

RESOLUTION NO. 3770

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Albert E. Ryckman Trust

Purpose

Three one-foot reserve strips across the Orchard Heights
Subdivision to the City of Albany

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

DATED THIS 26TH DAY OF MARCH 1997.



Mayor

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17th day of August, 1997, by and between the Albert E. Ryckman Trust, 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 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:

See legal description on attached Exhibit "A" and map 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 400, Albany, OR 97321



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

GRANTOR:

Albert E. Ryckman
Albert E. Ryckman

CITY OF ALBANY:

STATE OF OREGON)
County of Benton) ss.
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 3770, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of March, 1997.

The foregoing instrument was acknowledged before me this 7th day of March, 1997, by Albert E. Ryckman as his/her/their voluntary act and deed.

Steve Bryant
City Manager

Lori A. Stutzman
Notary Public for Oregon
My Commission Expires: Jan 17, 2000

ATTEST:

[Signature]
City Recorder

M1-01-96
RYCKMAN.GPS



EXHIBIT "A"

STRIPS OF LAND FOR EASEMENT PURPOSES

STRIP No. 1

Beginning at a 5/8 inch rod at the southwest corner of Lot 14 in ORCHARD HEIGHTS, a subdivision of record in Benton County, Oregon; thence North 89°48'00" East 119.65 feet to a 5/8 inch rod at the southeast corner of said Lot 14, which point being on the westerly right-of-way line of N.W. North Heights Drive (a 50.00 foot wide right-of-way); thence South 00°12'00" East, along said west right-of-way line, 85.93 feet to a 5/8 inch rod; thence South 89°48'00" West 10.00 feet; thence North 00°12'00" West, parallel with said west right-of-way line, 75.93 feet to a point that is 10.00 feet south of the south line of said Lot 14; thence South 89°48'00" West, parallel with said south line of Lot 14, a distance of 109.67 feet to a point that is South 00°07'48" East 10.00 feet of the Point of Beginning; thence North 00°07'48" West 10.00 feet to the Point of Beginning.

STRIP No. 2

Beginning at a 5/8 inch rod at the southwest corner of Lot 10 in ORCHARD HEIGHTS, a subdivision of record in Benton County, Oregon, which point being on the east right-of-way line of N.W. North Heights Drive (a 50.00 foot wide right-of-way); thence along said east right-of-way line on the arc of a 175.00 foot radius curve to the left (chord bears South 13°58'28" West 76.92 feet) a distance of 77.56 feet to a 5/8 inch rod; thence along said right-of-way on the arc of a 10.00 foot radius curve to the left (chord bears South 44°27'39" East 14.32 feet) a distance of 15.97 feet to a 5/8 inch rod at the northeast corner of Tract "C" as shown on said plat; thence North 00°44'52" West 5.74 feet; thence along the arc of a 165.00 foot radius curve to the right (chord bears North 13°57'43" East 80.74 feet) a distance of 81.57 feet to a point on the south line of said Lot 10; thence North 85°55'42" West 10.89 feet to the Point of Beginning.

STRIP No. 3

Beginning at a 5/8 inch rod at the northeast corner of Lot 10 in ORCHARD HEIGHTS, a subdivision of record in Benton County, Oregon, which point being on the south line of Lot 9 in said subdivision; thence South 69°09'41" East, along said south line of Lot 9, a distance of 48.54 feet to a 5/8 inch rod at the southwest corner of Lot 8 in said subdivision; thence South 89°46'55" East, along the south line of said Lot 8, a distance of 12.00 feet; thence South 0°13'05" West 15.00 feet; thence North 89°46'55" West 14.73 feet; thence North 69°09'41" West 52.48 feet to a point on the east line of said Lot 10; thence North 25°27'08" East 15.05 feet to the Point of Beginning.

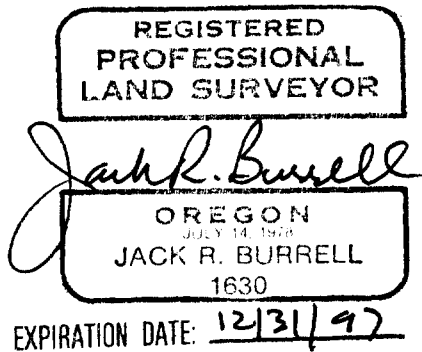


EXHIBIT "B"

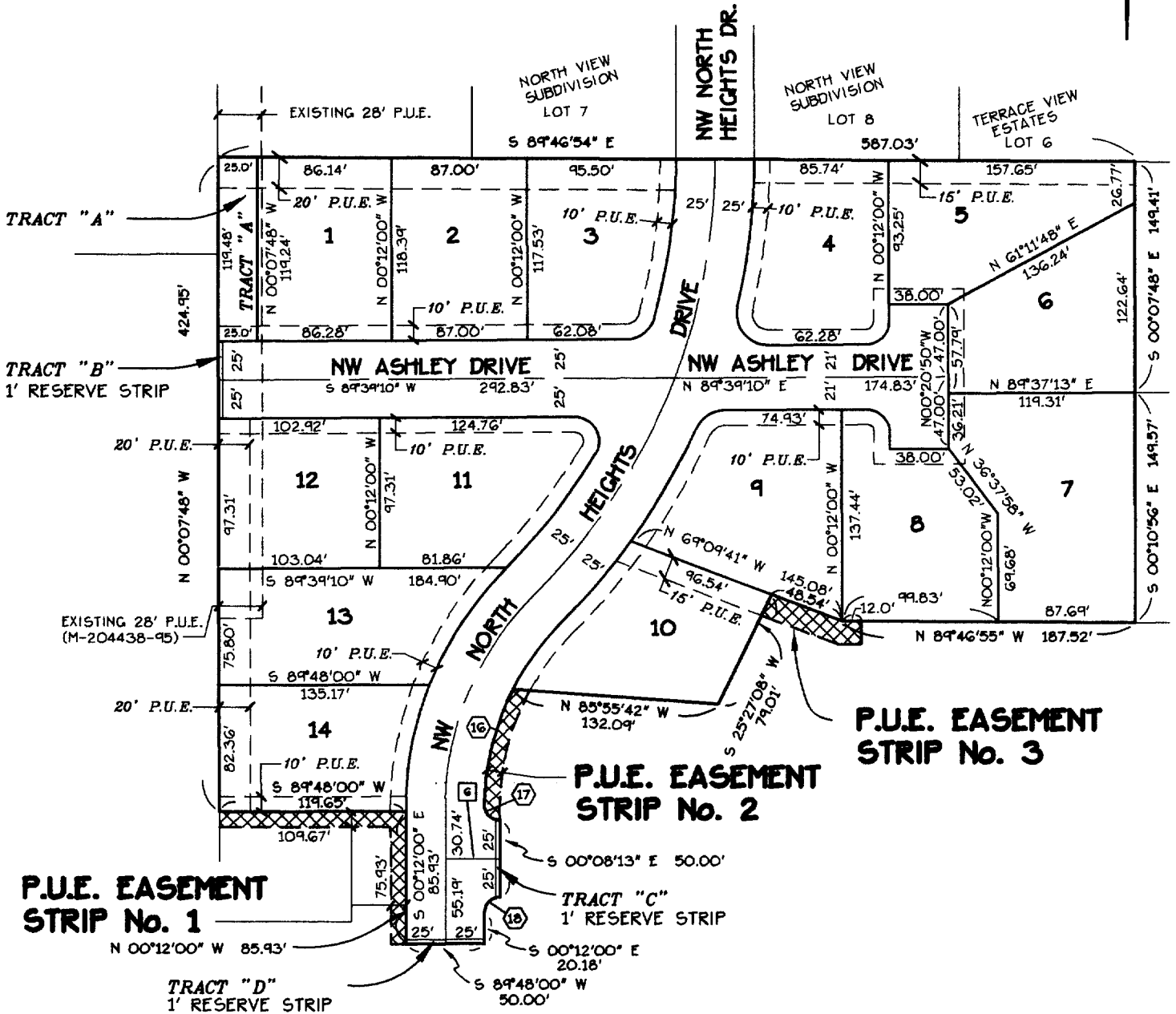
ORCHARD HEIGHTS

A SUBDIVISION LOCATED IN THE

J. Q. THORNTON D.L.C. NO. 37
 OF THE SW 1/4 SEC. 36, T. 10 S., R. 4 W., W.M.
 CITY OF ALBANY, BENTON COUNTY, OREGON

MARCH 5, 1997

SCALE: 1" = 100'



☉ COURSE:

LINE	DIRECTION	DISTANCE
16	N 89°48'00" E	35.03'

RIGHT-OF-WAY & CURVE TABLE:

LINE	RIGHT-OF-WAY	CHORD	CHORD BEARING	ARC BEARING	ARC DISTANCE
16	175.00'	77.56'	76.92'	S 13°58'28" W	25°23'32"
17	10.00'	15.97'	14.32'	S 44°27'39" E	91°28'42"
18	10.00'	15.71'	14.14'	S 44°48'00" W	90°00'00"

FILE: 9464DEXB.DWG 3/05/97
 PROJECT: 94-64-D R.J.R.



K & D ENGINEERING, Inc.

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

STATE OF OREGON }
County of Benton } ss. **219150**

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

'97 APR 8 AM 11 18


AND
ASSIGNED **M No 227185** 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

35

15 GTS

Resolution No. 3770

Recorded Document Recorder File No. 2971