

RESOLUTION NO. 4282

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

Mountain West Investment Corporation

Purpose

A "Water Line Easement," a "Sanitary Sewer Easement," and a "Storm Drain Easement," more particularly described in the attached legal descriptions so labeled, shown in the attached map labeled EXHIBIT "A," and located in attached Vicinity Map.

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

DATED THIS 24TH DAY OF MAY 2000.



Mayor

ATTEST:



City Recorder

Taxes: Exempt

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26TH day of APRIL, 2000, by and between **Mountain West Investment 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, 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:

Three public utility easements described in the attached legal descriptions labeled "Waterline Easement," "Sanitary Sewer Easement," and "Storm Drain Easement," and as shown on the attached map labeled "EXHIBIT A."
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 the public improvements to be placed upon said property and the benefits Grantor 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 this easement.

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

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

GRANTOR:

CITY OF ALBANY:

By: L. E. Sukurki

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

Title: President

By: _____

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4282, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of May, 2000.

Title: _____

STATE OF OREGON)
County of Marion)
City of Salem)

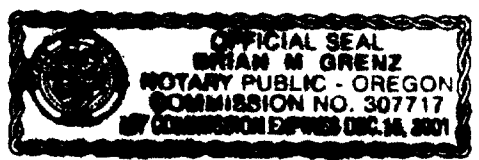
The foregoing instrument was acknowledged before me this 26th day of April, 2000 by Larry E. Tokarski, title President, and _____, title _____, of Mountain West Investment Corporation, an Oregon corporation, on behalf of the corporation.

Steve Bryant
City Manager

ATTEST:

Brian M. Grenz
Notary Public for Oregon
My Commission Expires: 12-15-2001

Ken Thompson
City Recorder



Waterline Easement

Commencing at the Initial Point of Parcel 2 of Partition Plat No. 1998-72 as recorded in the Linn County Partition Plat Records, said point also being on the Southerly right-of way of Fourteenth Avenue;

thence South $03^{\circ}21'52''$ East, a distance of 323.15 feet to a point on the South line of an existing Public Utility Easement as shown on said Partition Plat No. 1998-72, said point also being the Point of Beginning of a 15.00 feet wide Waterline Easement, being 7.50 feet on each side of the following described centerline;

thence South $01^{\circ}28'54''$ East, a distance of 23.06 feet to a point hereinafter referred to as Point A;

thence continuing South $01^{\circ}28'54''$ East, a distance of 81.74 feet to a point;

thence South $14^{\circ}39'54''$ West, a distance of 34.77 feet to a point hereinafter referred to as Point B;

thence continuing South $14^{\circ}39'54''$ West a distance of 78.01 feet to a point;

thence South $04^{\circ}37'09''$ East a distance of 24.44 feet to the South line of said Parcel 2, and the point of ending of said centerline.

Also a 10.00 feet wide Waterline Easement, being 5.00 feet on each side of the following described centerline; beginning at the aforementioned Point A, thence North $88^{\circ}31'06''$ East a distance of 12.50 feet to the point of ending of said centerline.

Also a 10.00 feet wide Waterline Easement, being 5.00 feet on each side of the following described centerline; beginning at the aforementioned Point B, thence South $75^{\circ}20'06''$ East a distance of 18.80 feet to the point of ending of said centerline.

The sidelines of said easements are to be lengthened or shortened so as to intersect at all angle points and to terminate on the said South line of an existing Public Utility Easement, and the said South line of Parcel 2. All being in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon.

Sanitary Sewer Easement

Commencing at the Initial Point of Parcel 2 of Partition Plat No. 1998-72 as recorded in the Linn County Partition Plat Records, said point also being on the Southerly right-of way of Fourteenth Avenue;

thence South $15^{\circ}01'36''$ West, a distance of 338.68 feet to a point on the South line of an existing Public Utility Easement as shown on said Partition Plat No. 1998-72, said point also being the Point of Beginning of a 20.00 feet wide Sanitary Sewer Easement;

thence South $53^{\circ}05'08''$ East a distance of 126.78 feet to a point;

thence South $36^{\circ}54'52''$ West a distance of 20.00 feet to a point;

thence North $53^{\circ}05'08''$ West a distance of 151.19 feet to a point;

thence North $87^{\circ}34'57''$ East a distance of 31.56 feet to the point of beginning.

All being in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon.

Storm Drain Easement

Commencing at the Initial Point of Parcel 2 of Partition Plat No. 1998-72 as recorded in the Linn County Partition Plat Records, said point also being on the Southerly right-of way of Fourteenth Avenue;

thence South $10^{\circ}46'39''$ East, a distance of 267.61 feet to a point on the East line of an existing Public Utility Easement as shown on said Partition Plat No. 1998-72, said point also being the Point of Beginning of a Storm Drain Easement;

thence South $01^{\circ}10'19''$ East along the said East line of an existing Public Utility Easement, a distance of 51.82 feet to a point;

thence North $19^{\circ}24'21''$ East, a distance of 33.51 feet to a point;

thence South $70^{\circ}36'25''$ East, a distance of 122.36 feet to a point on the East line of said Parcel 2;

thence North $20^{\circ}14'57''$ East, along the said East line of Parcel 2, a distance of 15.00 feet to the northeast corner of said Parcel 2;

thence North $70^{\circ}36'25''$ West, along the north line of said Parcel 2 and the westerly extension thereof, a distance of 140.79 feet to the point of beginning.

All being in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon.



Waverly Assisted Living Facility
Easement Locations

VICINITY MAP



PUBLIC UTILITY EASEMENTS	
11S-3W-8D-408	
staciv c:\waverlyassistedlivingfaciliteasements.apr	April 20, 2000



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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 SA, Deputy

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Recorded Document Recorder File No. 3619