

RESOLUTION NO. 3747

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Douglas V. And Greta I. Shelton

Purpose

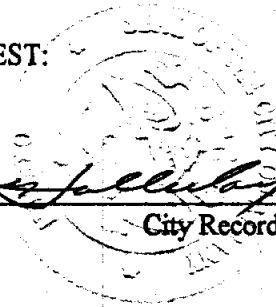

A slope easement located in a portion of that Shelton Tract described by deed recorded in M-215001-96 of the Benton County Deed Records on June 19, 1996.

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

DATED THIS 12TH DAY OF FEBRUARY 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

M-225192-97 Dewo

SLOPE EASEMENT FOR PUBLIC STREET

THIS AGREEMENT, made and entered into this 24th day of June, 1997, by and between Douglas V. and Greta I. Shelton, 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, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the embankment of Cascade Heights Drive over and across the lands hereinafter described, together with the right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said slope easement.

This agreement is subject to the following terms and conditions:

- 1. The right-of-way hereby granted consists of:  
  
(See legal description on attached Exhibit "A" and drawing 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 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 this easement.

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

\$45.00

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

**GRANTOR:**

Douglas V. Shelton  
Douglas V. Shelton

Greta I. Shelton  
Greta I. Shelton

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

The foregoing instrument was acknowledged before me this 24 day of Jan., ~~1997~~, by Douglas V. And Greta I. Shelton as his/her/their voluntary act and deed.

Annette M. Brown  
Notary Public for Oregon  
My Commission Expires: Nov. 14, 2000

M1-08-95  
CASCADEH.GPS



**CITY OF ALBANY:**

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3747, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February, 1997.

Steve Bryant  
City Manager

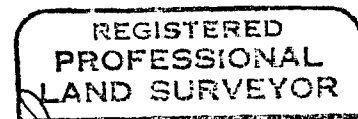
**ATTEST:**

[Signature]  
City Recorder

**PUBLIC SLOPE EASEMENT ON SHELTON TRACT**

A slope easement located in a portion of that Shelton Tract described by deed recorded in M-215001-96 of the Benton County Deed Records on June 19, 1996 that is more particularly described as follows:

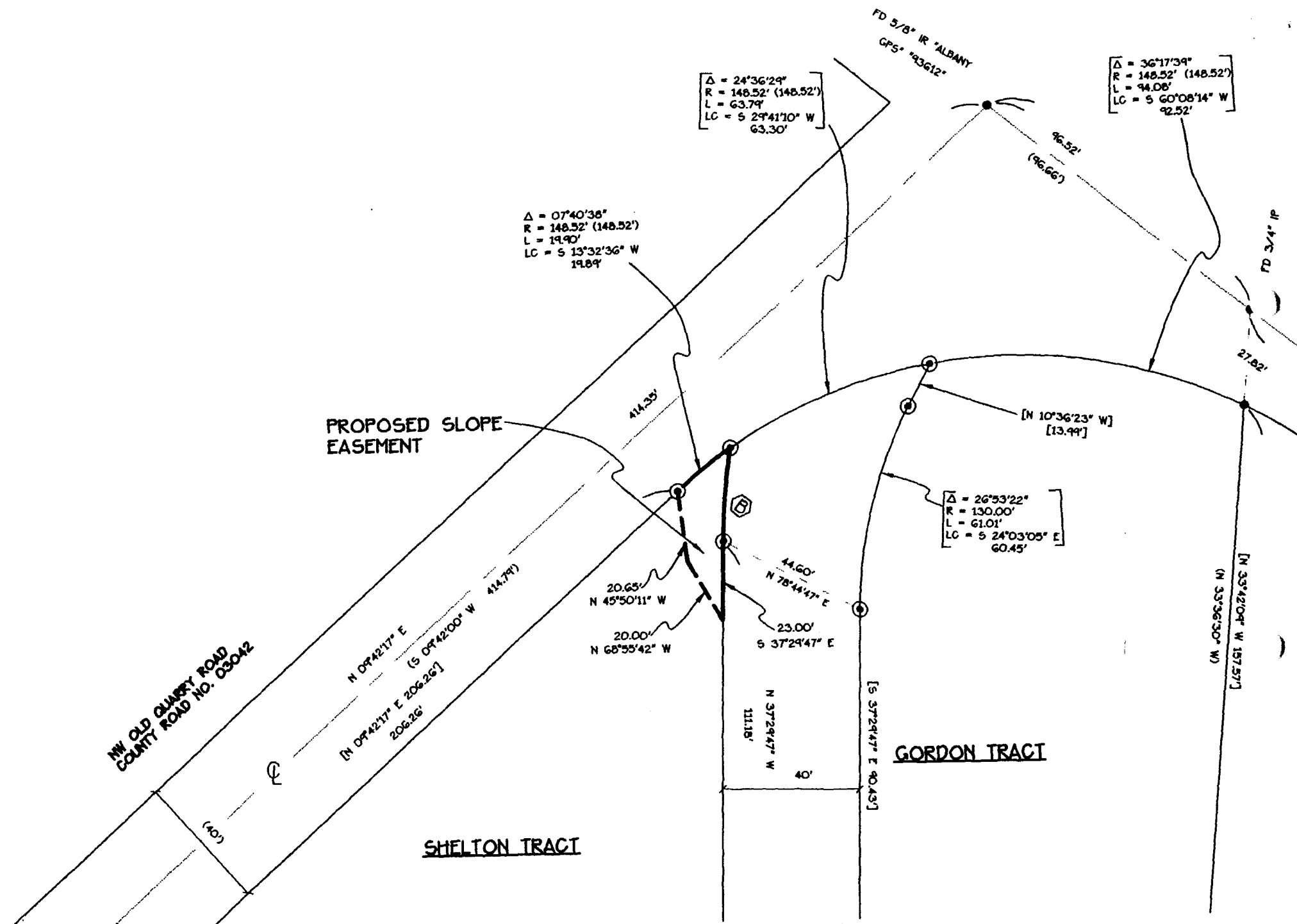
Commencing at the southeast corner of the Gallatin Adkins Donation Land Claim No. 79 in Township 10 South, Range 3 West, Willamette Meridian, Benton County, Oregon; thence North 89°56' West 1342.79 feet; thence South 33°42'09' East 27.82 feet to a 5/8 inch rod on the south right-of-way line of Old Quarry Road; thence along said south right-of-way line on the arc of a 148.52 foot radius curve to left (chord bears South 47°49'59" West 150.54 feet) a distance of 157.87 feet to a 5/8 inch rod that is the TRUE POINT OF BEGINNING of the herein described tract, which point being the most northerly corner of said Shelton Tract; thence along the easterly line of said Shelton Tract the following two (2) courses: (1) along the arc of a 180.00 foot radius curve to the left (chord bears South 33°10'55" East 27.08 feet) a distance of 27.11 feet to a 5/8 inch rod; (2) thence South 37°29'47" East 23.00 feet; thence North 68°55'42" West 20.00 feet; thence North 45°50'11" West 20.65 feet to a 5/8 inch rod on the said southerly right-of-way line of Old Quarry Road; thence along said right-of-way line on the arc of a 148.52 foot radius curve to the right (chord bears North 13°32'36" East 19.89 feet) a distance of 19.90 feet to the Point of Beginning.



*Jack R. Burrell*  
OREGON  
JULY 14, 1978  
JACK R. BURRELL  
1630

EXPIRATION DATE: 12/31/97

January 16, 1997  
PUBLIC SLOPE EASEMENT  
ON SHELTON TRACT  
(96-38-E) JRB:ls  
File Ref: nlm/legal/9638E.SHE



$\Delta = 24^{\circ}36'29''$   
 $R = 148.52' (148.52')$   
 $L = 63.79'$   
 $LC = S 2^{\circ}41'10'' W$   
 $63.30'$

$\Delta = 36^{\circ}17'39''$   
 $R = 148.52' (148.52')$   
 $L = 94.08'$   
 $LC = S 60^{\circ}08'14'' W$   
 $92.52'$

$\Delta = 07^{\circ}40'38''$   
 $R = 148.52' (148.52')$   
 $L = 19.90'$   
 $LC = S 13^{\circ}32'36'' W$   
 $19.89'$

$\Delta = 26^{\circ}53'22''$   
 $R = 130.00'$   
 $L = 61.01'$   
 $LC = S 24^{\circ}03'05'' E$   
 $60.45'$

**CURVE TABLE**

| CURVE | RADIUS | LENGTH | TANGENT | CHORD  | BEARING       | DELTA     |
|-------|--------|--------|---------|--------|---------------|-----------|
| A     | 12.00' | 18.66' | 11.81'  | 16.83' | N 07°02'33" E | 34°04'43" |

**EXHIBIT "B"**

STATE OF OREGON }  
County of Benton } ss. **217050**

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

'97 FEB 21 AM 11 23

AND ASSIGNED **M No 225192** 1997

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

NEIL B. RICHARDSON

Acting Director Of Records & Elections

By  Deputy

30  
15 GRS

Resolution No. 3747

Recorded Document Recorder File No. 2920