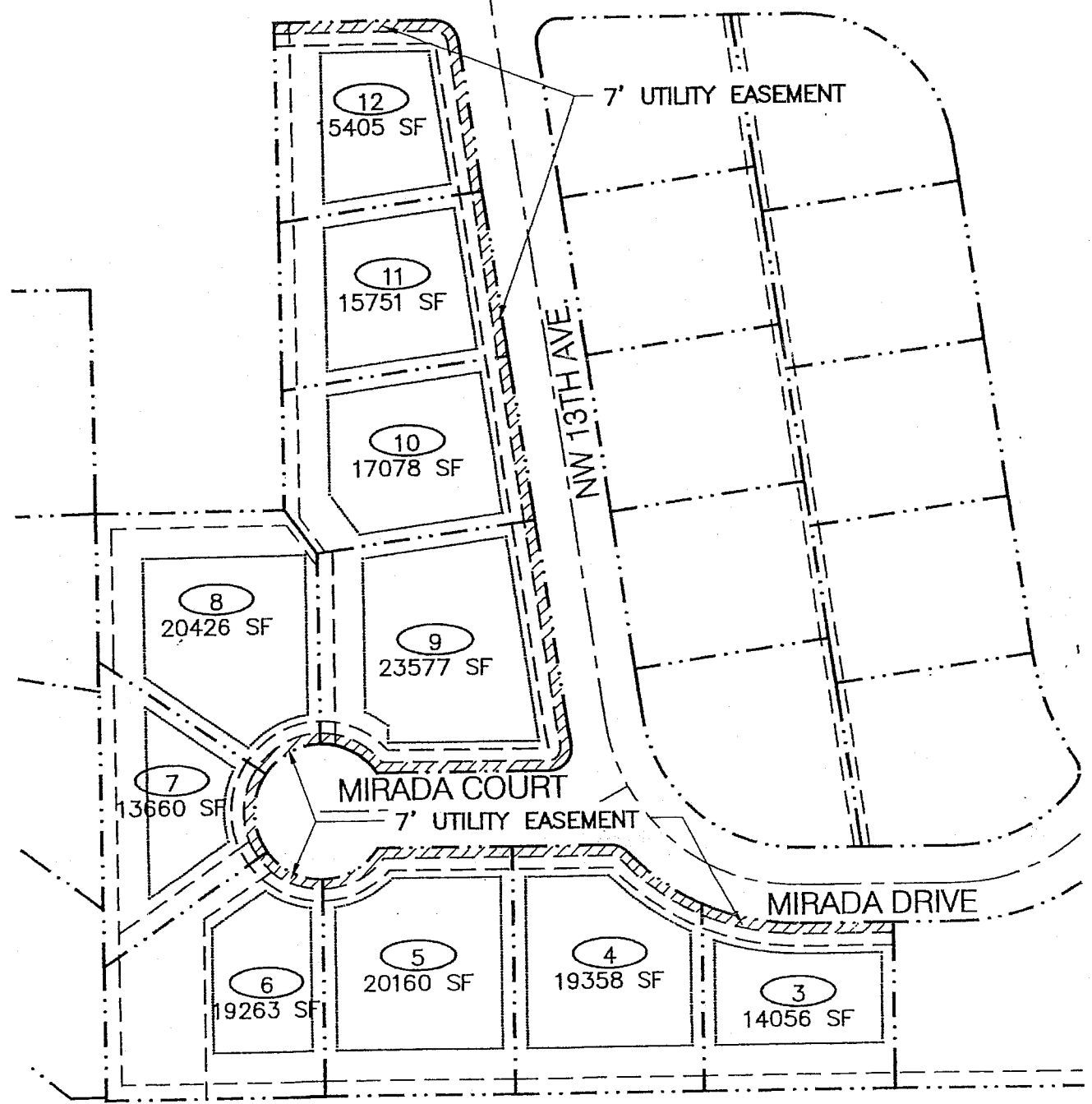
### Legal Description:

A 7 foot utility easement for the installation, maintenance and replacement of public and franchise utilities along Skyline Drive (previously named Hillcrest St.), NW 13<sup>th</sup> Avenue, Mirada Drive and Mirada Court described as follows:

A 7 foot strip located along the entire street frontages of the above mentioned streets on Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Block 1 of the Skyline Terrace Subdivision in Benton County also in Section 36 of Township 10 South, Range 4 West of the Willamette Meridian, having a frontage length of 1306.52 feet per the recorded subdivision plat containing an area of 9,146 square feet more or less.



NW SKYLINE DR.



DATE 7/27/10  
 SCALE 1"=100'  
 DRAWN PJS  
 FILE G:\09109

SKYLINE TERRACE SUBDIVISION  
 UTILITY EASEMENT

Exhibit B

# EXHIBIT C

Easement covers entire street frontage along Skyline Drive (previously named Hillcrest St.), NW 13th Avenue, Mirada Drive and Mirada Court on lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

A 7-foot wide franchise utility easement along the street frontage of lots 3-12 in Skyline Terrace Subdivision



Geographic Information Services

