

RESOLUTION NO. 4681

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

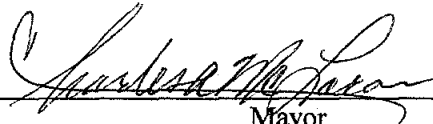
Daniel R. and Rebekah J. Borg

Purpose

A permanent public utility and sidewalk easement as described in attached EXHIBIT A and as shown on attached EXHIBIT B.

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

DATED THIS 24TH DAY OF APRIL 2002.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES AND SIDEWALK

THIS AGREEMENT, made and entered into this 10th day of April, 2002, by **Daniel R. and Rebekah J. Borg**, herein called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

WITNESSETH:

That the Grantor has this day granted unto the City of Albany, easement and right-of-way, including the right to enter upon the real property hereinafter described, to construct sidewalk 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:
A permanent public utility and sidewalk easement as and described in attached EXHIBIT A and as shown on attached EXHIBIT B.
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 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 Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Daniel R Borg
Daniel R. Borg

GRANTOR:

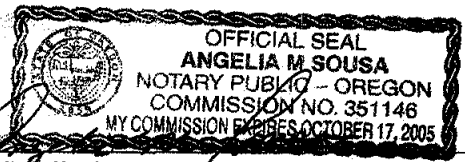
Rebeckah J Borg
Rebeckah J. Borg

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

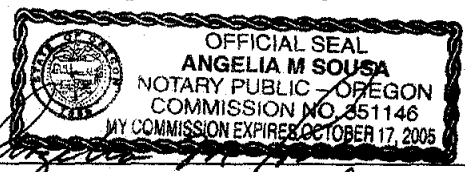
STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 10th day of April, 2002, by Daniel R. Borg as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 18th day of April, 2002, by Rebeckah J. Borg as her voluntary act and deed.



Notary Public for Oregon
My Commission Expires: Oct 17, 05



Notary Public for Oregon
My Commission Expires: Oct 17, 05

CITY OF ALBANY:

STATE OF OREGON)
Counties of Linn and Benton) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution No. 4681 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24th day of April 2002.

SPB
City Manager

ATTEST:

Ken Thompson
City Recorder

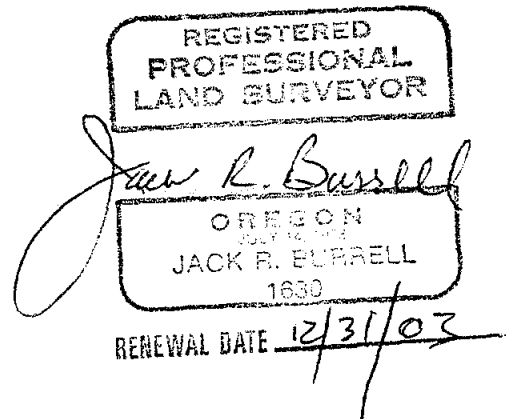
EXHIBIT "A"

Public Utility and Sidewalk Easement Over Portion of Borg Tract

(Tax Lot 800 – Map 11-4-1AD)

A portion of that Borg Tract described by deed recorded in M-171389-93 of the Benton County Deed Records that is more particularly described as follows:

Beginning at the intersection of the south right-of-way line of the Southern Pacific Railroad (a 100.00 foot wide right-of-way) with the east right-of-way line of North Albany Road, said point being 30.00 feet easterly (when measured perpendicularly) from the centerline of said North Albany Road; thence South 13°04'09" East, along said east right-of-way line, 44 feet, more or less, to the northwest of the Fairmount Grange Tract described by deed recorded in M-36082 of the Benton County Deed Records on October 27, 1972; thence South 86° East, along the north line of said Fairmount Grange Tract, 14.00 feet; thence North 14°42'45" West 48.67 to a point said south right-of-way line that is North 74°20'17" East 12.00 feet from the Point of Beginning; thence South 74°20'17" West 12.00 feet to the Point of Beginning.



April 2, 2002
EXHIBIT "A"
BORG TRACT
(01-130-A) JRB:ls
File: nm/winword/legal/01130a borg

EXHIBIT "B" EASEMENT MAP

FOR THE CITY OF ALBANY
OVER THE

BORG TRACT

LOCATED IN THE

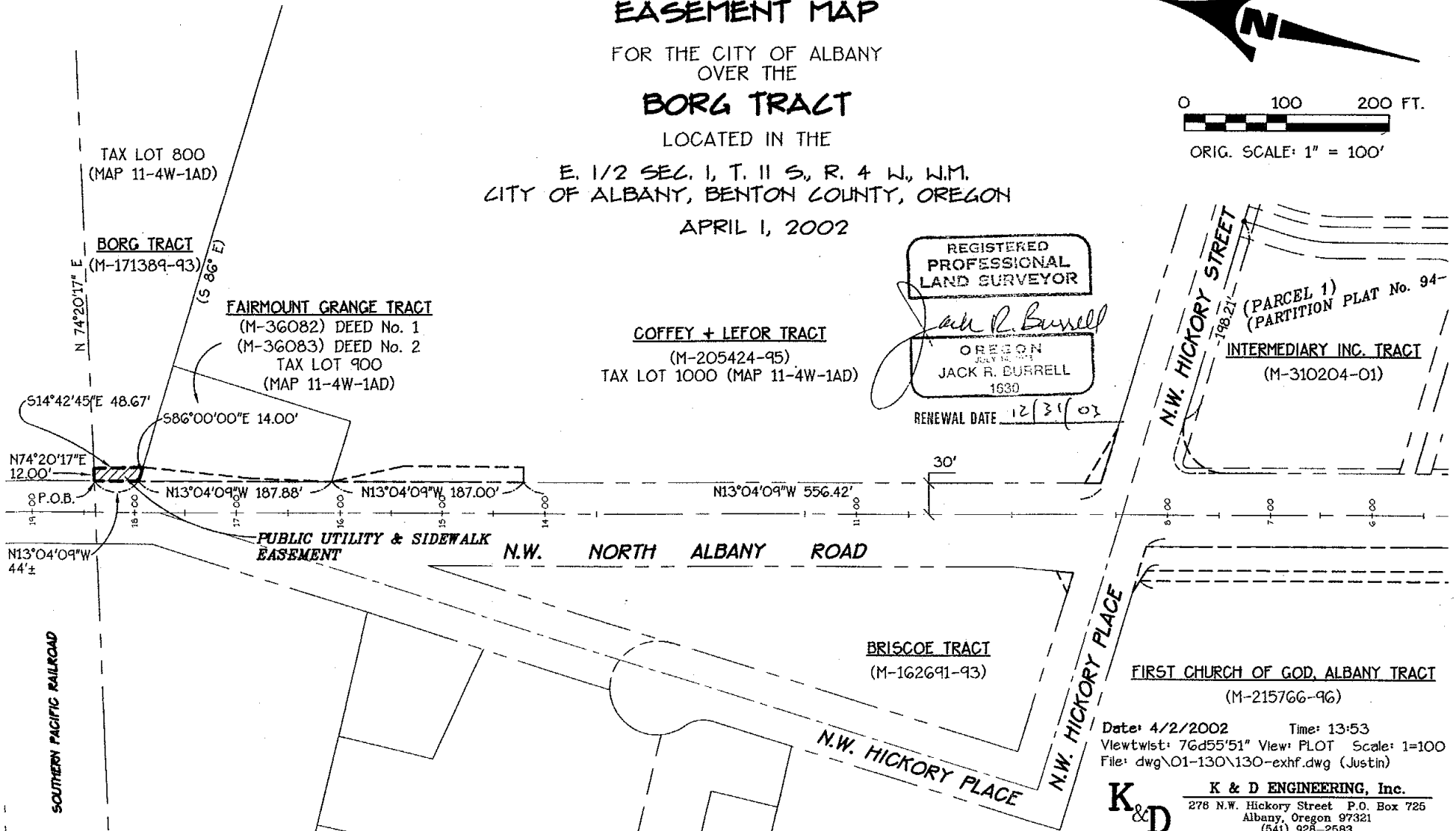
E. 1/2 SEC. 1, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

APRIL 1, 2002



0 100 200 FT.

ORIG. SCALE: 1" = 100'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 12, 1971
JACK R. BURRELL
1930

RENEWAL DATE 12/31/03

COFFEY + LEFOR TRACT

(M-205424-95)
TAX LOT 1000 (MAP 11-4W-1AD)

(PARCEL 1)
(PARTITION PLAT No. 94-

INTERMEDIARY INC. TRACT
(M-310204-01)

PUBLIC UTILITY & SIDEWALK
EASEMENT

N.W. NORTH ALBANY ROAD

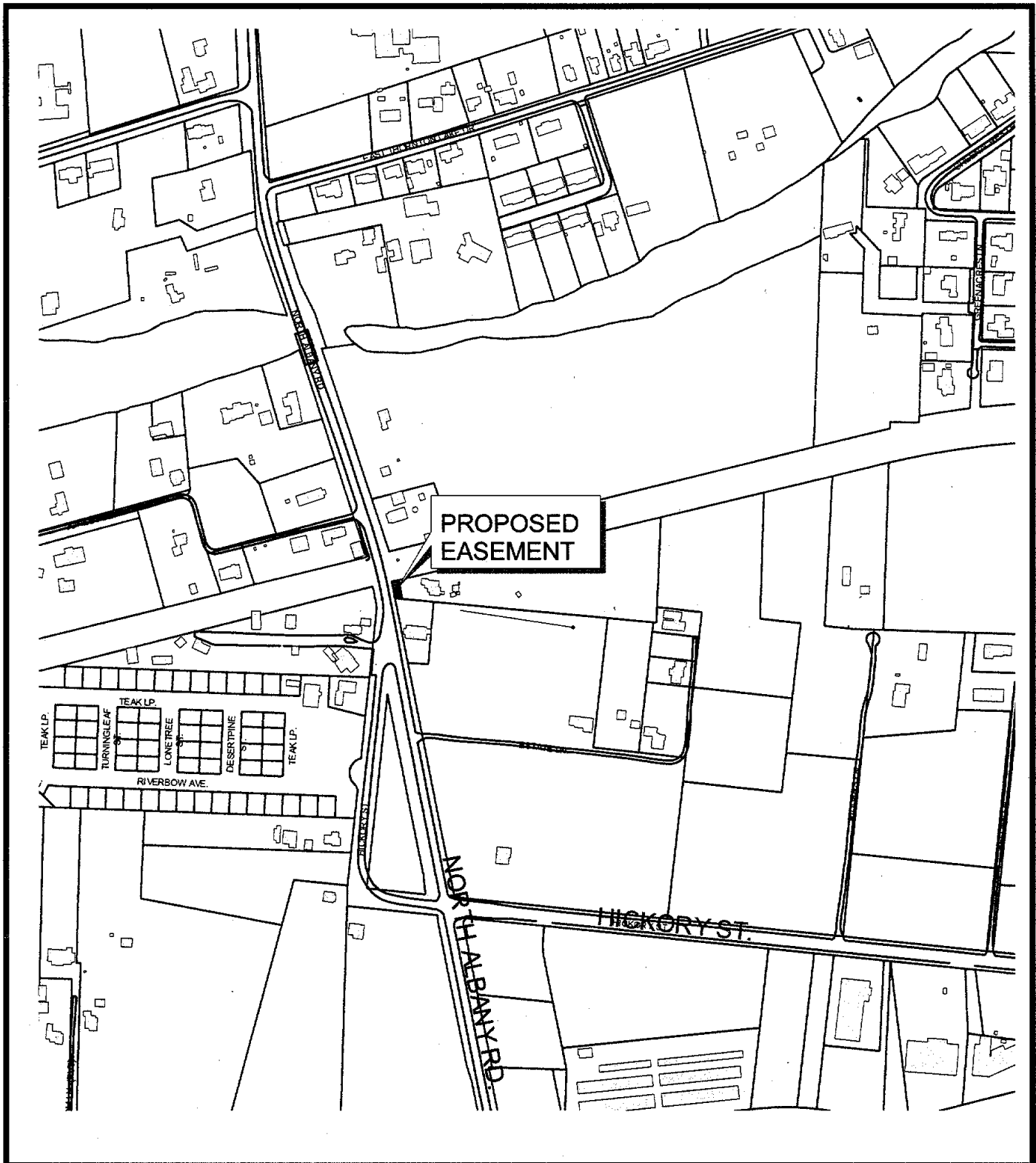
BRISCOE TRACT
(M-162691-93)

FIRST CHURCH OF GOD, ALBANY TRACT
(M-215766-96)

Date: 4/2/2002 Time: 13:53
Viewtwist: 76d55'51" View: PLOT Scale: 1=100
File: dwg\01-130\130-exhf.dwg (Justin)

K & D

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583



VICINITY MAP



North Albany Road ST-01-03

Jeff Woodward

Engineering

angles J:\AV_PROJ\SITE_MAP.APR

April 11, 2002

PUBLIC UTILITIES
AND SIDEWALK EASEMENT



PAGE 1 OF 2

STATE OF OREGON } ss.
County of Benton }

318094

PM 10:23 '02 MAY 23

I hereby certify that the within
instrument was received for record

M318589 20 02

In the microfilm records of said county

Witness My Hand and Seal of
James V. Morales, County Clerk

By *[Signature]* Deputy
SL 6/5 6

Resolution No. 4681

Recorded Document Recorder File No. 3984