

RESOLUTION NO. 4826

A RESOLUTION ACCEPTING THE FOLLOWING PUBLIC RIGHT OF WAY DEDICATION, PUBLIC UTILITY AND TEMPORARY CONSTRUCTION EASEMENTS:

Grantor

Purpose

Richard A. Robb and Laurie L. Robb

RIGHT OF WAY DEDICATION, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B, and;

PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown as Tract 2 in attached EXHIBIT B, and;

TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 3 in attached EXHIBIT A and shown as Tract 3 in attached EXHIBIT B.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right of way dedication, public utility, and temporary construction easement;

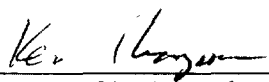
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 14TH DAY OF MAY 2003.



Mayor

ATTEST:



City Recorder

RIGHT-OF-WAY DEDICATION
AND A
PUBLIC UTILITY EASEMENT
AND A
TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **Richard A. Robb and Laurie L. Robb**, hereinafter called Grantors, do dedicate to the City of Albany, a Municipal Corporation, herein called "City", for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded in M 1013-315, Linn County deed records, and being more particularly described as follows:

RIGHT-OF-WAY DEDICATION, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B, and;

PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown as Tract 2 in attached EXHIBIT B, and;

TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 3 in attached EXHIBIT A and shown as Tract 3 in attached EXHIBIT B.

The Grantor covenants 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 same against all persons who may lawfully claim the same.

The deed and easements dedicated herein are in consideration of \$28,962.00, 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.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. The permanent public utility easement described herein grants 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 repair purposes, together with the right to excavate and refill ditches and/or trenches for the location of the said utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said utilities.
2. The temporary construction easement described herein shall expire upon completion of the City's construction project, known as ST-98-01, 53rd Avenue LID.
3. Upon performing any maintenance, the City shall return the site to original or better condition.
4. Grantor shall not construct any permanent structure within the public utility easement.

*City of Albany
Attn: City Clerk
PO Box 1990
Albany, OR 97321*

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hand and seal the day and year written below.

GRANTOR: RICHARD A. ROBB

By: Richard A. Robb
Richard A. Robb

Date: 4/24/03

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

The foregoing instrument was acknowledged before me this 24 day of April 2003, by Richard A. Robb, as his voluntary act and deed.



Danica Rivera
Notary Public for Oregon
My Commission Expires: 8-20-05

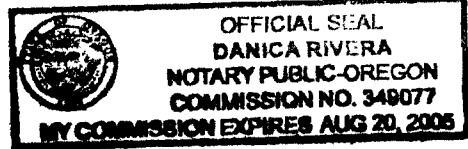
GRANTOR: LAURIE L. ROBB

By: Laurie L. Robb
Laurie L. Robb

Date: April 24, 2003

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

The foregoing instrument was acknowledged before me this 24 day of April 2003, by Laurie L. Robb, as her voluntary act and deed.



Danica Rivera
Notary Public for Oregon
My Commission Expires: 8-20-05

Security Holder consents to this dedication:

SECURITY HOLDER:
BANK OF AMERICA, N. A.

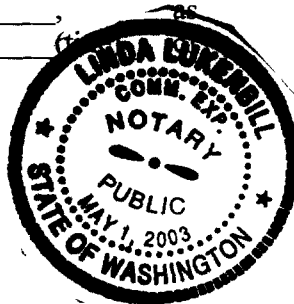
By: Theresa J Runkel

Title: AVP

Date: 4-21-2003

STATE OF OREGON)
County of Washington) ss.
City of King)
Seattle)

The foregoing instrument was acknowledged before me this 21 day of April 2003, by Theresa J Runkel, AVP, Bank of America, N. A.

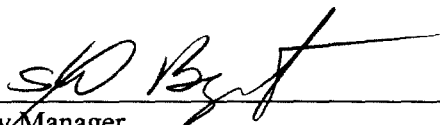


Linda Ekenbill
Notary Public for Oregon
My Commission Expires: 5-1-2003

CITY OF ALBANY:

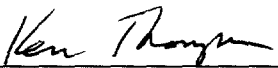
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4826 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of May 2003.



City Manager

ATTEST:



City Recorder

EXHIBIT "A"

City of Albany

Vestee: Richard A. Robb and Laurie L. Robb

Tax Map No. 11S04W24DA-1000, 1002, 1003 & 1004

Tract 1 (Right-of-way)

Beginning at a point on the North right-of-way line of S.W. 53 rd Avenue at its intersection with the West line of Lot 7, MARGASON TRACTS as platted and recorded in Book of Town Plats for Linn County, Oregon, which point bears South 00°44'22" East 1735.10 feet and North 89°38'00" West 485.52 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No.77 situated in Section 24, Township 11 South, Range 4 West, Willamette Meridian in Linn County, Oregon;

thence North 00°37'03" West along the West line of said Lot, a distance of 209.40 feet to the Northwest corner thereof;

thence South 89°38'00" East along the North line of said Lot, a distance of 45.46 feet;

thence South 00°33'21" East 193.37 feet;

thence South 44°27'38" East 22.58 feet to a point on the North right-of-way line of said SW 53 rd Avenue;

thence North 89°38'00" West along said right-of-way line, a distance of 60.89 feet to the Point of Beginning and containing 9619 square feet of land, more or less.

Tract 2 (Public Utility Easement)

Beginning at the Northeast corner of Tract 1 and running thence South 89°38'00" East 5.00 feet;

thence South 00°33'21" East 191.25 feet;

thence South 89°26'39" West 5.00 feet;

thence North 00°33'21" West 191.33 feet to the Point of Beginning and containing 956.4 square feet of land, more or less.

Tract 3 (Temporary Construction Easement)

Beginning at the Southeast corner of Tract 1 and running thence North 44°27'38" West 22.58 feet;

thence North 00°33'21" West 2.05 feet;

thence North 89°26'39" East 5.00 feet;

thence South 45°06'07" East 18.74 feet;

thence South 89°38'00" East 236.53 feet to a point on the East line of Lot 4 of said MARGASON TRACTS;

thence South 00°37'03" East 5.00 feet to the North right-of-way line of said S.W. 53 rd Avenue;

thence North 89°38'00" West along said right-of-way line, a distance of 239.02 feet to the Point of Beginning and containing 1300 square feet of land, more or less.

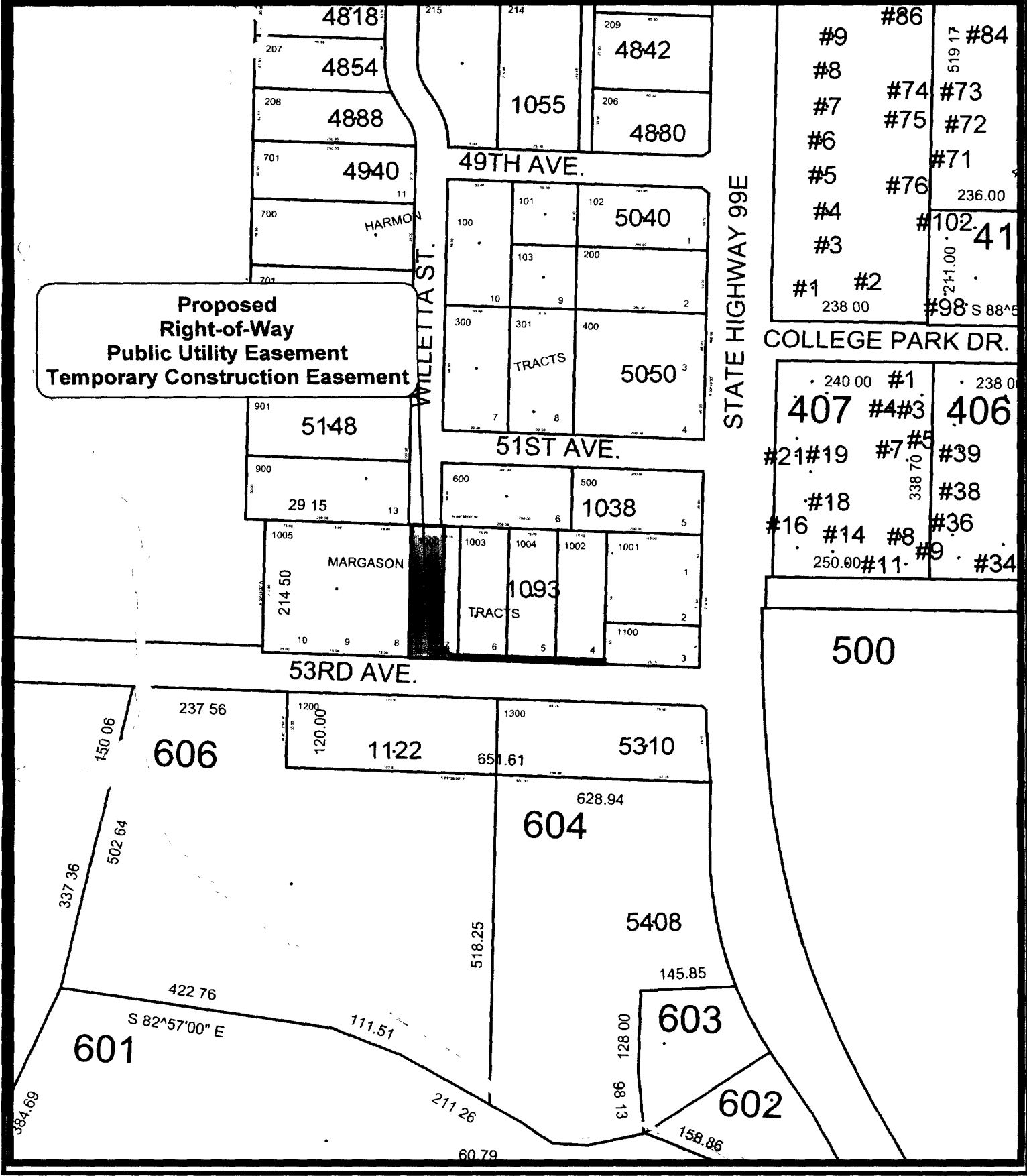
VICINITY MAP

VOL 1427 PAGE 747

Street Improvement
S.W. 53rd Avenue
ST-98-01



1 inch equals 200 feet



**Proposed
Right-of-Way
Public Utility Easement
Temporary Construction Easement**

STATE HIGHWAY 99E

COLLEGE PARK DR.

WILLETIA ST.

HARMON

MARGASON

TRACTS

TRACTS

S 82°57'00" E

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

M
R 30
S 10
A
O 10

2003 MAY 20 P 2:29

61

MF 1427

By [Signature] Deputy PAGE 742

Resolution No. 4826

Recorded Document Recorder File No. 4218