

RESOLUTION NO. 3854

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Nationwide Health Properties, Inc.

Purpose

A permanent public utility easement and right-of-way, 15 feet in width, described in EXHIBIT "A" and shown in EXHIBIT "B", both attached.

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

DATED THIS 10TH DAY OF SEPTEMBER 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28<sup>th</sup> day of July, 1997, by and between NATIONWIDE HEALTH PROPERTIES, Inc., a Maryland Corporation, 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 499, Albany, OR 97321

WITNESS the hand(s) of the Grantor(s) this 28<sup>th</sup> day of July, 19 97

NATIONWIDE HEALTH PROPERTIES, INC.

BY: Gary Stark, Vice President  
Title

ACKNOWLEDGMENT

STATE OF California )  
 ) ss  
County of Orange )

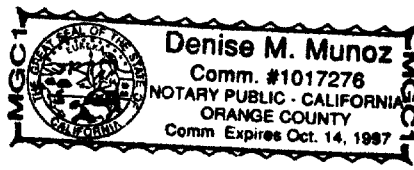
On this 28th day of July, in the year of 19 97, before me personally appeared Gary Stark, who being personally known to me or proved to me on the basis of satisfactory evidence and being first duly sworn, declared that (s)he is [A] Vice President, of [B] Nationwide Health Properties, Inc., a Maryland Corporation and that (s)he executed the within and foregoing instrument and that the statements therein contained are true, and acknowledged said instrument to be the free and voluntary act and deed of [C] Nationwide Health Properties, Inc., a Maryland Corp. the uses and purposes therein mentioned and that (s)he was authorized to execute said instrument for and on behalf of [D] Nationwide Health Properties, Inc., a Maryland corp.

WITNESS my hand and official seal as of the date first written above.

Denise M. Munoz  
Notary Public

My Commission Expires

October 17, 1997  
Residing at Orange County



Notes:

[A] For cooperate officers, partners, members, attorneys-in-fact, trustee, guardians, conservators, executors or other persons acting in representative capacities insert the title or capacity of the individual. For individuals acting in an individual capacity, insert the name of the individual.

[B] For corporations, partnerships, trusts, limited liability companies, proprietorships or other entities, insert the official name of the entity, including the state wherein registered, i.e., "'PacificCorps, an Oregon corporation", Smith Homes of Utah, L.P., a Utah limited partnership". For individuals insert the address of the individual.

[C] For corporations, partnerships, trusts, limited liability companies, proprietorships or other entities, insert the official name of the entity, including the state where registered. For individuals insert the name of the individual.

[D] For corporations, partnerships, trusts, limited liability companies, proprietorships or other entities, insert the official name of the entity, including the state where registered. For individuals insert the work "herself", "himself", or "themselves".

CITY OF ALBANY:

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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 3854 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10<sup>th</sup> day of September, 1999.

  
\_\_\_\_\_  
City Manager

ATTEST:


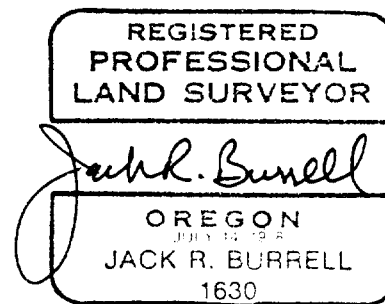
  
\_\_\_\_\_  
City Recorder

EXHIBIT "A"

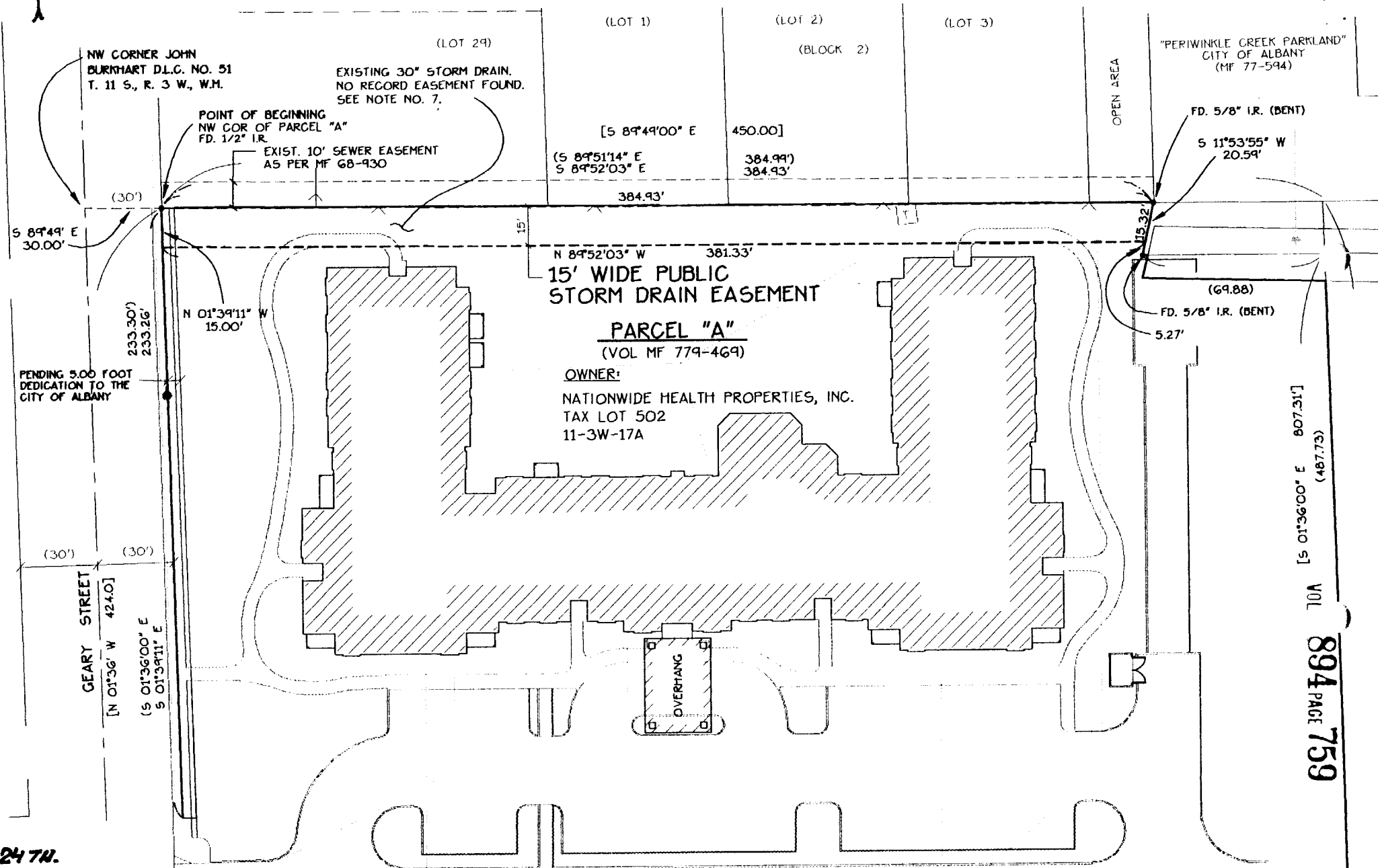
## 15.00 FOOT WIDE PUBLIC UTILITY EASEMENT DESCRIPTION

An easement for public utility easement purposes located in property identified as Parcel "A" that was conveyed to Nationwide Health Properties, Inc. by deed recorded in Volume MF 779, Page 469 of the Linn County Deed Records on December 20, 1995, said easement being more particularly described as follows:

Beginning at the northwest corner of said Parcel "A", said point being South 89°49' East 30.00 feet from the northwest corner of the John Burkhart Donation Land Claim No. 51 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 89°52'03" East, along the north line of said Parcel "A", a distance of 384.93 feet to a 5/8 inch rod; thence South 11°53'55" West 15.32 feet to a point that is North 11°53'55" East 5.27 feet from a 5/8 inch rod, which point also being 15.00 feet southerly of said north line of Parcel "A" when measured perpendicularly; thence North 89°52'03" West, parallel with and 15.00 feet distant from said north line, a distance of 381.33 feet to the east right-of-way line of Geary Street; thence North 01°39'11" West, along said right-of-way line, 15.00 feet to the Point of Beginning.

EXPIRATION DATE: 12/31/97

June 27, 1997  
 PUBLIC UTILITY EASEMENT  
 (95-183-D) JRB:nm  
 File: nm\legal\95183-d.eas



NW CORNER JOHN BURKHART D.L.C. NO. 51  
T. 11 S., R. 3 W., W.M.

EXISTING 30" STORM DRAIN.  
NO RECORD EASEMENT FOUND.  
SEE NOTE NO. 7.

POINT OF BEGINNING  
NW COR OF PARCEL "A"  
FD. 1/2" I.R.

EXIST. 10' SEWER EASEMENT  
AS PER MF 68-930

[S 89°49'00" E 450.00]

(S 89°51'14" E 384.99)  
(S 89°52'03" E 384.93)

384.93'

"PERIWINKLE CREEK PARKLAND"  
CITY OF ALBANY  
(MF 77-594)

FD. 5/8" I.R. (BENT)

S 11°53'55" W  
20.59'

S 89°49' E  
30.00'

(30')

233.30'  
233.26'

N 01°39'11" W  
15.00'

15'

N 89°52'03" W 381.33'

15' WIDE PUBLIC  
STORM DRAIN EASEMENT

**PARCEL "A"**

(VOL MF 779-469)

OWNER:

NATIONWIDE HEALTH PROPERTIES, INC.

TAX LOT 502

11-3W-17A

(69.88)

FD. 5/8" I.R. (BENT)

5.27'

PENDING 5.00 FOOT  
DEDICATION TO THE  
CITY OF ALBANY

(30')

(30')

GEARY STREET

[N 01°36' W 424.0]

(S 01°36'00" E  
S 01°39'11" E

[11.310] 807.31  
(487.79)  
[S 01°36'10" E

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247th  
AVE.

Date: 6/26/1997 Time: 11:14:49  
View: PLOT Scale: 1=50  
File: DWG\95-183-D\95183D-3.dwg (cpu\F12 MEH.)

**EXHIBIT "B"**

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 RW, Deputy

M  
R 25  
S 10

SEP 23 2 35 PM '97

35

MF 894

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Recorded Document Recorder File No. 3026