Marcos Bodart, (Grantor) does hereby give and grant the City of Junction City (City), a municipal corporation of Lane County, Oregon, a perpetual exclusive utility easement across, over and under the servient estate for the purpose of construction, inspection, maintenance, repair and reconstruction of underground sewer lateral lines and associated facilities (referred to herein as "City Utility," ) and the right to enter upon servient estate, including but not limited to excavation through or removal of any permanent surface on the servient estate, to be located upon the real property described as:


City and its contractors, subcontractors, agents or employees shall have the right to enter the easement for the purpose of constructing the City Utility, to permanently maintain the City Utility or to repair or renovate the City Utility. The City of Junction City shall be responsible for restoring the surface to base grade.

Grantor agrees not to plant any tree, shrub, or plant within the City Utility easement nor build any structure or place any fence in the easement without first obtaining a written permit from the City.

Balm, poplar, locust, cottonwood or willow trees or bamboo shall not be planted within ten (10) feet of the City Utility easement. It is understood that the City may remove any physical obstructions, including buildings, fences, trees or shrubbery, and abate any use of the easement if the City finds that the physical obstruction or use will interfere with the City Utility or City's ability to maintain or repair the City Utility, and such obstruction or abatement may be removed without recompense to the Grantor.

Grantor and City intend this easement bind Grantor, its/their heirs, successors and assigns. This easement will not be considered abandoned until the City has declared the easement abandoned and no longer in use by the City, and releases this easement in a duly executed and recorded Release of Easement.

Consideration for this grant consists wholly of value other than money. Grantor hereby warrants to the City that Grantor has full power and authority to grant this easement.

In addition to all other remedies allowed by law, City, its successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement against Grantor.
If either party is required to bring suit or action to enforce the terms of easement, the prevailing party shall be entitled to recover such sums as the court may adjudge reasonable attorney fees and costs in such suit or action, or upon appeal.

DATED this __ day of ____________, 2020.

_________________________________________
Marcos Bodart, Grantor

STATE OF OREGON )
) ss.
County of Lane )

Personally appeared before this ___ day of ________________, 2020, the above-named Marcos Bodart, Grantor.

_________________________________________
Notary Public for Oregon

ACCEPTANCE OF EASEMENT

The City of Junction City, Oregon, does hereby accept the above-described Permanent Utility Easement this _____ day of ________________, 2020.

_________________________________________
Jason Knope, City Administrator
EXHIBIT A

Sewer Easement- Bodart to the City of Junction City

A 15 foot wide sewer easement, centered over the existing sanitary sewer line that runs through the Bodart property, lying in the Northwest quarter of Section 32, Township 15 South, Range 4 West, Willamette Meridian, Lane County, Oregon. Said parcel also lying in Block 94 of Junction City with the centerline of said easement being more particularly described as follows.

Beginning at a point on the northern boundary of the land described in Instrument No. 2019-049727 of the Deed Records of Lane County, Oregon, said point also being on the southerly right-of-way of 16’th Street which is also the northern boundary of Block 94 of Junction City; thence S 89°45’16” W 100.04 feet along said northern boundary of Block 94; thence S 0°48’21” W 250.07 feet along the center of the existing sanitary sewer line to the southern boundary of the land described in said Instrument No. 2019-048727, this southern boundary also being the northerly right-of-way of 15’th Street and the southern boundary of Block 94 of Junction City, and there terminating.

Bearings are Grid, U.S. State Plane Coordinates, NAD 83 (Conus), Oregon South Zone
Distances converted to ground
Convergence: -1°51’01”
Combined Scale Factor: 1.0000035839