

RESOLUTION NO. 3411

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

Grantor

Ursula Tabor

Purpose

a permanent public utility easement (for a waterline)
across property located at 1337 Skyline Drive NW
(Planning M1-12-93/Engineering SI-94-9)

DATED this 14th day of September, 1994.



ATTEST:

Norm C. Withrow
Deputy City Recorder

[Signature]
Mayor

EASEMENT FOR PUBLIC UTILITIES

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97302

THIS AGREEMENT, made and entered into this 15th day of September, 1994 by and between URSULA TABOR, herein called Grantors, and the CITY OF ALBANY, a Municipal Corporation, herein called City, and their successors and assigns.

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 construct, maintain, and repair public utilities to wit: a waterline, for the purpose of conveying public utilities to wit: a waterline, 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:

Being all of the South 5.00 feet of the North 25.00 feet of the West 136.00 feet of Lot 10, Braden Tracts, a subdivision of record, located in the J. Q. Thornton Donation Land Claim No. 37 in the southwest one-quarter of Section 36, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon.
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 it may seem 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 and \$9,875.00, and the covenants and promises contained herein.
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 title thereto against lawful claims of all persons whomsoever.
5. Upon performing any construction or maintenance, the City shall return the site to original or better condition, including but not limited to fencing.
6. No permanent structure shall be constructed on this easement.
7. The City shall assume all liability for personal injury, property damage, environmental contamination, and liabilities arising from or related to installation or maintenance of the utility and defend and indemnify Grantor therefrom.

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

GRANTOR:

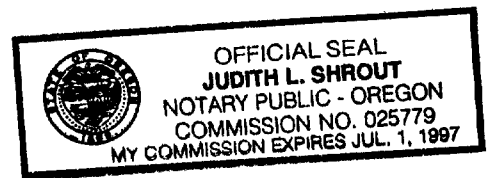
Ursula Tabor
Ursula Tabor

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

The foregoing instrument was acknowledged before me this 1st day of September, 1994,
by Ursula Tabor as her voluntary act and deed.

Judith L. Shrou
Notary Public for Oregon
My Commission Expires:

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 3411
do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this
14th day of September, 1994.

Steve Bryant
City Manager

ATTEST:

Nancy C. Withrow
City Recorder / Deputy

STATE OF OREGON } ss. **180448**
County of Benton }


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

'94 SEP 28 PM 1 08

AND No 190437 1994
ASSIGNED

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

DANIEL G. BURK
Director Of Records & Elections

30- By  Deputy

Resolution No. 3411

Recorded Document Recorder File No. 2513