

RESOLUTION NO. 4742

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Costco Wholesale, Corporation

Purpose

A permanent public utility easement as described in attached EXHIBIT A and shown on attached EXHIBIT B.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED THIS 14TH DAY OF AUGUST 2002.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of July, 2002, by and between Costco Wholesale, Inc., hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City." CORPORATION

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:

A permanent public utility easement for gas as shown on attached EXHIBIT B and described in attached 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 \$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.

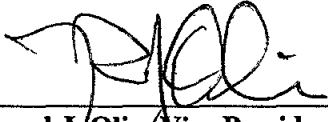
6. No permanent structure shall be constructed on this easement.

Return To: City of Albany Recorder
PO Box 490
Albany, OR 97321

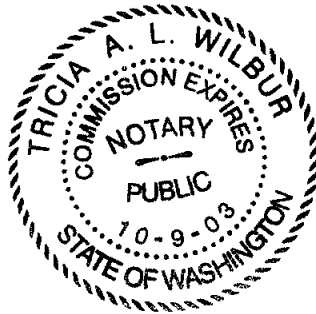
IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.


GRANTOR: Costco Wholesale, Inc. CORPORATION

STATE OF ~~OREGON~~ ^{Washington}
County of ~~Linn~~ ^{Linn}) ss.
City of ~~Albany~~ ^{Issaquah}

POC

Richard J. Olin, Vice President
Assistant Secretary

The foregoing instrument was acknowledged before me this 15 day of July, 2002, by Richard J. Olin, as Vice President/Assistant Secretary of Costco Wholesale, Inc. CORPORATION




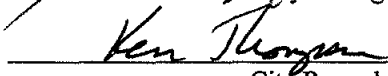

Notary Public for Oregon ^{Washington}
My Commission Expires: 10-9-03

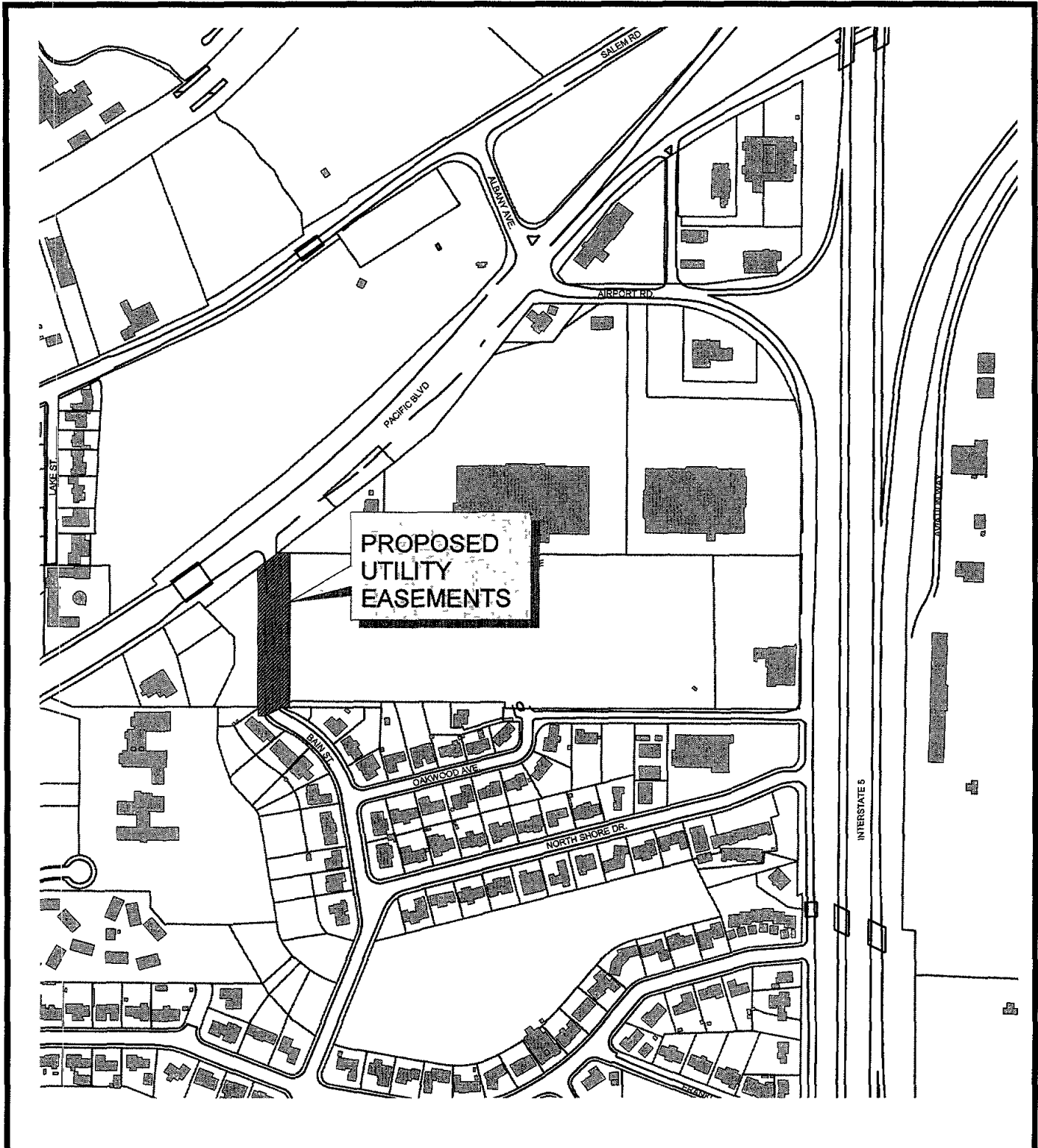
CITY OF ALBANY:

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 4742, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of August 2002.

ATTEST:


City Manager

City Recorder



VICINITY MAP



COSTCO WHOLESALE CORPORATION
SI-00-22

Dedication Deed

Gordon Steffensmeier

Engineering

angles J W\V_PROJ\SITE_MAP APR

July 23, 2002



EXHIBIT "A"

COSTCO
 ALBANY, OREGON
PUBLIC UTILITY EASEMENT
 JOB NO COS1400
 NOVEMBER 14, 2001
 SHEET 1 OF 3

LEGAL DESCRIPTION

A VARIABLE WIDTH STRIP OF LAND BEING A PORTION OF THE VACATED BAIN STREET AS DESCRIBED IN DEED VOLUME BOOK 1210, PAGE 178, ALSO BEING A PORTION OF THAT TRACT DESCRIBED IN VOLUME 1149, PAGE 835, ALSO BEING A PORTION OF THAT TRACT DESCRIBED IN VOLUME 1102, PAGE 777, LINN COUNTY DEED RECORDS AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND LOCATED IN THE CITY OF ALBANY, LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT A 1/2 INCH IRON ROD MARKING THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF THE PLAT OF "FREEWAY ADDITION TO ALBANY", LINN COUNTY PLAT RECORDS, THENCE ALONG THE MOST NORTHERLY LINE OF SAID LOT 1 SOUTH 88°15'46" WEST, 101.67 FEET TO THE **TRUE POINT OF BEGINNING** OF THE STRIP OF LAND DESCRIBED HEREIN, THENCE LEAVING SAID NORTHERLY LINE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BAIN STREET ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 12°56'26" (THE LONG CHORD OF WHICH BEARS NORTH 41°12'29" EAST, 10.37 FEET) AN ARC DISTANCE OF 10.39 FEET TO A POINT OF NON-TANGENCY, THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE OF BAIN STREET NORTH 33°29'34" WEST, 2.84 FEET TO A POINT, THENCE SOUTH 88°15'46" WEST, 47.11 FEET TO A POINT, THENCE NORTH 44°46'45" WEST, 46.61 FEET TO A POINT; THENCE NORTH 36°48'46" WEST, 16.42 FEET TO A POINT; THENCE NORTH 22°13'06" WEST, 25.64 FEET TO A POINT, THENCE NORTH 00°06'09" WEST, 127.33 FEET TO A POINT, THENCE NORTH 04°06'17" WEST, 78.18 FEET TO A POINT, THENCE NORTH 01°07'40" WEST, 58.48 FEET TO A POINT, THENCE NORTH 13°22'34" EAST, 35.63 FEET TO A POINT, THENCE NORTH 32°32'36" EAST, 22.62 FEET TO A POINT, THENCE NORTH 47°04'13" EAST, 119.07 FEET TO A POINT IN THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN VOLUME 545, PAGE 406, LINN COUNTY DEED RECORDS; THENCE ALONG SAID SOUTH LINE SOUTH 88°18'29" WEST, 20.92 FEET TO A POINT, THENCE NORTH 22°49'15" WEST, 1.62 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PACIFIC BOULEVARD (WIDTH VARIES), THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A 5814.58 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 00°04'20" (THE LONG CHORD OF WHICH BEARS SOUTH 49°19'49" WEST, 7.34 FEET) AN ARC DISTANCE OF 7.34 FEET TO A POINT OF NON-TANGENCY, THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE SOUTH 13°34'48" EAST, 6.43 FEET TO A POINT, THENCE SOUTH 47°04'13" WEST, 94.68 FEET TO A POINT, THENCE SOUTH 32°32'36" WEST, 25.58 FEET TO A POINT, THENCE SOUTH 13°22'34" WEST, 38.59 FEET TO A POINT, THENCE SOUTH 01°07'40" EAST, 60.01 FEET TO A POINT, THENCE SOUTH 04°06'17" EAST, 78.09 FEET TO A POINT, THENCE SOUTH 00°06'09" EAST, 128.93 FEET TO A POINT, THENCE SOUTH 22°13'06" EAST, 28.87 FEET TO A POINT,

THENCE SOUTH 36°48'46" EAST, 18.40 FEET TO A POINT, THENCE SOUTH 44°46'45" EAST, 51.65 FEET TO A POINT IN THE MOST NORTHERLY LINE OF SAID LOT 1, BLOCK 1 OF THE PLAT OF "FREEWAY ADDITION TO ALBANY"; THENCE ALONG SAID MOST NORTHERLY LINE OF LOT 1 NORTH 88°15'46" EAST, 45 88 FEET TO THE POINT OF BEGINNING.

CONTAINS 5,877 SQUARE FEET, 0 135 ACRES, MORE OR LESS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOV. 16, 1998
MICHAEL D. FRANK
53854

RENEWAL: 12/31/03

EXHIBIT "B"

FOR A VARIABLE WIDTH
PUBLIC UTILITY EASEMENT
LOCATED IN THE SE 1/4 OF SECTION 5,
IN T 11 S, R 3 W, WILLAMETTE MERIDIAN
CITY OF ALBANY, LINN COUNTY, OREGON

NOVEMBER 14, 2001

JOB NO. COS1400 SHEET 3 OF 3



5415 SW WESTGATE DR., PORTLAND, OREGON 97221

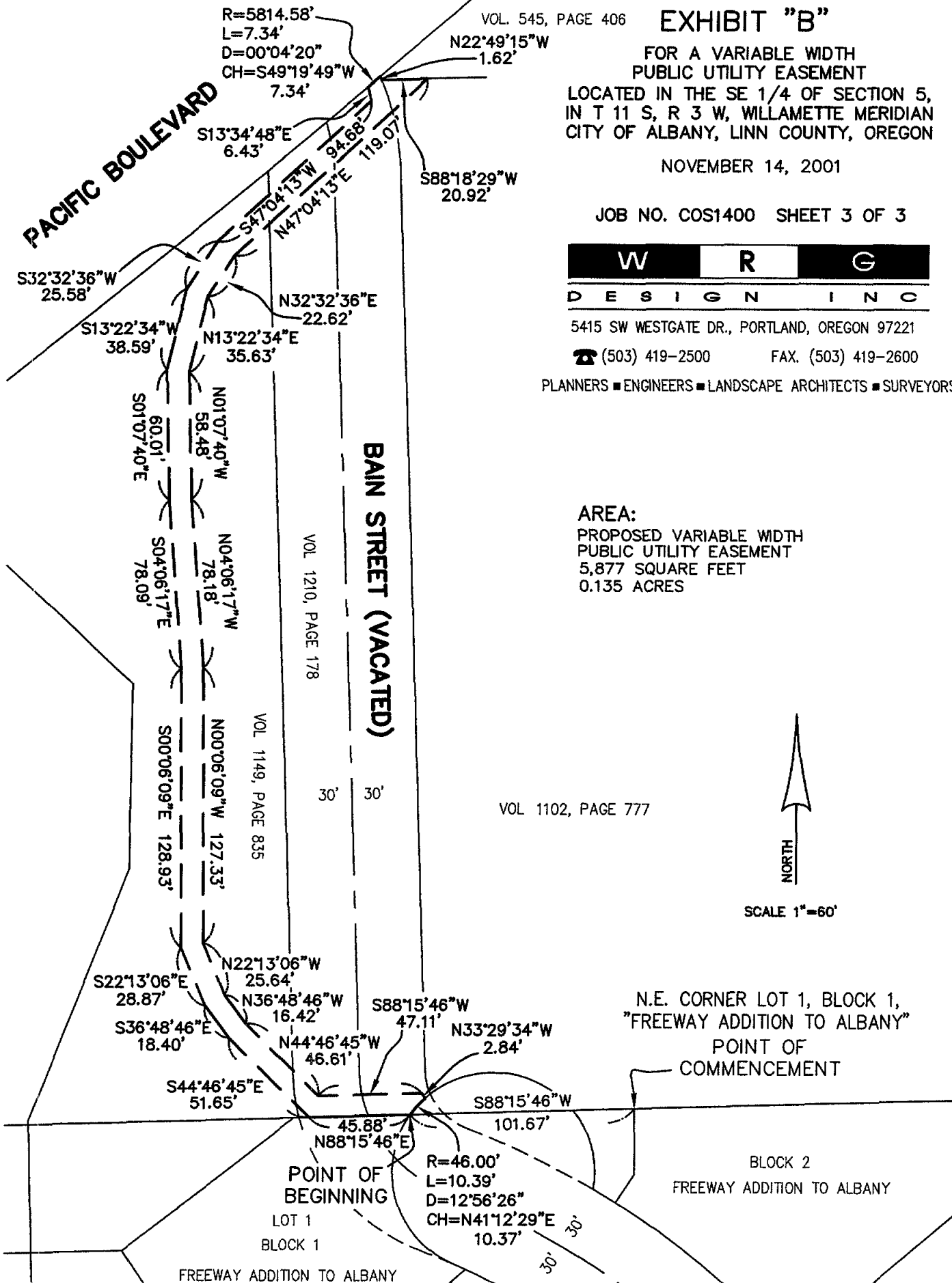
☎ (503) 419-2500 FAX. (503) 419-2600

PLANNERS ■ ENGINEERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS

AREA:
PROPOSED VARIABLE WIDTH
PUBLIC UTILITY EASEMENT
5,877 SQUARE FEET
0.135 ACRES



SCALE 1"=60'



Resolution No. 4742

Recorded Document Recorder File No. 4110