

RESOLUTION NO. 4745

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Costco Wholesale, Corporation

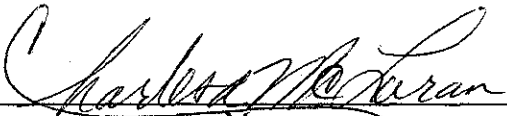
Purpose

A 12.0 foot permanent path & pedestrian access 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

PATH & PEDESTRIAN ACCESS EASEMENT

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 12.0 foot permanent path & pedestrian access easement 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: City of Albany Records
P.O. Box 4900
Albany, OR 97304

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~~ ^{Albany}

pc

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}



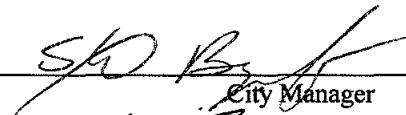
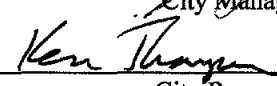

Notary Public for Oregon ^{Washington}
My Commission Expires: 10-9-03

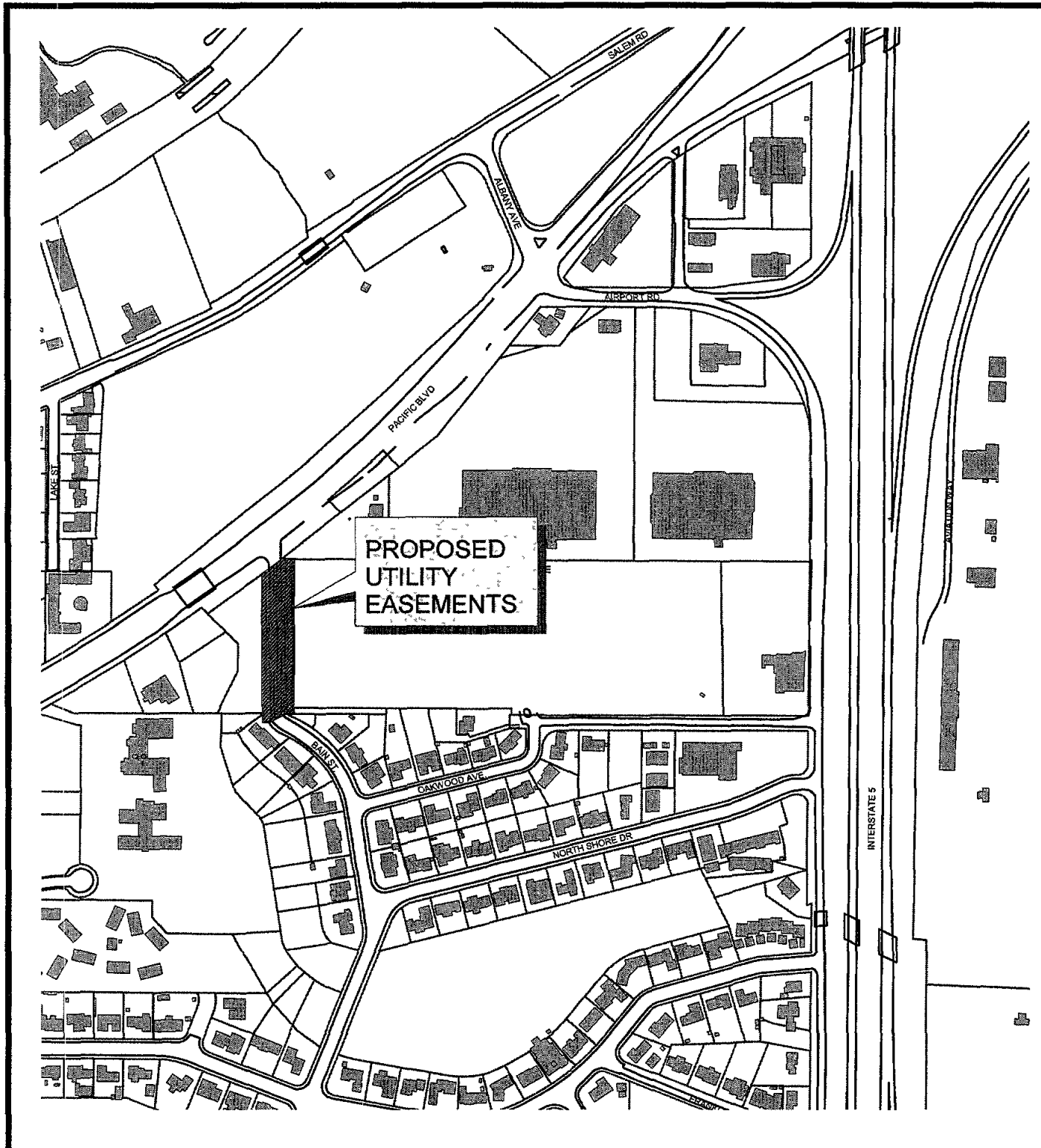
CITY OF ALBANY:

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 4745, 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 \AV_PROJ\SITE_MAP APR

July 23, 2002



EXHIBIT "A"

COSTCO
ALBANY, OREGON
PATH & PEDESTRIAN ACCESS EASEMENT
JOB NO COS1400
OCTOBER 9, 2001
SHEET 1 OF 3

LEGAL DESCRIPTION

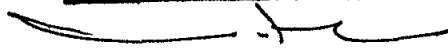
A 12 00 FOOT WIDE STRIP OF LAND, 6.00 FEET ON EACH SIDE OF THE CENTERLINE, BEING A PORTION OF THE VACATED BAIN STREET AS DESCRIBED IN DEED VOLUME BOOK 1210, PAGE 178, ALSO BEING A PORTION OF THAT TRACT DESCRIBED IN VOLUME 1149, PAGE 835, LINN COUNTY DEED RECORDS AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND LOCATED IN THE CITY OF ALBANY, LINN COUNTY, OREGON, THE CENTERLINE OF SAID STRIP OF LAND 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, 119.36 FEET TO THE **TRUE POINT OF BEGINNING** OF THE CENTERLINE DESCRIBED HEREIN, THENCE LEAVING SAID NORTHERLY LINE NORTH 69°27'47" WEST, 18 04 FEET TO THE BEGINNING OF A TANGENT CURVE, THENCE ALONG THE ARC OF A 65 00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°00'27" (THE LONG CHORD OF WHICH BEARS NORTH 75°58'00" WEST, 14 72 FEET) AN ARC DISTANCE OF 14.76 FEET TO A POINT OF NON-TANGENCY, THENCE NORTH 73°15'33" WEST, 16.13 FEET TO THE BEGINNING OF A TANGENT CURVE, THENCE ALONG THE ARC OF A 55 00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 81°37'15" (THE LONG CHORD OF WHICH BEARS NORTH 32°26'55" WEST, 71 89 FEET) AN ARC DISTANCE OF 78 35 FEET TO A POINT OF REVERSE CURVE, THENCE ALONG THE ARC OF A 666 00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°30'20" (THE LONG CHORD OF WHICH BEARS NORTH 03°06'33" EAST, 121 94 FEET) AN ARC DISTANCE OF 122 11 FEET TO A POINT OF COMPOUND CURVE, THENCE ALONG THE ARC OF A 147 00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15°04'45" (THE LONG CHORD OF WHICH BEARS NORTH 09°40'59" WEST, 38.58 FEET) AN ARC DISTANCE OF 38 69 FEET TO A POINT OF NON-TANGENCY, THENCE NORTH 16°07'27" WEST, 39 82 FEET TO THE BEGINNING OF A NON-TANGENT CURVE; THENCE ALONG THE ARC OF A 220 00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15°57'05" (THE LONG CHORD OF WHICH BEARS NORTH 14°04'27" WEST, 61 05 FEET) AN ARC DISTANCE OF 61.25 FEET TO A POINT OF COMPOUND CURVE; THENCE ALONG THE ARC OF A 64 00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 37°36'05" (THE LONG CHORD OF WHICH BEARS NORTH 12°42'09" EAST, 41 25 FEET) AN ARC DISTANCE OF 42 00 FEET TO A POINT OF TANGENCY, THENCE NORTH 31°30'11" EAST, 43 21 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PACIFIC BOULEVARD (PACIFIC HIGHWAY 99E) AND THE TERMINUS OF THE CENTERLINE DESCRIBED HEREIN

THE SIDE LINES OF SAID STRIP OF LAND BEING LENGTHENED OR SHORTENED TO THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1 OF THE PLAT OF "FREEWAY ADDITION TO ALBANY" AND THE SOUTHERLY RIGHT-OF-WAY LINE OF PACIFIC BOULEVARD (PACIFIC HIGHWAY 99E)

CONTAINS 5,693 SQUARE FEET, 0.131 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
NOV. 18, 1998
MICHAEL D. FRANK
53854

RENEWAL: 12/31/03

EXHIBIT MAP

FOR A 12' WIDE PATH &
PEDESTRIAN ACCESS 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

OCTOBER 9, 2001

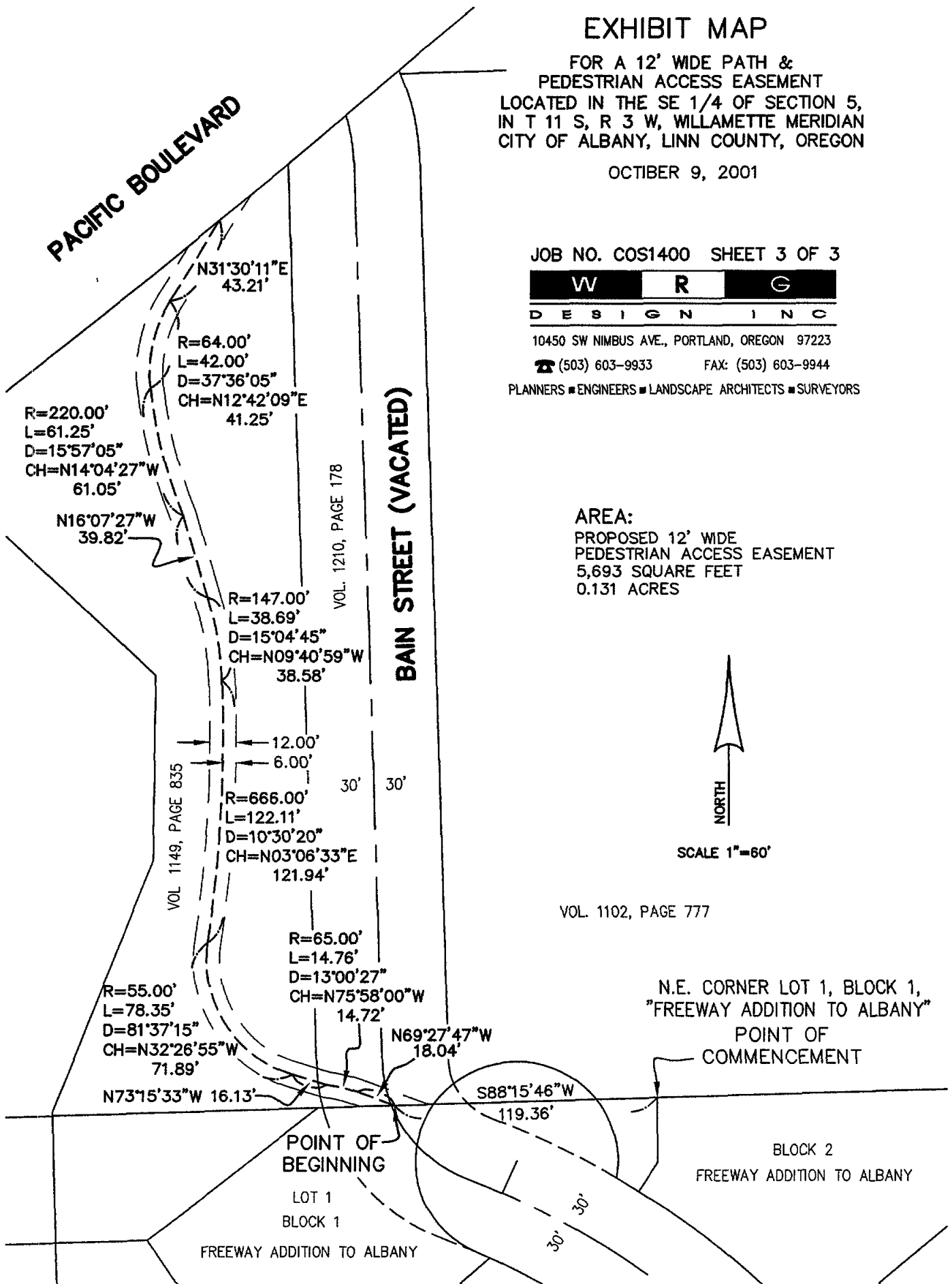
JOB NO. COS1400 SHEET 3 OF 3



10450 SW NIMBUS AVE., PORTLAND, OREGON 97223

(503) 603-9933 FAX: (503) 603-9944

PLANNERS ■ ENGINEERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS



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

MF 1336

By [Signature], Deputy

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Resolution No. 4745

Recorded Document Recorder File No. 4113