

RESOLUTION NO. 3855

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Nationwide Health Properties, Inc.

Purpose

A permanent public utility easement and right-of-way 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 28th 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:

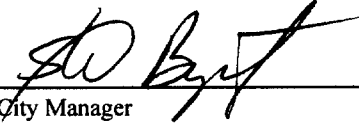
1. The right-of-way hereby granted consists of:
See legal description on attached Exhibit "A" and map on attached Exhibit "B"
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement 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 490, Albany, OR 97321

CITY OF ALBANY:

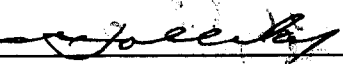
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3855 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of September, 1999.

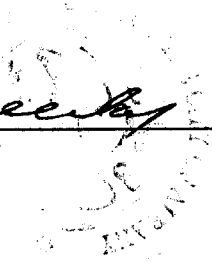


City Manager

ATTEST:



City Recorder



K & D ENGINEERING, Inc.

*Engineers • Planners • Surveyors***EXHIBIT "A"****PUBLIC UTILITY EASEMENT DESCRIPTION**

An easement for public utility 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:

Commencing at 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°49' East 30.00 feet to the northwest corner of said Parcel "A", said point being on the east right-of-way line of Geary Street; thence South 01°39'11" East, along said east right-of-way line, 233.26 feet to the northwest corner of that City of Albany Tract of land dedicated for street right-of-way purposes by deed recorded in Volume MF 109, Page 23 of the Linn County Deed Records on May 27, 1975; thence North 89°05'00" East 10.00 feet to the northeast corner of said City of Albany Tract; thence South 01°36'00" East, along the east line of said City of Albany Tract 7.23 feet to the TRUE POINT OF BEGINNING of the herein described easement; thence EAST 14.50 feet; thence SOUTH 5.50 feet; thence EAST 375.95 feet; thence NORTH 4.50 feet; thence EAST 15.00 feet; thence SOUTH 4.50 feet; thence EAST 35.00 feet to the east line of said Parcel "A"; thence South 01°41'43" East, along the said east line of Parcel "A", a distance of 30.01 feet; thence WEST 440.35 feet to the east line of said City of Albany Tract; thence North 01°36'00" West 35.52 feet to the Point of Beginning.

June 27 1997
 PUBLIC UTILITY EASEMENT
 (96-183) JRB:NM
 File: nm\legal\95183d2.eas

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jack R. Burrell

OREGON
 JACK R. BURRELL
 1630

EXPIRATION DATE: 12/31/97



233.30'

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

S 89°49' E
30.00'

NW CORNER
PARCEL "A"

(30') (30')

GEARY STREET

233.26'

S 01°39'11" E

N 89°05'00" E
10.00'

NE COR OF
VOL MF 109-23

S 01°36'00" E
7.23'

NW COR OF
VOL MF 109-23

14.50'

35.52'

20.00'

190.88'

(S 01°36'00" E

PER VOL MF 109-23

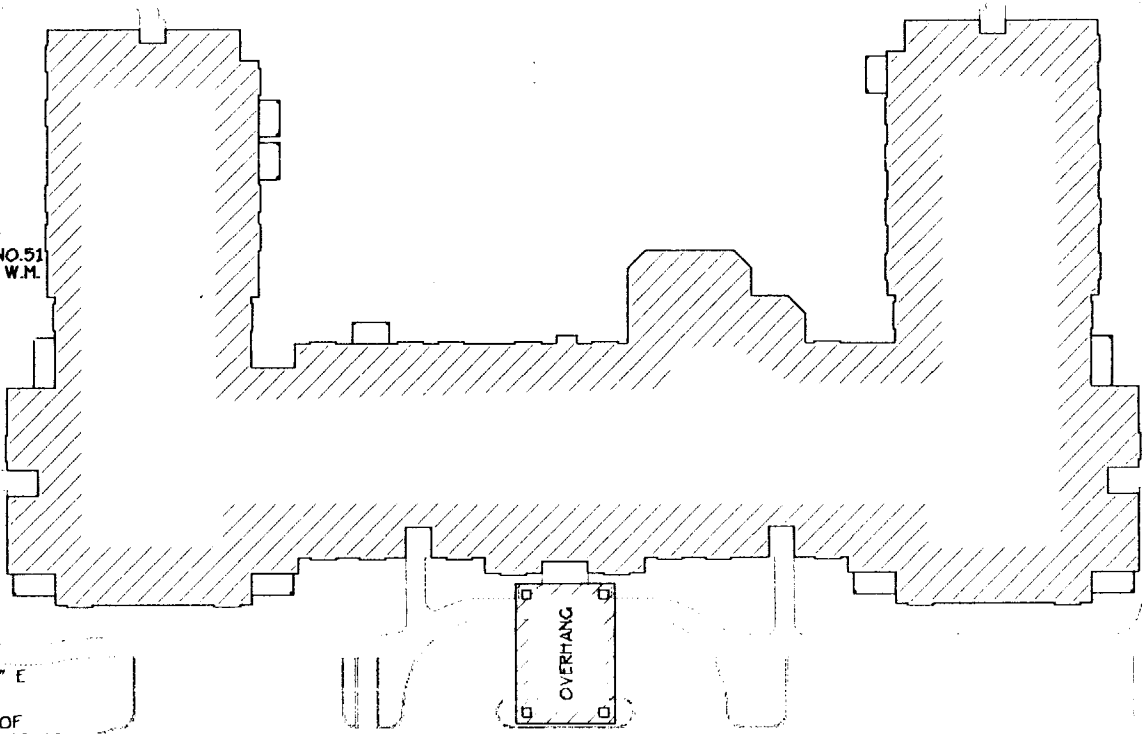
CITY OF ALBANY R-O-W

(S 01°36'00" E

190.88')

(S 01°36'00" E

190.88')



OVERHANG

375.95'

N 90°00'00" E 440.33'

440.35'

15.00'

19.50'

35.00'

30.01'

PUBLIC UTILITY
EASEMENT

PARCEL "A"
(VOL MF 779-469)

OWNER:
NATIONWIDE HEALTH PROPERTIES, INC.
TAX LOT 502
11-3W-17A

VOL 894 PAGE 753

5 01°36'00" E

24TH.
AVE.

(35') (40')

Date: 6/26/1997 Time: 11:08:10
View: PLOT Scale: 1=30
File: DWG\95-103-D\95103D-2.dwg (cpu#12 M.E.H.)

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 RV, Deputy

M
R 25
S 10
A
O
MF 894
PAGE 749

SEP 23 2 35 PM '97

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Resolution No. 3855

Recorded Document Recorder File No. 3027