

RESOLUTION NO. 4680

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

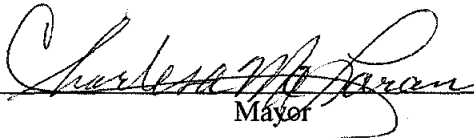
First Church of God

Purpose

Right of Way dedication as describe in EXHIBIT A and shown on EXHIBIT C, together with a slope and public utility easement as described in EXHIBIT B and shown on EXHIBIT C.

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

DATED THIS 24TH DAY OF APRIL 2002.



Mayor

ATTEST:



City Recorder

DEDICATION DEED
AND
SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **First Church of God, Albany, Oregon**, hereinafter referred to as the Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes a portion of that real property situated in Benton County, State of Oregon, conveyed to Grantor by deed recorded in Microfilm Volume M-215766-96, Benton County Deed Records, said dedication being more particularly described as follows:

RIGHT OF WAY DEDICATION as described in EXHIBIT A and shown on EXHIBIT C,

Together with a

SLOPE AND PUBLIC UTILITY EASEMENT as described in EXHIBIT B and Shown on EXHIBIT C,

and covenants that the Grantor is the owner of the above-described properties free of all encumbrances save and except reservations in patents and easements of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed and easement granted herein is in consideration of \$16,000.00, receipt of which is acknowledged by the Grantor, and in further consideration of the fill placed within the easement area, public improvements to be placed upon said property, and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit Grantor obligation to pay any costs or assessments which may result from the improvements.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter the real property described herein at any time that it may see fit, to construct, maintain, evaluate, and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands 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.
2. Upon performing any maintenance, the City shall return the site to original or better condition.
3. No permanent structure shall be constructed by Grantor on this easement.

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

IN WITNESS WHEREOF, Grantor has hereunto affixed their signatures this 12th day of April 2002.

GRANTOR:
First Church of God, Albany, Oregon

Robert Barlow
Robert Barlow
Chairman of the Board of Trustees

GRANTOR:
First Church of God, Albany, Oregon

Orval Bontrager
Orval Bontrager
Chairman of the Building Committee

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

The foregoing instrument was acknowledged before me this 12th day of April 2002, by Robert Barlow, Chairman of the Board of Trustees for the First Church of God, as voluntary act and deed.



C. Marie Redner
Notary Public for Oregon
My Commission Expires: July 29, 2004

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

The foregoing instrument was acknowledged before me this 12th day of April 2002, by Orval Bontrager, Chairman of the Building Committee, for the First Church of God, as voluntary act and deed.



C. Marie Redner
Notary Public for Oregon
My Commission Expires: July 29, 2004

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 4680, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24th day of April 2002.

Steve Bryant
City Manager

ATTEST:

Kerr Thayer
City Recorder

EXHIBIT "A"

Right-of-Way Dedication (First Church of God Property)

A portion of property lying within that First Church of God, Albany, Oregon Tract described by deed recorded in M-215766-96 of the Benton County Deed Records on July 5, 1996 that is more particularly described as follows:

Beginning at the intersection of the south right-of-way line of Hickory Place NW (a 60 foot wide right-of-way) with the west right-of-way line of North Albany Road (also known as County Road No. 14400), said west right-of-way line being 30.00 feet westerly (when measured perpendicularly) from the centerline of said North Albany Road; thence South 13°04'09" East, along said westerly right-of-way line, 677.21 feet to a point on the northerly right-of-way line of U.S. Highway 20; thence South 41°18'07" West, along said north right-of-way line, 30.13 feet to a 5/8 inch rod that is 120.00 feet left of Engineer's Centerline Station 68+50 of said U.S. Highway 20; thence North 11°55'18" West 74.33 feet to a point that is 53.00 feet left of Centerline Station 2+00 of said North Albany Road, said point being 53.00 feet westerly (when measured perpendicularly) of last said centerline; thence North 13°04'09" West, parallel with and 53.00 feet distant from last said centerline, 620.00 feet to a point that is 53.00 feet left of centerline station 8+20 of said North Albany Road; thence North 69°29'39" West 25.18 feet to a point on the said south right-of-way line of Hickory Place NW that is North 86°01'48" West 46.00 feet from the Point of Beginning; thence South 86°01'48" East, along said south right-of-way line, 46.00 feet to the Point of Beginning. Containing 15,980 square feet of land, more or less. The Basis of Bearings and the basis of street centerline stationing is C.S. 9688 as filed in the office of the Benton County Surveyor.

April 1, 2002
EXHIBIT "A"
ROA 1ST CHURCH OF GOD
(01-130-A) JRB:ls
File: nlm/winword/legal/01130-a 1st church of god

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JACK R. BURRELL
1830

RENEWAL DATE 12/31/03

K & D ENGINEERING, Inc.

EXHIBIT "B"

Engineers • Planners • Surveyors

SLOPE and PUBLIC UTILITY EASEMENT
(First Church of God Property)

A strip of land of variable width located in that First Church of God, Albany, Oregon Tract described by deed recorded in M-215766-96 of the Benton County Deed Records on July 5, 1996 that is more particularly described as follows:

Commencing at the intersection of the south right-of-way line of Hickory Place NW (a 60 foot wide right-of-way) with the west right-of-way line of North Albany Road (also known as County Road No. 14400), said west right-of-way line being 30.00 feet westerly (when measured perpendicularly) from the centerline of said North Albany Road; thence South 13°04'09" East, along said westerly right-of-way line, 677.21 feet to a point on the northerly right-of-way line of U.S. Highway 20; thence South 41°18'07" West, along said north right-of-way line, 30.13 feet to a 5/8 inch rod that is 120.00 feet left of Engineer's Centerline Station 68+50 of said U.S. Highway 20 which point being the TRUE POINT OF BEGINNING of the herein described strip of land; thence North 11°55'18" West 74.33 feet to a point that is 53.00 feet left of Centerline Station 2+00 of said North Albany Road, said point being 53.00 feet westerly (when measured perpendicularly) of last said centerline; thence North 13°04'09" West, parallel with and 53.00 feet distant from last said centerline, 620.00 feet to a point that is 53.00 feet left of centerline station 8+20 of said North Albany Road; thence North 69°29'39" West 12.00 feet to a point that is 63.00 feet west of the centerline of said North Albany Road (when measured perpendicularly); thence South 13°04'09" East, parallel with a 63.00 feet distant from the last said centerline, a distance of 476.64 feet to a point that is 63.00 feet left of North Albany Road Centerline Station 3+50; thence South 09°15'18" East 150.33 feet to a point that is 73.00 feet left of North Albany Road Centerline Station 2+00; thence South 11°55'18" East, 72.45 feet to a point on the said north right-of-way line of U.S. Highway 20 that is South 82°19'37" West 20.05 feet of the TRUE POINT OF BEGINNING; thence North 82°19'37" East, along said right-of-way line, 20.05 feet to the TRUE POINT OF BEGINNING. The Basis of Bearings and the basis of street centerline stationing is C.S. 9688 as filed in the office of the Benton County Surveyor.

April 1, 2002
EXHIBIT "B"
UTILITY EASEMENT
(01-130-A) JRB:nm
File: nm\legal\01-130-a exhibit b.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Surrell
OREGON
JULY 12, 1978
JACK R. SURRELL
1630

RENEWAL DATE 12/31/03

EXHIBIT "C" EASEMENT MAP

FOR THE CITY OF ALBANY
OVER THE

FIRST CHURCH OF GOD TRACT

LOCATED IN

E. 1/2 SEC. 1, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

MARCH 26, 2002



0 100 200 FT.



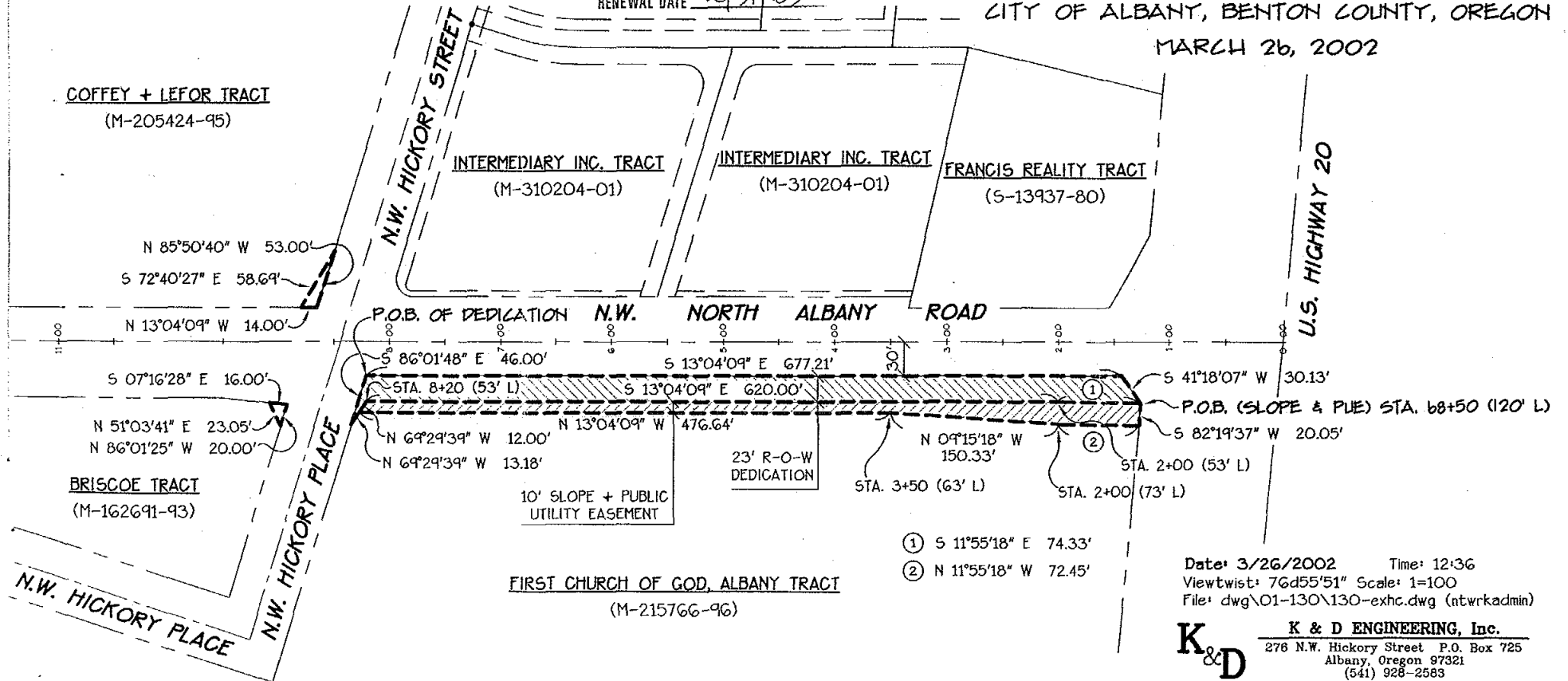
ORIG. SCALE: 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JULY 14, 1978
JACK R. BURRELL
1630

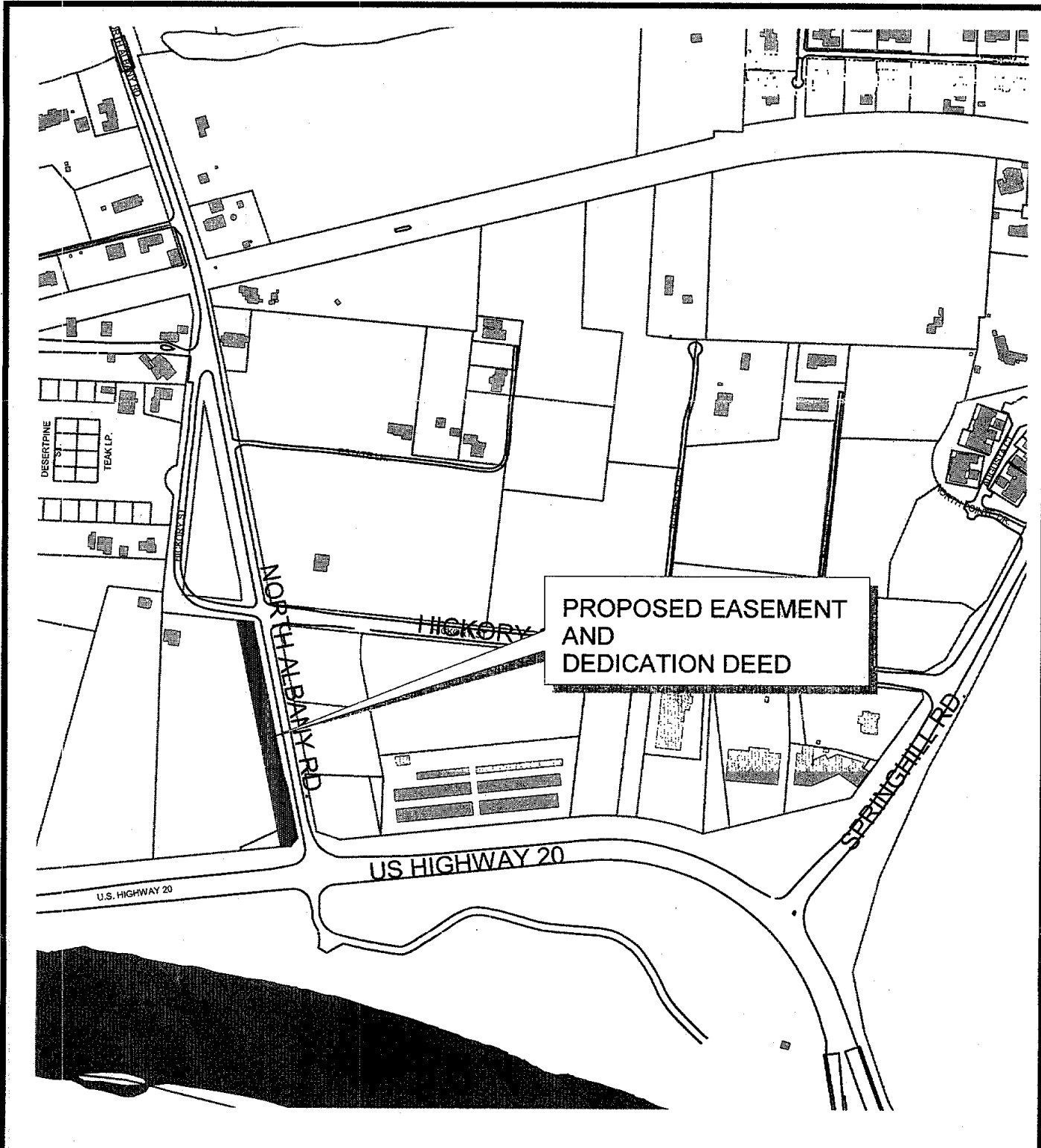
RENEWAL DATE 12/31/03



Date: 3/26/2002 Time: 12:36
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K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583



VICINITY MAP



North Albany Road ST-01-03

Engineering

Jeff Woodward

April 15, 02

Dedication Deed
and
Slope and Public Utility Easement

angies J:\AV_PROJ\SITE_MAP.APR



STATE OF OREGON } SS.
County of Benton

318095 318096

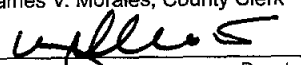
AM 10:23 '02 MAY 23

I hereby certify that the within
instrument was received for record

M318590 20 02

In the microfilm records of said county

Witness My Hand and Seal of
James V. Morales, County Clerk

By 
Deputy
61 15 02 7+1

Resolution No. 4680

Recorded Document Recorder File No. 3983