

RESOLUTION NO. 4454

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

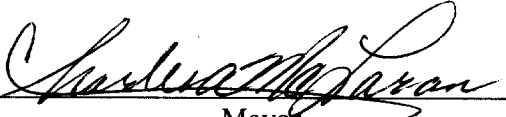
H. Kimball Wood

Purpose

A permanent 15-foot wide permanent public utility easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 27TH DAY OF JUNE 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1ST day of JUNE, 2001, by and between **H. Kimball Wood**, 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, 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 public utility easement, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
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
P.O. Box 490, Albany, OR 97321

After recording return to City of Albany Recorder
P.O. Box 490, Albany, OR 97321

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

GRANTOR:

H. Kimball Wood
H. Kimball Wood

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
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 4454 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of June, 2001.

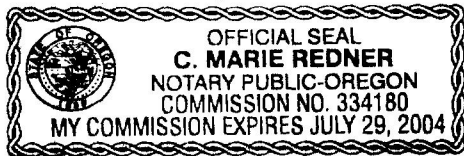
The foregoing instrument was acknowledged before me this 1st day of June, 2001, by H. Kimball Wood as his voluntary act and deed.

Steve Bryant
City Manager

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

ATTEST:

Ken Thayer
City Recorder



15' Wide Easement for Public Utilities across H. Kimball Wood Trust Tract

A 15.00 foot wide strip of land for public utility easement purposes located in portions of five (5) parcels of land conveyed to the H. Kimball Wood Revocable Trust No. 301 and identified a follows:

- 1) Parcels I, III and IV of that Wood Revocable Trust Tract described by deed recorded in M-139146-91 of the Benton County Microfilms Records on September 6, 1991, (hereinafter referred to as Wood Deed No. I).
- 2) Parcel I of that Wood Trust Tract described by deed recorded in M-271546-99 of the Benton County Microfilm Records on August 10, 1999.
- 3) That parcel of land described by deed recorded in M-153209-92 of the Benton County Microfilm Records on September 2, 1992.

The centerline of the herein described easement is described as follows:

Beginning at a point on the westerly right-of-way of Benton County Road No. 14410 (a 40-foot wide right-of-way also known as Scenic Drive) said point being South 00°11'35" West 14.86 feet from the southeast corner of said Parcel III of said Wood Deed No.1, and said point also being North 00°10'00" East 218.19 feet and South 89°56'00" West 20.00 feet from the southeast corner of the northeast quarter of the northwest quarter of Section 2, Township 11 South, Range 4 West, Willamette Meridian; thence North 89°24'39" West 262.44 feet; thence North 85°12'20" West 273.40 feet; thence North 89°39'15" West 203.51 feet; thence North 86°07'43" West 134.89 feet; thence South 00°00'48" West 120.94 feet; thence South 01°54'21" East 133.11 feet to the south line of said Parcel I of Wood Deed No.1, said point also being South 89°59'35" East 12.00 feet from the northwest corner of that Glavan Tract described by deed recorded in M-76159-86 Benton County Microfilm Records on April 14, 1986.

May 17, 2001
EXHIBIT "A"
15' WIDE EASEMENT
WOOD TO CITY OF ALBANY
(00-121-A) JRB:nm
File: nm\legals\00121-a h20 case.doc

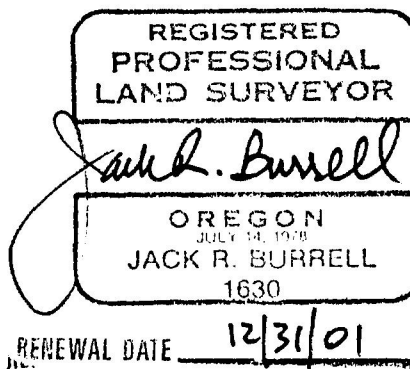
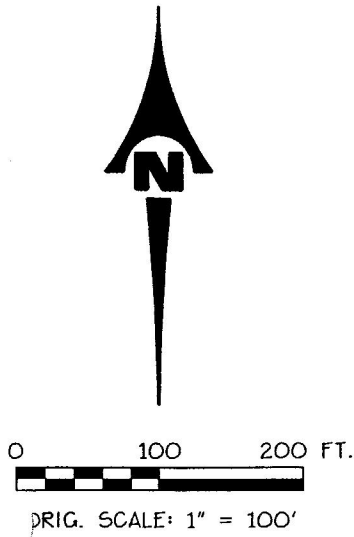


EXHIBIT "B"
PUBLIC UTILITY EASEMENT MAP
 FOR
CITY OF ALBANY

LOCATED IN
 TAX LOTS 300, 400, 401, 502, AND 504, MAP 11-4-2BA
 NW 1/4 SECTION 2 T. 11 S., R. 4 W., W.M.
 BENTON COUNTY, OREGON
 MAY 14, 2001



TAX LOT 300
 MAP: 11-4-2BA
WOOD REVOCABLE TRUST TRACT
 (M-271546-99)
 (PARCEL I)

TAX LOT 401
 MAP: 11-4-2BA
WOOD REVOCABLE TRUST TRACT
 (M-153209-92)

TAX LOT 504
 MAP: 11-4-2BA
WOOD REVOCABLE TRUST TRACT
 (M-139146-91)
 (PARCEL III)

TAX LOT 400
 MAP: 11-4-2BA
WOOD REVOCABLE TRUST TRACT
 (M-139146-91)
 (PARCEL I)

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Jack R. Burrell
 OREGON
 JACK R. BURRELL
 1630

RENEWAL DATE 12/31/01

- LEGEND**
- P.U.E. PUBLIC UTILITY EASEMENT
 - FD. FOUND
 - OPC ORANGE PLASTIC CAP
 - ⊙ MONUMENT PER UNRECORDED PLA.
 {BENTON COUNTY CASE NO. LD-00-01}

K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

Date: 5/17/2001 Time: 9:18
 View: PLOT Scale: 1=100
 File: DWG\00-121-A\00121a-1.dwg (cpu#23)

TAX LOT 300
 MAP: 11-4-2BD
GLAVAN TRACT
 (M-76159-86)
 (PARCEL II)

15' WIDE PUBLIC
 UTILITY EASEMENT

S.E. CORNER OF NE 1/4
 OF NW 1/4 SECTION 2
 T. 11 S., R. 4 W., W.M.

P.O.B.
 SCENIC DRIVE
 CO. RD. NO. 14410

BASIS OF BEARINGS:
 (N 00°10'00" E 134.22')
 (N 00°10'00" E 133.87')

N 86°07'43" W
 134.89'

N 89°39'15" W
 203.51'

N 85°12'20" W
 273.40'

N 89°24'39" W
 262.44'

S 00°00'48" W
 120.94'
 S 01°54'21" E
 133.11'

FD. 5/8" ROD

FD. 1/2" ROD

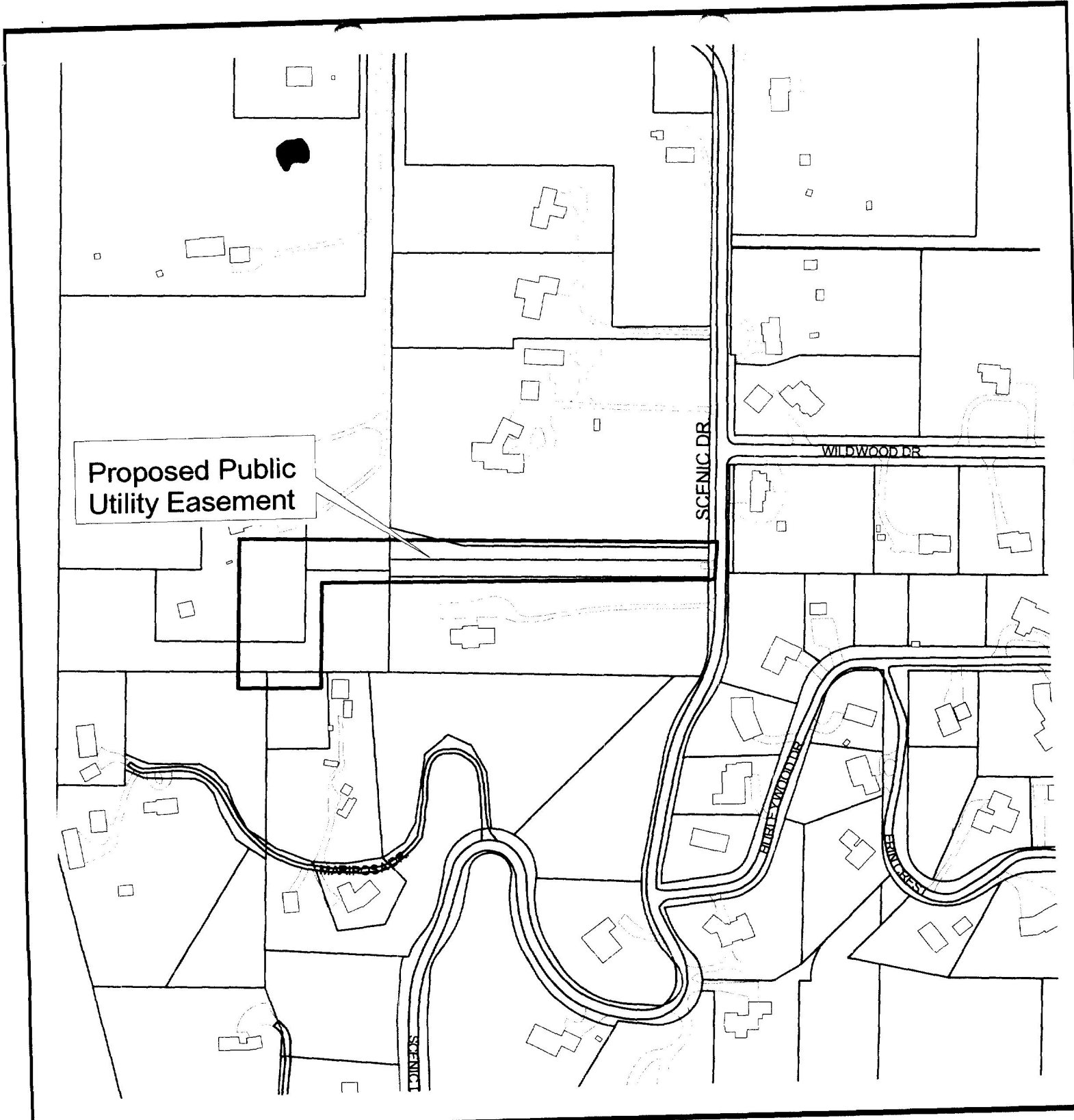
FD. 1/2" ROD

FD. 5/8" ROD W/OPC
 MARKED: "PL5 1079"

FD. 5/8" ROD W/OPC
 MARKED: "PL5 1079"

(N 00°10'00" E) 218.19'

40'
 26.04'
 S 00°11'35" W 14.96'
 (S 89°56'00" W 20')



VICINITY MAP



Gordon Steffensmeier

Engineering

johnd1 J:\AV_PROJ\SITE_MAP.APR

Jun 18, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently verify the information contained within our records.



STATE OF OREGON }
County of Benton } SS. **298720**

I hereby certify that the within instrument
was received for record

PM 3:16 101JUL09

AND
ASSIGNED **M301648** 20⁰¹

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

JAMES V. MORALES

County Clerk

By

Rubmin Whitney
46
15-615 Deputy

Resolution No. 4454

Recorded Document Recorder File No. 3800