

RESOLUTION NO. 4092

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Mennonite Home of Albany, Inc.

Purpose

Fourteen permanent public utility easements located over existing public sanitary sewer lines, water lines, or access to sanitary sewer lines, as described in attached EXHIBIT A and shown in attached EXHIBIT B.

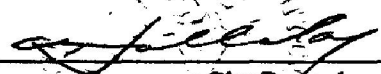
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 14TH DAY OF APRIL 1999.

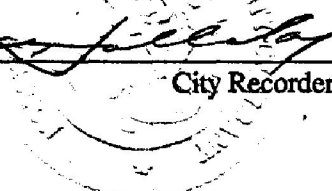


Council President

ATTEST:



City Recorder



EASEMENTS FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of April, 1999, by and between **MENNONITE HOME OF ALBANY, INC.**, an Oregon non-profit corporation, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, easements and rights-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 rights-of-way hereby granted consist of:

Fourteen permanent public utility easements more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
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.
3. The easements granted are in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does 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.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

MENNONITE HOME OF ALBANY, INC., an Oregon non-profit corporation

By: [Signature]
Dennis L. Russell, Executive Director

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 4092 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of April, 1999.

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

The foregoing instrument was acknowledged before me this 10 day of March, 1999, by Dennis L. Russell as his voluntary act and deed.

[Signature]
Edna L. Ferabee
Notary Public for Oregon
My Commission Expires: May 30, 2000

[Signature]
City Manager

ATTEST:

MENNONITE HOME OF ALBANY, INC., an Oregon non-profit corporation

By: [Signature]
Gene Kanagy, Chairman of the Board

[Signature]
City Recorder

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

The foregoing instrument was acknowledged before me this 18th day of March, 1999, by Gene Kanagy as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: March 16, 2000



EXHIBIT "A"

(Public Utility Easements in MENNONITE HOME Property)

Public Utility Easements located over existing public sanitary sewer lines, waterlines, or access to sanitary sewer lines that are located in Parcel 3 of Partition Plat No. 1998-13, a partition of record in Linn County, Oregon, and said Public Utility Easements being more particularly described as follows:

Public Utility Easement "AA"

A 30 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South 02°40'21" East 1254.01 feet from the Initial Point of said Partition Plat No. 1998-13; thence North 79°32'00" East 378.95 feet; thence North 66°07'36" East 496.00 feet; thence North 30°58'04" East 328.00 feet; thence North 20°59'39" East 254.00 feet; thence North 69°19'19" East 500.00 feet; thence North 87°54'03" East 221.50 feet; thence South 65°00'00" East 208.17 feet.

Public Utility Easement "BB"

A 20 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South 87°56'23" East 1239.95 feet from the Initial Point of said Partition Plat No. 1998-13; thence South 75°00'00" East 379.56 feet.

Public Utility Easement "CC"

A 20 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears North 82°07'19" East 1525.13 feet from the Initial Point of said Partition Plat No. 1998-13; thence South 00°27'38" West 158.00 feet; thence North 87°59'52" East 105.23 feet; thence South 00°23'53" West 330.63 feet.

Public Utility Easement "DD"

A 20 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears North 82°02'51" East 1756.73 feet from the Initial Point of said Partition Plat No. 1998-13; thence South 65°30'29" East 282.61 feet; thence South 27°14'26" East 52.93 feet; thence South 33°25'01" West 123.97 feet; thence North 66°00'30" West 76.00 feet; thence South 44°59'52" West 70.64 feet; thence South 00°00'08" East 224.43 feet.

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Public Utility Easement "EE"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears North $89^{\circ}15'23''$ East 1373.41 feet from the Initial Point of said Partition Plat No. 1998-13; thence South $73^{\circ}20'00''$ East 32.78 feet; thence North $84^{\circ}10'00''$ East 118.71 feet; thence North $87^{\circ}59'52''$ East 122.54 feet to the point of curvature of a 504.00 foot radius curve to the right; thence along the arc of said curve (chord bears South $72^{\circ}55'51''$ East 329.36 feet) a distance of 335.52 feet.

Public Utility Easement "FF"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears North $86^{\circ}25'57''$ East 1376.44 feet from the Initial Point of said Partition Plat No. 1998-13; thence South $73^{\circ}20'00''$ East 26.49 feet; thence South $16^{\circ}40'00''$ West 57.61 feet.

Public Utility Easement "GG"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears North $88^{\circ}41'42''$ East 1651.33 feet from the Initial Point of said Partition Plat No. 1998-13; thence South $01^{\circ}19'41''$ East 5.22 feet.

Public Utility Easement "HH"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South $89^{\circ}38'06''$ East 1884.12 feet from the Initial Point of said Partition Plat No. 1998-13; thence South $25^{\circ}20'59''$ West 5.22 feet.

Public Utility Easement "II"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears North $88^{\circ}19'40''$ East 2022.60 feet from the Initial Point of said Partition Plat No. 1998-13; thence South $56^{\circ}34'59''$ East 20.67 feet; thence South $33^{\circ}25'01''$ West 136.12 feet.

Public Utility Easement "JJ"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South $11^{\circ}32'11''$ East 1203.09 from the Initial Point of said Partition Plat No. 1998-13; thence South $66^{\circ}40'17''$ East 55.33 feet.

Public Utility Easement "KK"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South 40°25'05" East 1274.78 feet from the Initial Point of said Partition Plat No. 1998-13; thence North 68°38'19" East 2.30 feet to the point of curvature of a 45.00 foot radius curve to the right; thence along the arc of said curve (chord bears South 84°59'12" East 39.98 feet) a distance of 41.43 feet; thence South 58°36'42" East 3.91 feet.

Public Utility Easement "LL"

A 15 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South 56°36'40" East 1182.36 feet from the Initial Point of said Partition Plat No. 1998-13; thence South 44°03'11" East 28.39 feet to the point of curvature of a 30.00 foot radius curve to the left; thence along the arc of said curve (chord bears South 60°41'47" East 17.18 feet) a distance of 17.43 feet; thence South 77°20'24" East 23.76 feet.

Public Utility Easement "MM"

A 10 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South 64°57'15" East 1112.97 feet from the Initial Point of said Partition Plat No. 1998-13; thence South 89°40'33" East 119.21 feet.

Public Utility Easement "NN"

A 30 foot wide strip, the centerline of which is more particularly described as follows:

Beginning at a point that bears South 01°01'27" East 1490.20 feet from the Initial Point of said Partition Plat No. 1998-13; thence North 00°19'18" East 180.21 feet to the centerline of Oak Creek. The southerly terminus of the herein described easement is the centerline of said Oak Creek.

February 23, 1999
EXHIBIT "A"
PUBLIC UTILITY EASEMENTS
(97-51-J) JRB:nm
File Ref: nlm/mennonite/legal/9751J PUE in Mennonite prop.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

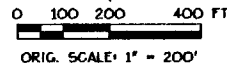
Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

EXPIRATION DATE: 12/31/99

EXHIBIT "B"

MENNONITE HOME OF ALBANY, INC.
ALBANY, OREGON

PUBLIC UTILITY EASEMENT LOCATIONS 1998 BUILDING EXPANSION FEBRUARY 2, 1999



P.U.E. TIE DATA:

TIE FROM THE INITIAL POINT (PARCEL 3)
OF PARTITION PLAT No. 1998-13
TO POINT OF BEGINNING OF EASEMENT

TIE	BEARING	DISTANCE	P.U.E. WIDTH	EASEMENT USE
AA	S 02°40'21" E	1254.01'	30.00'	S.S.
BB	S 87°56'23" E	1239.95'	20.00'	S.
CC	N 82°07'19" E	1525.13'	20.00'	S.S.
DD	N 82°02'51" E	1756.73'	20.00'	S.S.
EE	N 89°15'23" E	1373.41'	15.00'	WL.
FF	N 86°25'57" E	1376.44'	15.00'	WL.
GG	N 88°41'42" E	1651.33'	15.00'	WL.
HH	S 89°38'06" E	1884.12'	15.00'	WL.
II	N 88°19'40" E	2022.60'	15.00'	WL.
JJ	S 11°32'11" E	1203.09'	15.00'	ACCESS TO S.S.
KK	S 40°25'05" E	1274.78'	15.00'	ACCESS TO S.S.
LL	S 56°36'40" E	1182.36'	15.00'	ACCESS TO S.S.
MM	S 64°57'15" E	1112.97'	10.00'	ACCESS TO S.S.
NN	S 01°01'27" E	1490.20'	30.00'	S.S.

S.S. = SANITARY SEWER
WL. = WATERLINE
ACCESS = ROAD/PATH ACCESS TO S.S. MANHOLES

LEGEND:

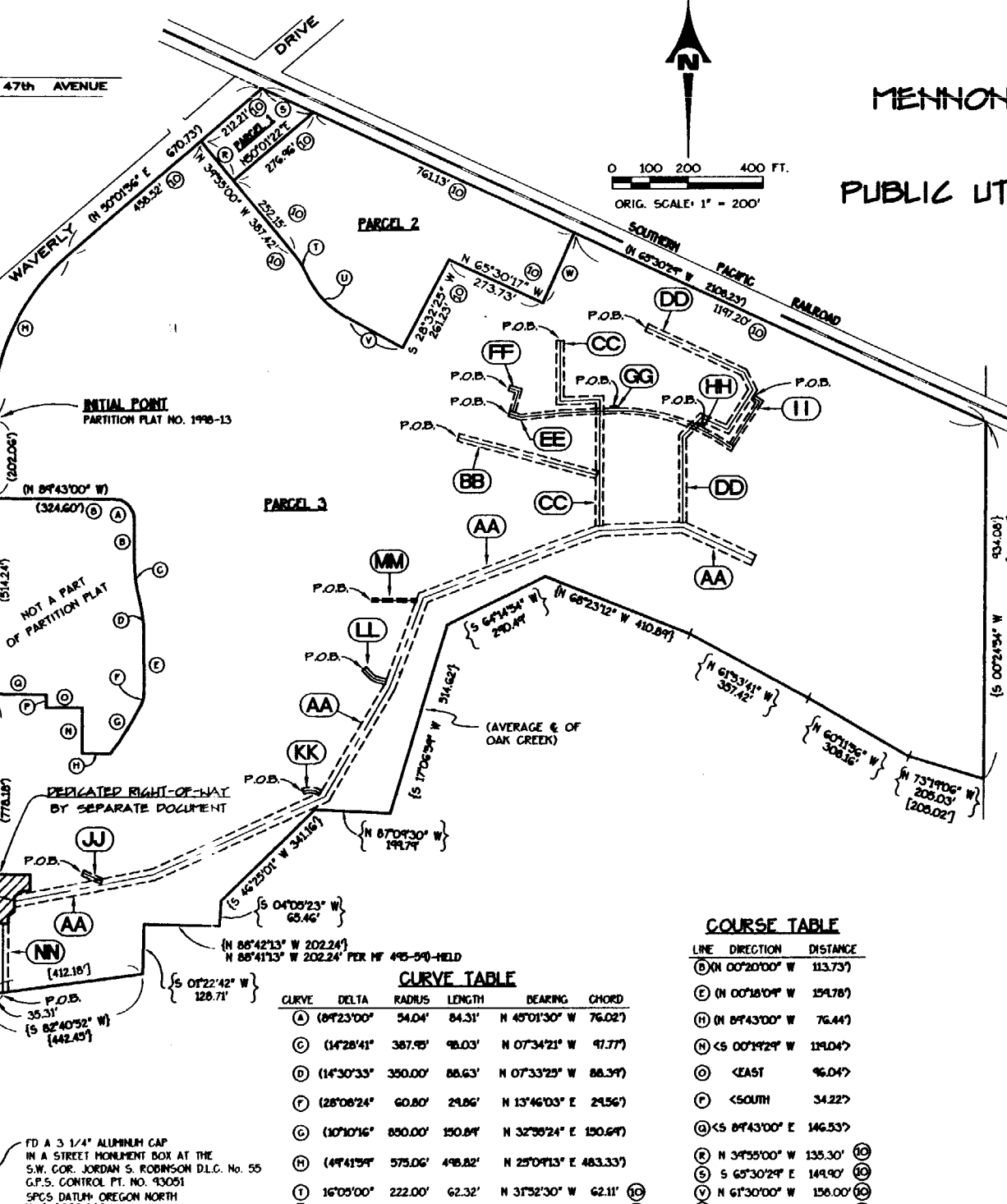
- PUBLIC UTILITY EASEMENT
- EASEMENT CENTERLINE
- P.O.B. POINT OF BEGINNING
- AA EASEMENT REFERENCE
- { } RECORD INFORMATION AS PER C.S. 18815.
- () RECORD INFORMATION AS PER C.S. 21989.
- < > RECORD INFORMATION AS PER C.S. 21990.
- ⊙ RECORD INFORMATION AS PER PARTITION PLAT No. 1998-13.
- [] CALCULATED DATA

COURSE TABLE

LINE	DIRECTION	DISTANCE
Ⓚ	(N 00°20'00" W	113.73'
Ⓛ	(N 00°18'04" W	159.78'
Ⓜ	(N 89°43'00" W	76.44'
Ⓨ	(S 00°19'29" W	119.04'
Ⓩ	<EAST	96.04'
ⓐ	<SOUTH	34.22'
ⓑ	(S 89°43'00" E	146.53'
ⓓ	(N 39°55'00" W	135.30'
ⓔ	(S 65°30'29" E	149.90'
ⓖ	(N 61°30'00" W	156.00'
ⓗ	(S 24°30'00" W	201.41'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
Ⓐ	(89°23'00"	54.04'	84.31'	N 49°01'30" W	76.02'
Ⓑ	(14°28'41"	387.95'	98.03'	N 07°34'21" W	91.77'
Ⓒ	(14°30'33"	350.00'	88.63'	N 07°33'23" W	88.39'
Ⓓ	(28°08'24"	60.80'	29.86'	N 13°46'03" E	29.56'
Ⓔ	(10°10'16"	890.00'	150.89'	N 32°38'24" E	150.69'
Ⓕ	(49°41'59"	575.06'	498.82'	N 25°09'13" E	483.33'
Ⓖ	(16°05'00"	222.00'	62.32'	N 31°52'30" W	62.11'
Ⓢ	(41°39'48"	228.00'	165.79'	N 44°39'54" W	162.16'



(S 89°40'42" E) (30.00')
INITIAL POINT
PARTITION PLAT NO. 1998-13
(202.06')
(N 89°43'00" W) (324.60')
(514.24')
NOT A PART OF PARTITION PLAT
(N 00°18'04" E) (113.73')
60'
(778.18')
DEPLICATED RIGHT-OF-WAY BY SEPARATE DOCUMENT
P.O.B.
(1763.92')
P.O.B.
(412.18')
P.O.B.
(S 82°40'52" W) (442.45')P.O.B.
(S 01°22'42" W) (128.71')FD A 3 1/4" ALUMINUM CAP
IN A STREET MONUMENT BOX AT THE
S.W. COR. JORDAN S. ROBINSON D.L.C. No. 55
G.P.S. CONTROL PT. NO. 93051
SPCS DATUM OREGON NORTH
N: 348083.360
E: 7930220.806

COLUMBUS STREET

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STATE OF OREGON
County of Linn

40
M 30 APR 19 1 58 PM '99

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

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O

STEVE DRUCKENMILLER
Linn County Clerk

MF 1027

By PA, Deputy PAGE 989

Resolution No. 4092

Recorded Document Recorder File No. 3371