

RESOLUTION NO. 6533

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR FRANCHISED PUBLIC UTILITIES:

Grantor

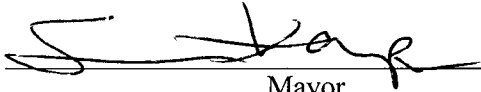
SAMARITAN HEALTH SERVICES, INC

Purpose

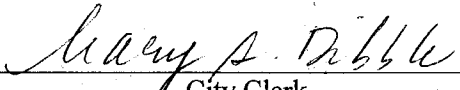
Two 7 foot wide Franchise Utility Easements, as part of the Samaritan Medical Development Project.

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

DATED AND EFFECTIVE THIS 24TH DAY OF AUGUST 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

## EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1<sup>ST</sup> day of AUGUST, 2016, by and between ~~SAMARITAN HEALTH SERVICES, INC.~~, hereinafter called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

### WITNESSETH:

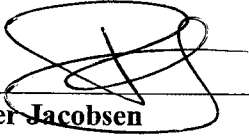
That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany and Utility Companies with Franchise Agreements with the City, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public franchised utilities 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: See legal description on attached Exhibit A and map on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their 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 Utility Company performing the maintenance shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 1 day of August, 2016.


**GRANTOR: SAMARITAN HEALTH SERVICES, INC.**

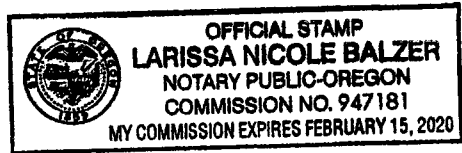


**Tyler Jacobsen**  
Vice President, General Counsel at Samaritan Health Services, Inc.  
Samaritan Health Services

STATE OF OREGON     )  
  ) ss.  
County of Benton     )

I, Larissa Balzer, a Notary Public for Benton County, acknowledge that the above named **Tyler Jacobsen, Vice President and General Counsel of Samaritan Health Services, Inc.**, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed, on behalf of **Samaritan Health Services, Inc.** and being so authorized to do so, executed the foregoing document on behalf of **Samaritan Health Services, Inc.** before me this 1 day of August, 2016.

  
Notary Public for Oregon  
My Commission Expires: February 15, 2020



**CITY OF ALBANY:**

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6533, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25<sup>th</sup> day of August 2016.

Wes Hare  
City Manager

ATTEST:  
Mary A. Dibble  
City Clerk



**EXHIBIT A**

Utility Easement Legal Description


Benton County Tax Assessor's Map 11401AD, Tax Lot 200

A 7 foot wide utility easement located in the Northeast Quarter of Section 1 of Township 11 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

Commencing at a 5/8 inch iron rod at the southeast corner of that property conveyed to Samaritan Health Services, Inc., and described as "Parcel 3" in Benton County Deed Record 2010-470519, said point of commencement being located in the Northwest Quarter of Section 6 of Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Benton County, Oregon, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 190.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 100.03 feet; thence along the arc of a 235.00 foot radius curve to the left 93.19 feet (the long chord of which bears North 05°37'01" West 92.58 feet); thence along the arc of a 165.00 foot radius curve to the right 65.43 feet (the long chord of which bears North 05°37'01" West 65.00 feet); thence North 05°44'37" East 165.96 feet to the easterly extension of the northerly line of the aforementioned Samaritan Health Services property; thence along said northerly line and the easterly extension thereof North 84°03'53" West 7.00 feet; thence South 05°44'37" West 165.98 feet; thence along the arc of a 172.00 foot radius curve to the left 68.21 feet (the long chord of which bears South 05°37'01" East 67.76 feet); thence along the arc of a 228.00 foot radius curve to the right 90.42 feet (the long chord of which bears South 05°37'01" East 89.82 feet); thence South 05°44'37" West 100.02 feet to the north right way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 7.00 feet to the true point of beginning.

Together and With: Commencing at a 5/8 inch iron rod at the southeast corner of that property conveyed to Samaritan Health Services, Inc., and described as "Parcel 3" in Benton County Deed Record 2010-470519, said point of commencement being located in the Northwest Quarter of Section 6 of Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Benton County, Oregon, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 253.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 99.98 feet; thence along the arc of a 172.00 foot radius curve to the left 68.21 feet (the long chord of which bears North 05°37'01" West 67.76 feet); thence along the arc of a 228.00 foot radius curve to the right 90.42 feet (the long chord of which bears North 05°37'01" West 89.82 feet); thence North 05°44'37" East 166.17 feet to the northerly line of the aforementioned Samaritan Health Services property; thence along said northerly line North 84°03'53" West 7.00 feet; thence South 05°44'37" West 166.19 feet; thence along the arc of a 235.00 foot radius curve to the left 93.19 feet (the long chord of which bears South 05°37'01" East 92.58 feet); thence along the arc of a 165.00 foot radius curve to the right 65.43 feet (the long chord of which bears South 05°37'01" East 65.00 feet); thence South 05°44'37" West 99.97 feet to the north right way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 7.00 feet to the true point of beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

  
OREGON  
JANUARY 11, 2005  
BRIAN SCOTT SAILOR  
61341

# EXHIBIT B

LOCATED IN THE NW 1/4 OF SECTION 6 OF TOWNSHIP 11 SOUTH, RANGE 3 WEST AND IN THE NE 1/4 OF SECTION 1 OF TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON

FOR: SAMARITAN HEALTH SERVICES, INC.

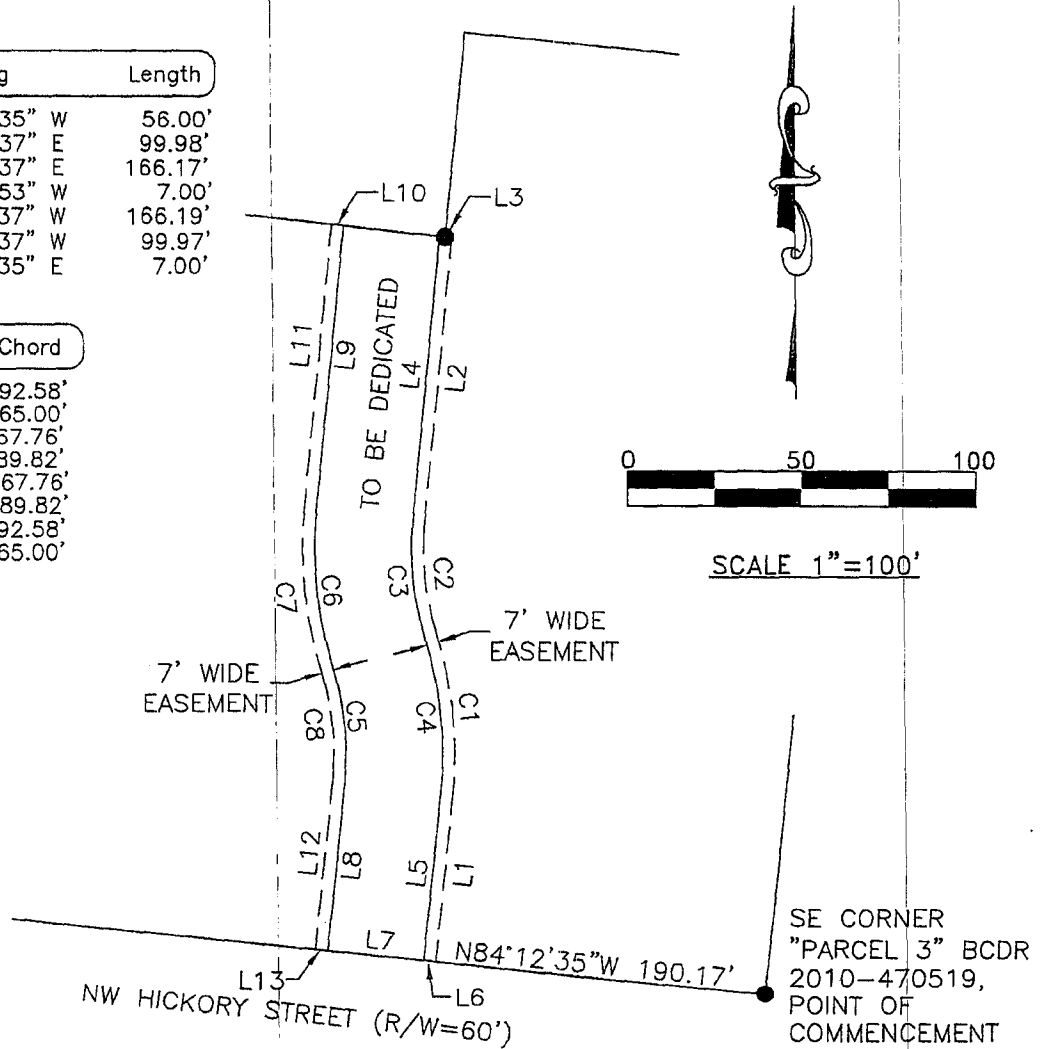
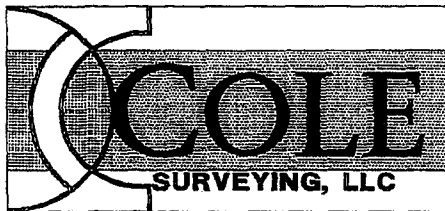
DATE: MARCH 29, 2016

L#	Bearing	Length
L1	N 05°44'37" E	100.03'
L2	N 05°44'37" E	165.96'
L3	N 84°03'53" W	7.00'
L4	S 05°44'37" W	165.98'
L5	S 05°44'37" W	100.02'
L6	S 84°12'35" E	7.00'

L#	Bearing	Length
L7	N 84°12'35" W	56.00'
L8	N 05°44'37" E	99.98'
L9	N 05°44'37" E	166.17'
L10	N 84°03'53" W	7.00'
L11	S 05°44'37" W	166.19'
L12	S 05°44'37" W	99.97'
L13	S 84°12'35" E	7.00'

C#	Radius	Delta	Length	Bearing	Chord
C1	235.00'	22°43'16"	93.19'	N 05°37'01" W	92.58'
C2	165.00'	22°43'16"	65.43'	N 05°37'01" W	65.00'
C3	172.00'	22°43'16"	68.21'	S 05°37'01" E	67.76'
C4	228.00'	22°43'16"	90.42'	S 05°37'01" E	89.82'
C5	172.00'	22°43'16"	68.21'	N 05°37'01" W	67.76'
C6	228.00'	22°43'16"	90.42'	N 05°37'01" W	89.82'
C7	235.00'	22°43'16"	93.19'	S 05°37'01" E	92.58'
C8	165.00'	22°43'16"	65.43'	S 05°37'01" E	65.00'

PREPARED BY  
 COLE SURVEYING, LLC  
 245 NE CONIFER BLVD.  
 P.O. BOX 1211  
 CORVALLIS, OREGON 97339  
 (541) 929-5500



# EXHIBIT C

11S04W01AD-00200

Two 7 foot wide Franchise Utility Easements, as part of the Samaritan Medical Development Project



Geographic Information Services

