

RESOLUTION NO. 3628

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

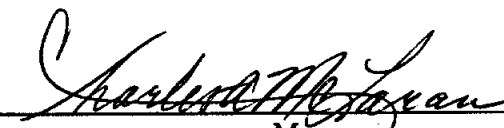
Grantor

Richard Borden


Purpose


A public utility easement 10.00 feet in even width across that property conveyed to Richard Borden in Benton County Deed Reference 14581-81.

DATED this 24th day of April 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11th day of April, 1996, by and between **Richard 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, 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:  
  
See Attached Legal Description and map labeled Exhibit A.
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 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.

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

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

GRANTOR:

Richard Borden  
Richard Borden

CITY OF ALBANY:

STATE OF OREGON )  
County of Linn ) ss.  
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 3628, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25 day of April, 1996.

The foregoing instrument was acknowledged before me this 11th day of April, 1996 by Richard Borden as his/her/their voluntary act and deed.

Karen S. Wolf  
Notary Public for Oregon

Steve Bryant  
City Manager

My Commission Expires: 8/21/99

ATTEST:

[Signature]  
City Recorder

borden.ens



424 SECOND AVE. S.E.  
P.O. BOX 752  
ALBANY, OREGON 97321

TELEPHONE (503) 928-3878

**MOORE SURVEYING**

Verle C. Moore  
*Professional Land Surveyor*

April 9, 1996

c:\sodata\960326.des

Braden Tracts, Easement in Tract 10.  
Description for Russell R. Boyd

an easement for the purpose of installing and maintaining a domestic water line, being 10 feet in width, the center line of which is described as follows: Beginning at a point on the south line of Tract 9 of Braden Tracts in the John Q. Thornton Donation Land Claim Number 37, Township 10 South, Range 4 West of the Willamette Base and Meridian, Benton County, Oregon which is 218.48 feet North  $89^{\circ}42'$  West of the southeast corner of said Tract 9; thence South 25 feet more or less to a point which is 5 feet South of the center of an existing water line running east and west, and there terminating.

Record of Survey  
for

Richard Borden  
in Braden Tracts

the John Q. Thornton Donation Land Claim Number 37,  
in the Southwest Quarter of Section 36,  
Township 10 South, Range 4 West, W.B. & M.  
Albany, Benton County, Oregon

Scale: 1" = 50' February 1, 1996

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LOT 9

170.08'

Basis of Bearing

S89°42'00"E

555.29'

-C.S. 5136

213.48'

Fd 1/2" iron pipe  
-C.S. 5136

Fd 1/2" iron pipe

S89°45'30"E 138.00' SET  
Fd 5/8" rebar in  
disturbed ground  
S01°28'01"E 0.38'

Fd 1/2" iron pipe  
-C.S. 5136

Fd 3/4" rebar  
-C.S. 5136

Richard and Barbara Borden

M-24581-81

LOT 10

Fd 1/2" iron pipe

150.83'  
136.00'

SET

Fd 5/8" rebar  
-C.S. 5136

N89°45'30"W

419.28'

C

122.48'  
N00°11'30"W

189.75'

Fd 3/4" iron pipe  
-C.S. 5136

NARRATIVE:

The purpose of this survey is to establish the boundaries of M-24581-81. Monuments found are from C.S. 5136. Monuments set on the interior of lot 10 are from M-24581-81. The monument set at the southeast corner of the lot is set from record of C.S. 5136.

NOTE:

Monuments marked "SET" are 5/8" x 30" rebar with well...

REGISTERED

STATE OF OREGON }  
County of Benton } ss. 204373

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

'96 MAY 10 PM 1 47

AND No 213257 1996  
ASSIGNED

In the microfilm records of said county  
Witness My Hand and Seal of County Affixed  
DANIEL G. BURK  
Director of Records & Elections

By \_\_\_\_\_ Deputy

30  
15615

Resolution No. 3628

Recorded Document Recorder File No. 2751