

RESOLUTION NO. 3352

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

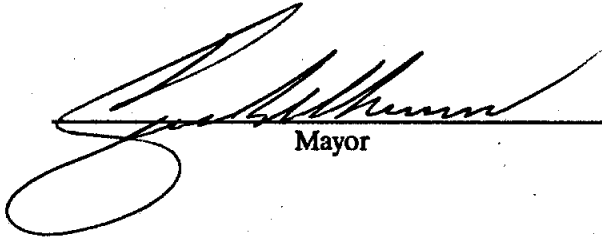
Grantor

Richard and Barbara Borden

Purpose

a permanent public utility easement for the Local Improvement District known as Skyline Drive Sanitary Sewer Extension 1 (Project No. SS-93-4)

DATED this 30 day of March, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Recorder



M-182235-94

EASEMENT FOR PUBLIC UTILITIES

Return to: City of Albany - Recorder  
P.O. Box 490, Albany, OR 97321

THIS AGREEMENT, made and entered into this 10<sup>th</sup> day of March, 1994, by and between Richard and Barbara Borden, herein called Grantors, 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 grantors have this day bargained and sold and by these presents do 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, 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:  
  
A portion of that tract of land conveyed by Deed recorded January 5, 1981 and filed in Microfilm Record M-24581-81, Benton County Records, being within the Northwest 1/4, Southwest 1/4, Section 36, Township 10 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows and as shown on the attached map labled EXHIBIT A: The northerly 20.00 feet of the westerly 190.00 feet of said tract as measured from the most westerly line of said tract, containing an area of 2,723 square feet, more or less.
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 \$177.00 and in further 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.

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

GRANTOR:

Richard Borden  
Barbara Borden

CITY OF ALBANY:

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

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3352, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 30th day of March, 1994.

The foregoing instrument was acknowledged before me this 10th day of March, 1994, by Richard and Barbara Borden as his/her/their voluntary act and deed.

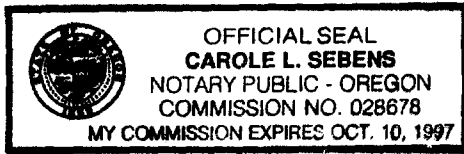
Steve Bryant  
City Manager

Carole L. Sebens  
Notary Public for Oregon

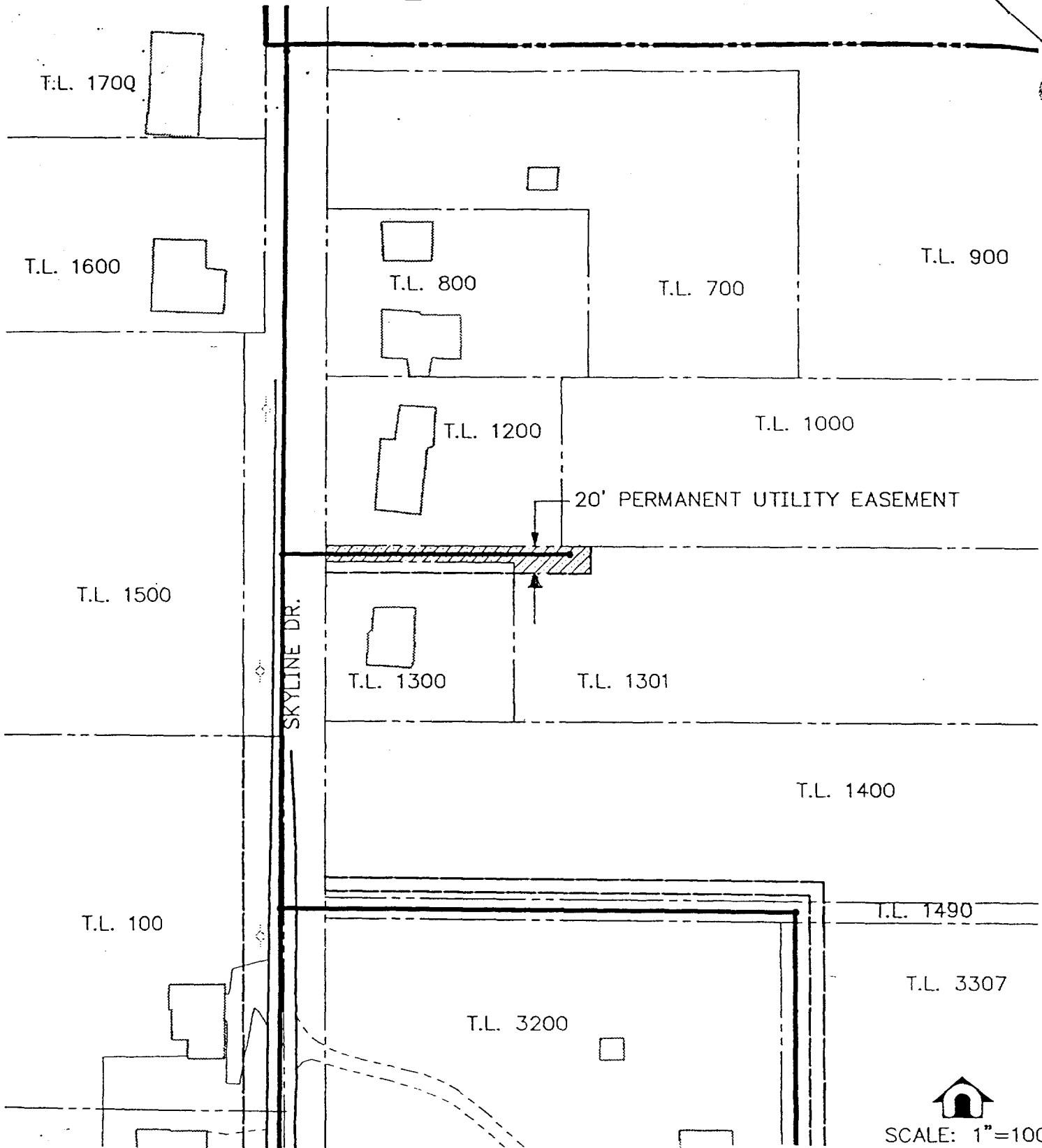
ATTEST:

My Commission Expires: 10/10/97

Norm C. Withrow  
City Recorder - Deputy



# EXHIBIT A



SCALE: 1"=100'

**TITLE**  
**EXHIBIT MAP FOR EASEMENT DESCRIPTION**  
**RE. TAX LOT 10-4-36CB-1301 FILE 203**

FILE	DRAWN BY	DESIGN BY	SCALE	DATE
ALBX0003	BDS	GRA	1"=100'	1-27-92



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Recorded Document Recorder File No. 2443