

RESOLUTION NO. 2637

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby grant the following Option and Easement:

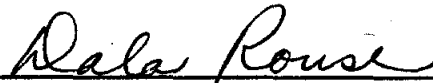
Grantee

State of Oregon, Highway Department

Purpose

The option sets forth the terms and conditions of the easement granted for slope and utility purposes across the Oak Creek sewage pump station property adjacent to Pacific Highway 99E.

DATED this 23rd day of July, 1986.



Council President

ATTEST:



City Recorder

OREGON DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

File No: 54621

Fed. Aid No: F-3(17)

GRANTORS City of Albany, Oregon, a municipal corporation MAIL ADDRESS 240 2nd Ave. SW, Albany, OR 97321

SECTION Queen Ave.-Corvallis/Lebanon Hwy. HIGHWAY Albany-Junction City

COUNTY Linn PURPOSE Permanent Easement AGENT Hopkins

REAL ESTATE OPTION

IN CONSIDERATION of the offer to the undersigned for an easement upon the hereinafter describe property, the undersigned hereby gives and grants to the State of Oregon, by and through its Department of Transportation, upon the terms and conditions hereinafter stated, the option to purchase an easement upon the property described on Exhibit "A" attached, bearing date of August 8, 1985 and covering one parcel, subject to special provision contained in Exhibit(s) C, D attached and by this agreement made a part of this option.

The Oregon Transportation Commission shall have the irrevocable right, at any time, within six (6) months from the date hereof, to accept this option.

The undersigned, hereinafter referred to as "Grantors", agree to deliver to the State of Oregon by and through its Department of Transportation, hereinafter referred to as "State", an easement to said property. Grantors further agree not to sell or encumber said property during the term of this option.

Upon the delivery of said easement and the clearing of title satisfactory to State, Grantors, in the usual course and through the usual channels of auditing claims against State, shall be paid the sum of Three Thousand Five Hundred and No/100----- Dollars (\$ 3,500.00) (Less \$) for items as listed on Exhibit(s) as full payment of the purchase thereof.

Grantors, unless the right is waived herein, are entitled to receive payment before State takes possession of the property.

Grantors of occupied property are entitled to 90 days written notice before they are required to vacate. State will give Grantors 30 days written notice of the specific vacation date when making payment for property. Grantors received 90 days notice on April 24, 1986.

Grantors do not have to provide title insurance. State will pay all recording charges for documents required.

Grantors acknowledge all items of damages, all sums of money to be paid, and all things to be done by State are in this option. Grantors agree, the consideration recited herein is just compensation, including any and all damages to Grantors' remaining property, if any, which may result from the use of said property and the construction or improvement of the highway. All claims for damages, injury or loss on account of failure to close this option are hereby expressly waived.

NOTICE: BEFORE SIGNING THIS OPTION, BE SURE ALL OBLIGATIONS, INCLUDING THOSE YOU EXPECT STATE TO PERFORM, ARE SET OUT IN THIS OPTION AND THAT YOU FULLY UNDERSTAND ALL OF THE TERMS OF THIS OPTION.

X Dated this 25th day of July, 1986.

X Dale Rouse
X Spelley
X William Bassano

EXHIBIT A

File 54621
City of Albany
ADP 8-8-85 9B-25-20

Survey Approval Project
Section: Queen Ave.-Corvallis/Lebanon Hwy.
Highway: Albany-Junction City
Non-throughway

Permanent Easement for Slopes, Telephone, Cable T.V., and Powerline

A parcel of land lying in the Truett Davis D.L.C. No. 38, Township 11 South, Range 4 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the City of Albany, recorded in MF Vol. 7, Page 201 of Linn County Records; the said parcel being that portion of said property included in a strip of land 65 feet in width, lying on the Easterly side of the center line of the Albany-Junction City Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 538+29.36, said station being 1191.85 feet South and 0.47 feet West of the Northwest corner of the Truett Davis D.L.C. No. 38, Township 11 South, Range 4 West, W.M.; thence on a 6031.13 foot radius curve right (the long chord of which bears South 0° 55' 12" East 315.75 feet) 315.79 feet; thence South 0° 34' 48" West 1377.01 feet; thence on a 19,098.59 foot radius curve right (the long chord of which bears South 0° 52' 25.5" West 195.83 feet) 195.83 feet; thence South 1° 10' 03" West 782.01 feet to Engineer's center line Station 565+00.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 2,500 square feet, more or less.

np/
8-14-85

NOTE: Access Not Controlled.

EXHIBIT _____
FILE NO. 5462
DATE 6-26-86

STATE'S OTHER OBLIGATIONS

State is to not allow telephone, cable T.V., or powerline utility installations to intrude onto Grantor's remaining property farther than 5' from the back of the sidewalk.

State is to raise manhole located in easement area to final slope elevation using specification no less than City of Albany's standard construction specifications. Give Grantor 30 days notice to remove fence and construct temporary fence. State to repair any pavement damaged outside of easement area. State is to saw out and remove asphalt that would be covered by fill. Relocate ~~access~~ to 557+49 ± using as minimum City specifications of 6" rock base paved with 3" class C asphalt or State specifications if higher standard. Slope for access to be limited to 10% to ensure access for long vehicles.

State will, at the time of highway construction, build the following road approaches:

<u>Engr. Station</u>	<u>Top Surface Width</u>	<u>Curb Cut Width</u>
557+49 ±	25'	

Any construction lying outside of the traveled portion and shoulders of the highway which is made for the use and benefit of the remaining property, either under the terms of this option or the construction plans, shall be completed in conformance with normal engineering construction practices and thereafter shall be maintained or reconstructed by the property owner in accordance with Section 374.305, et seq., ORS and other applicable statutes and regulations. Grantors hereby grant State, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

FENCING

GRANTORS' OBLIGATIONS

A. Grantors agree to move and reconstruct or replace, in kind, any fence disturbed by the construction or reconstruction of this project. Fencing is to be done not later than 3 months after construction has been completed. The amount of \$1,750.00, representing the fencing allowance, is to be withheld from the above consideration until the fencing has been completed. Thereafter, the fencing is to be maintained, repaired and reconstructed by Grantors or their successors in interest.

B. Grantors agree to promptly remove the existing right of way fence upon 30 days notice by State. Any fencing not moved as agreed becomes the property of State.

STATES' OBLIGATIONS

A. State agrees to move and reconstruct, in kind, any fence disturbed by the construction or reconstruction of this project. Fencing constructed by State shall create no obligation on part of State for maintenance.

B. State agrees to install on the _____ right of way line, type _____ fence, using posts spaced _____ apart and _____ wire with _____ strands of barbed wire on top. Gateways will be of the type hereinafter specified.

Gateways:

RETURN TO
ORIG. STATE HIGHWAY DIVISION
HIGHWAY SECTION
STATE HIGHWAY BLDG. ROOM 119
SALEM, OREGON 97310

Highway Division
File 54621
9B-25-20

ORIGINAL
ORIGINAL

PERMANENT SLOPE EASEMENT

CITY OF ALBANY, Oregon, a municipal corporation, Grantor, hereby grants to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, its successors and assigns, a permanent easement to construct and maintain telephone, cable T.V., and electric powerlines, including poles and appurtenances therefor highway slopes, necessitated by the construction, operation, and maintenance of the Queen Ave.-Corvallis/Lebanon Hwy. Section of the relocated Albany-Junction City Highway, upon the following described property, to wit:

4-20-86
1

A parcel of land lying in the Truett Davis D.L.C. No. 38, Township 11 South, Range 4 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the City of Albany, recorded in MF Vol. 7, Page 201 of Linn County Records; the said parcel being that portion of said property included in a strip of land 65 feet in width, lying on the Easterly side of the center line of the Albany-Junction City Highway as said highway has been relocated, which center line is described as follows:

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Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 2,500 square feet, more or less.

IT IS UNDERSTOOD that nothing in this easement will be construed to prevent Grantor from the use of said property, provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support to said highway. It is also understood that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor, its successors and assigns, by reason of any change of grade of the highway abutting on said property.

The true and actual consideration received by Grantor for this easement is

\$ 3,500.00

X Dated this 25th day of July, 1986



CITY OF ALBANY

X By Dale Rouse
Council President

X By William B. Benson
City Manager

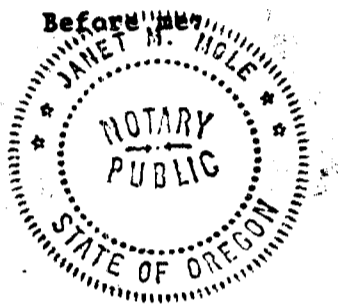
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STATE OF OREGON

County of Linn

July 25th, 1986.

Personally appeared Dale Rouse, William B. Barrons, and D. Gary Holliday, who, being sworn, stated that they are the Mayor, City Manager, and City Recorder of the City of Albany, and that this instrument was voluntarily signed and sealed in behalf of said City by motion of its City Council.



Janet M. Mole
Notary Public for Oregon

My Commission expires 9/21/86

12-4-85
Page 2 - PSE
slb/hp

800

SEP 4 2 33 PM '86

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records:

DEL W. RILEY
Linn County Clerk

By LP, Deputy

Volume: MF 420 Page: 808

Resolution No. 2637

Recorded Document Recorder File No. 1823