

RESOLUTION NO. 3718

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Dayton Hudson Corporation dba Target Stores

Purpose

Four permanent public utility easements across that property in the Southeast 1/4 of Section 25, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon.

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

DATED THIS 18TH DAY OF DECEMBER 1996.


Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18th day of December, 1996, by and between Dayton Hudson Corporation dba Target Stores, 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, these easements and right-of-ways, 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:

FOUR PERMANENT PUBLIC UTILITY EASEMENTS ACROSS THAT PROPERTY IN THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS AND SHOWN ON THE ATTACHED MAP LABELED EXHIBIT A:

UTILITY EASEMENT

A STRIP OF LAND 20.00 FEET IN EVEN WIDTH FOR UTILITY PURPOSES LOCATED IN THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED EXHIBIT A:

BEGINNING AT A POINT WHICH BEARS NORTH 25° 25' 12" WEST 240.52 FEET FROM THE SOUTHEAST CORNER OF SECTION 25, SAID POINT BEING 38.00 FEET WESTERLY AND PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 99E AS SHOWN ON PARTITION PLAT NO. 1995-32, A PLAT OF RECORD IN LINN COUNTY' THENCE NORTH 87° 44' 48" WEST 1194.48 FEET.

CONTAINING 0.548 ACRES (23,890 SQ. FT.) OF LAND MORE OR LESS. THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS FROM THE AFOREMENTIONED PARTITION PLAT NO. 1995-32.

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

UTILITY EASEMENT

A PARCEL OF LAND FOR UTILITY EASEMENT PURPOSES LOCATED IN THE SOUTHEAST ONE-QUARTER (¼) OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED EXHIBIT B:

BEGINNING AT A POINT WHICH BEARS NORTH 56° 34' 03" EAST 52.75 FEET FROM THE MOST NORTHEASTERLY CORNER OF PARCEL 1 OF PARTITION PLAT NO. 1995-32, A PLAT OF RECORD IN LINN COUNTY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SUPRA DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY ON THE ARC OF A 45.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS NORTH 11° 24' 02" EAST 14.26 FEET) A DISTANCE OF 14.32 FEET; THENCE NORTH 02° 27' 27" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, 5.00 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING 20 FOOT WIDE UTILITY EASEMENT AS NOTED ON THE AFOREMENTIONED PARTITION PLAT NO. 1995-32; THENCE SOUTH 87° 32' 31" EAST ALONG SAID SOUTHERLY LINE 19.79 FEET; THENCE SOUTH 0° 08' 10" WEST 19.09 FEET; THENCE NORTH 87° 32' 31" WEST 22.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.009 ACRES (395 SQ.FT.) OF LAND MORE OR LESS. THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS FROM PARTITION PLAT NO. 1995-32.

UTILITY EASEMENT

A STRIP OF LAND 20.00 FEET IN EVEN WIDTH FOR UTILITY PURPOSES LOCATED IN THE SOUTHEAST ONE-QUARTER (¼) OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED EXHIBIT C:

BEGINNING AT A POINT WHICH BEARS NORTH 9° 21' 58" WEST 554.60 FEET FROM THE SOUTHEAST CORNER OF SECTION 25, SAID POINT BEING 49.00 FEET WESTERLY AND PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 99E AS SHOWN ON PARTITION PLAT NO. 1995-32, A PLAT OF RECORD IN LINN COUNTY; THENCE NORTH 87° 44' 48" WEST 83.29 FEET.

CONTAINING 0.038 ACRES (1,666 SQ.FT.) OF LAND MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM THE AFOREMENTIONED PARTITION PLAT NO, 1995-32.

STORM DRAINAGE EASEMENT

A STRIP OF LAND FOR STORM DRAINAGE PURPOSES LOCATED IN THE SOUTHEAST ONE-QUARTER (¼) OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED EXHIBIT D:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 99E, SAID POINT BEARING NORTH 4° 07' 34" WEST 564.37 FEET FROM THE SOUTHEAST CORNER OF SECTION 25; THENCE NORTH 52° 38' 30" WEST, 126.41 FEET; THENCE NORTH 0° 01' 49" EAST 142.93 FEET; THENCE NORTH 1° 57' 25" EAST 137.77 FEET; THENCE NORTH 11° 22' 40" WEST 59.71 FEET; THENCE NORTH 5° 03' 26" WEST 217.84 FEET; THENCE NORTH 15° 02' 04" EAST 92.09 FEET; NORTH 2° 32' 41" WEST 271.55 FEET; THENCE NORTH 3° 18' 35" EAST 392.96 FEET; THENCE NORTH 47° 16' 17" WEST 35.37 FEET; THENCE NORTH 87° 36' 41" WEST 525.86 FEET; THENCE NORTH 87° 40' 33" WEST 441.21 FEET; THENCE SOUTH 0° 04' 59" WEST 57.71 FEET; THENCE NORTH 87° 21' 34" WEST 94.78 FEET; THENCE SOUTH 38° 51' 35" WEST 104.10 FEET; THENCE SOUTH 28° 43' 55" WEST 101.89 FEET; THENCE SOUTH 54° 24' 44" WEST 57.71 FEET TO A POINT ON THE EASTERLY LINE OF PARCEL 2 OF PARTITION PLAT NO. 1995-32, A PLAT OF RECORD IN LINN COUNTY, SAID POINT ALSO BEING ON THE "DRAINAGE EASEMENT" SHOWN ON SAID PARTITION PLAT; THENCE NORTH 2° 08' 14" EAST ALONG SAID EASTERLY LINE 262.71 FEET; THENCE SOUTH 80° 22' 24" EAST 110.76 FEET; THENCE NORTH 47° 45' 34" EAST 125.73 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING 20 FOOT WIDE UTILITY EASEMENT AS SHOWN ON THE AFOREMENTIONED PARTITION PLAT NO. 1995-32; THENCE SOUTH 87° 32' 31" EAST ALONG SAID SOUTHERLY LINE 1145.35 FEET; THENCE SOUTH 3° 24' 12" WEST 187.85 FEET; THENCE SOUTH 82° 01' 14" EAST 45.85 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 99E; THENCE SOUTH 2° 15' 12" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 60.53 FEET; THENCE SOUTH 79° 15' 04" WEST 48.46 FEET; THENCE SOUTH 3° 50' 54" WEST 225.67 FEET; THENCE SOUTH 1° 42' 15" EAST 194.37 FEET; THENCE SOUTH 2° 08' 43" WEST 243.08 FEET; THENCE SOUTH 0° 29' 50" EAST 211.43 FEET; THENCE SOUTH 10° 32' 28" WEST 81.69 FEET; THENCE SOUTH 1° 08' 24" WEST 166.26 FEET; THENCE SOUTH 39° 05' 38" EAST 57.55 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 99E; THENCE SOUTH 2° 15' 12" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE 42.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.544 ACRES OF LAND MORE OF LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM PARTITION PLAT NO. 1995-32.

2. The permanent easements described herein grant to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easements at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes. Further, the grantors shall be responsible to perform maintenance, evaluation and repair in the storm drainage easement, as shown on the attached map labeled Exhibit D.
3. The easements granted are 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 these easements.

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

GRANTOR:

Dayton Hudson Corporation dba Target Stores

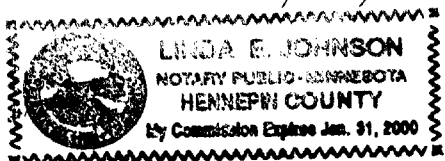
By: [Signature]
Vice President
TARGET STORES

STATE OF MINNESOTA)
County of Hennepin) ss.
City of Minneapolis)

The foregoing instrument was acknowledged before me this 13TH day of NOVEMBER 1996, by Edward J. Bierman, vice president of Dayton Hudson Corporation, A DIVISION OF DAYTON HUDSON CORP. dba Target Stores, a Minnesota corporation, on behalf of the corporation.

[Signature]
Notary Public for Minnesota

My Commission Expires: 1/31/2000



CITY OF ALBANY:

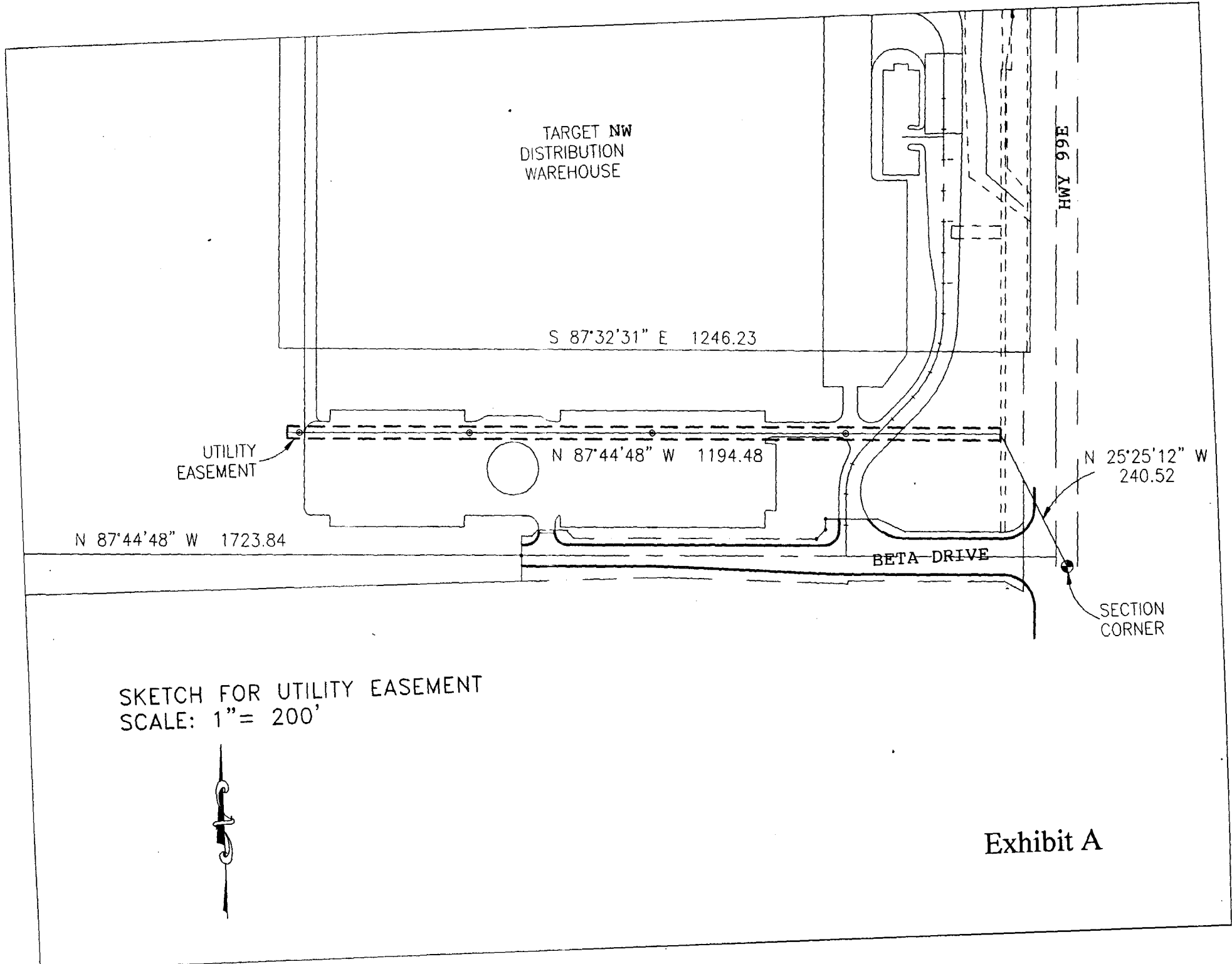
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3718 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 18th day of December, 1996.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder



SKETCH FOR UTILITY EASEMENT
SCALE: 1" = 200'



Exhibit A

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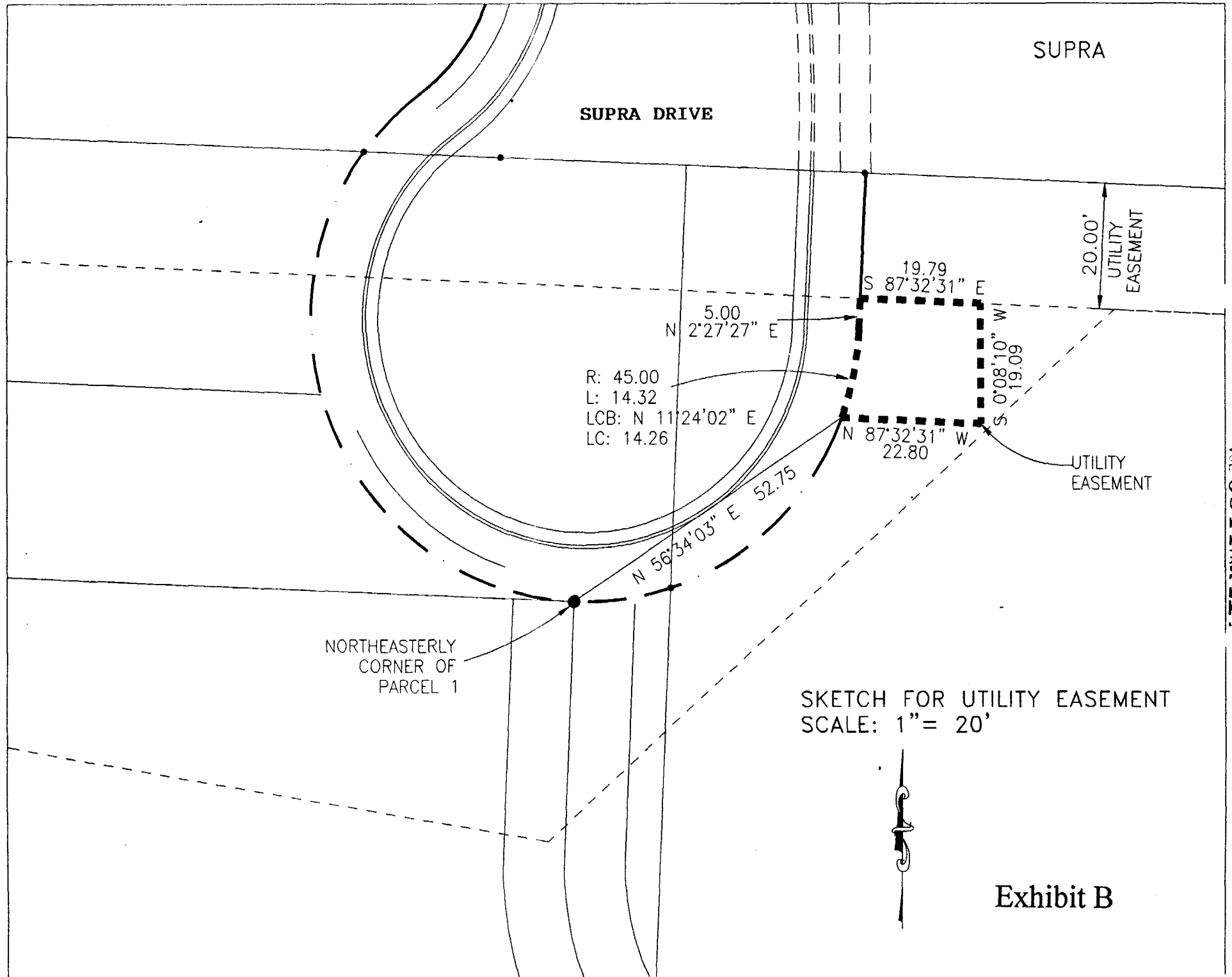
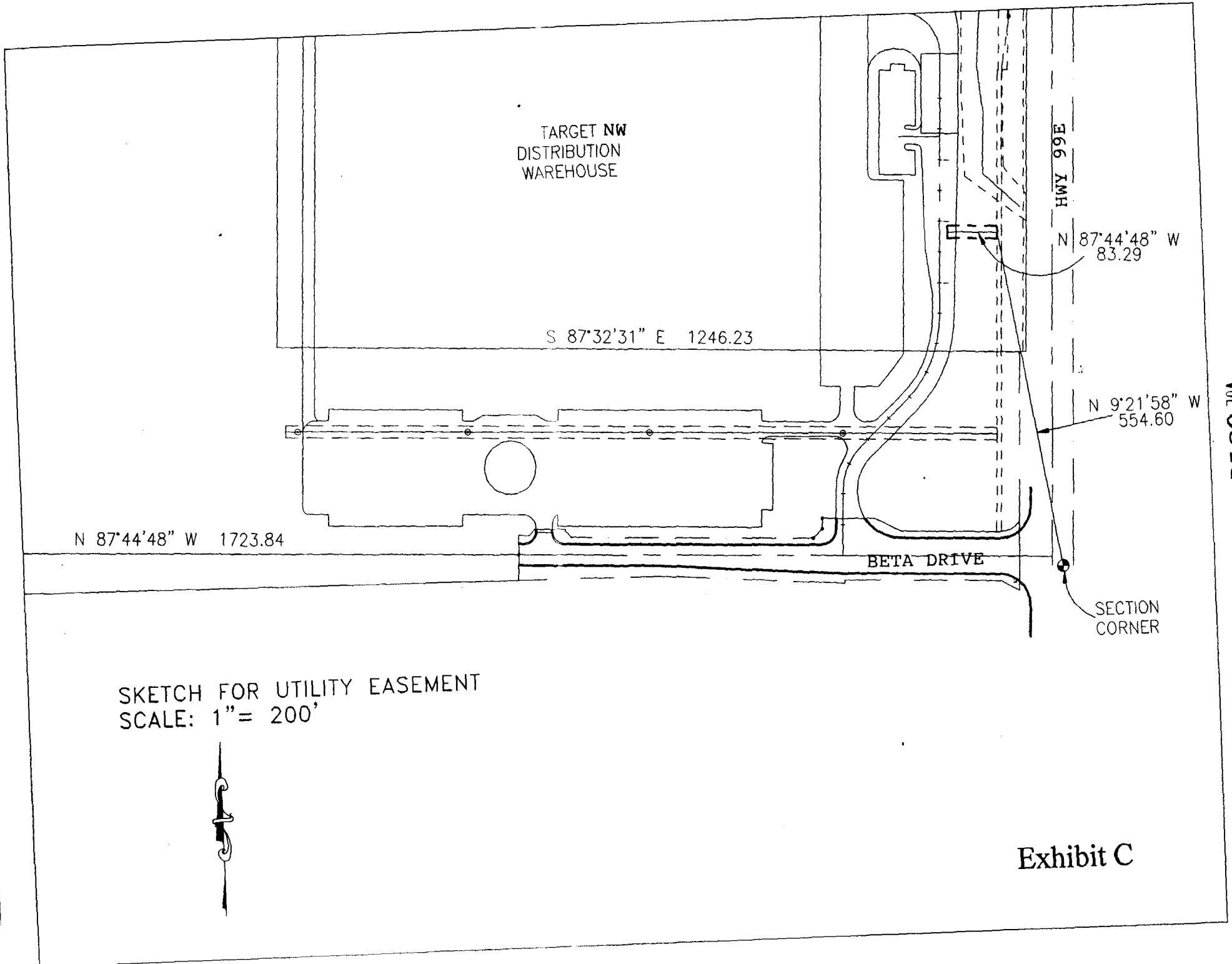


Exhibit B



SKETCH FOR UTILITY EASEMENT
SCALE: 1" = 200'



Exhibit C

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STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

By Con, Deputy

M
R 40
S/D
A
O

DEC 30 2 39 PM '96 ⁵⁰

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Recorded Document Recorder File No. 2884