

RESOLUTION NO. 4629

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

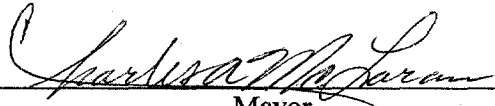
Clayton Meadows Apartments Limited Partnership

Purpose

A permanent 15-foot-wide 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 easement.

DATED THIS 13TH DAY OF FEBRUARY 2002.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24th day of Jan, 2002, by and **Clayton Meadows Apartments Limited Partnership**, 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

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

GRANTOR:
CLAYTON MEADOWS APARTMENTS
LIMITED PARTNERSHIP

CITY OF ALBANY:

By Philip D. Hendrick
Philip D. Hendrick

Title Managing General Partner

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 4629 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of February, 2002.

This instrument was acknowledged before me on the date: Jan. 24 2002

By Philip D. Hendrick
Title Managing General Partner

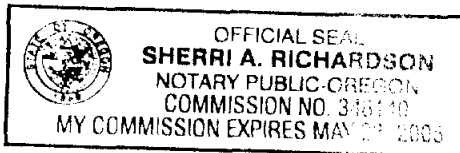
Steve Bryant
City Manager

of Clayton Meadows Apartments Limited Partnership.

ATTEST:

Sherril Richardson
Notary Public for Oregon
My Commission Expires: May 23 2005

Ken Thompson
City Recorder



LEGAL DESCRIPTION - WATER LINE EASEMENT

A STRIP OF LAND FIFTEEN FEET WIDE SITUATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, STATE OF OREGON, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE EASEMENT:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL ONE, PARTITION PLAT 1994-20 ON THE SOUTHERLY RIGHT-OF-WAY LINE OF QUEEN AVENUE, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH $88^{\circ}56'10''$ EAST A DISTANCE OF 34.25 FEET TO THE **TRUE POINT OF BEGINNING** OF THE CENTERLINE OF THE EASEMENT BEING DESCRIBED; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH $1^{\circ}47'19''$ EAST A DISTANCE OF 295.25 FEET TO POINT "A"; THENCE CONTINUING SOUTH $1^{\circ}47'19''$ EAST, A DISTANCE OF 36.00 FEET TO POINT "B"; THENCE CONTINUING SOUTH $1^{\circ}47'19''$ EAST A DISTANCE OF 61.50 FEET; THENCE SOUTH $43^{\circ}33'52''$ WEST A DISTANCE OF 36.89 FEET; THENCE SOUTH $1^{\circ}47'19''$ EAST A DISTANCE OF 56.00 FEET; THENCE SOUTH $88^{\circ}12'42''$ WEST A DISTANCE OF 23.00 FEET TO THE TERMINUS OF SAID CENTERLINE OF SAID EASEMENT; SAID TERMINUS POINT BEING ON THE WEST LINE OF PARCEL ONE OF SAID PARTITION PLAT, SAID END POINT ALSO BEING NORTH $1^{\circ}47'18''$ WEST A DISTANCE OF 51.25 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL ONE.

TOGETHER WITH THE FOLLOWING TWO (2) 15.00 FOOT WIDE STRIPES OF LAND, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES: (1) BEGINNING AT POINT "A" AS DESCRIBED PREVIOUSLY, THENCE NORTH $88^{\circ}12'41''$ EAST A DISTANCE OF 113.50 FEET, TO THE END THEREOF; (2) BEGINNING AT POINT "B" AS DESCRIBED PREVIOUSLY, THENCE NORTH $88^{\circ}12'41''$ EAST A DISTANCE OF 41.50 FEET, TO THE END THEREOF.

THE SIDELINES LENGTHENING OR SHORTENING TO MEET THE EXTERIOR PROPERTY LINES OF THE SUBJECT PROPERTY. CONTAINING 9,730 SQUARE FEET OR 0.22 ACRES MORE OR LESS.

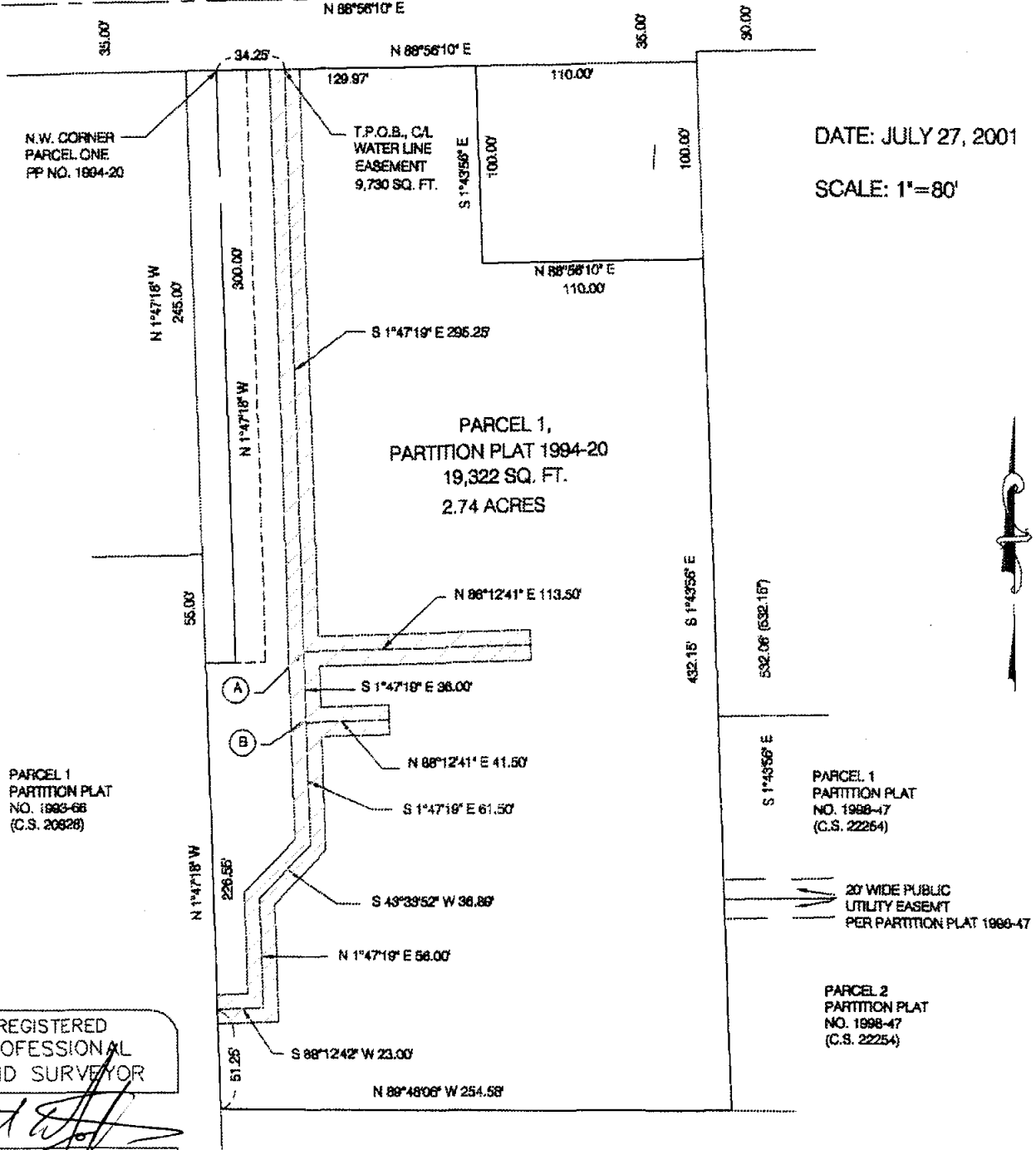
THE BASIS OF BEARING FOR THE ABOVE LEGAL DESCRIPTION IS PARTITION PLAT 1994-20.



EXHIBIT PLAT WATER LINE EASEMENT

LOCATED IN PARCEL ONE, PARTITION PLAT 1994-20,
LOCATED IN THE SOUTHEAST 1/4, SOUTHWEST 1/4,
OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST,
WILLAMETTE MERIDIAN, CITY OF ALBANY, COUNTY OF
LINN, STATE OF OREGON

C/L QUEEN AVENUE



DATE: JULY 27, 2001
SCALE: 1"=80'



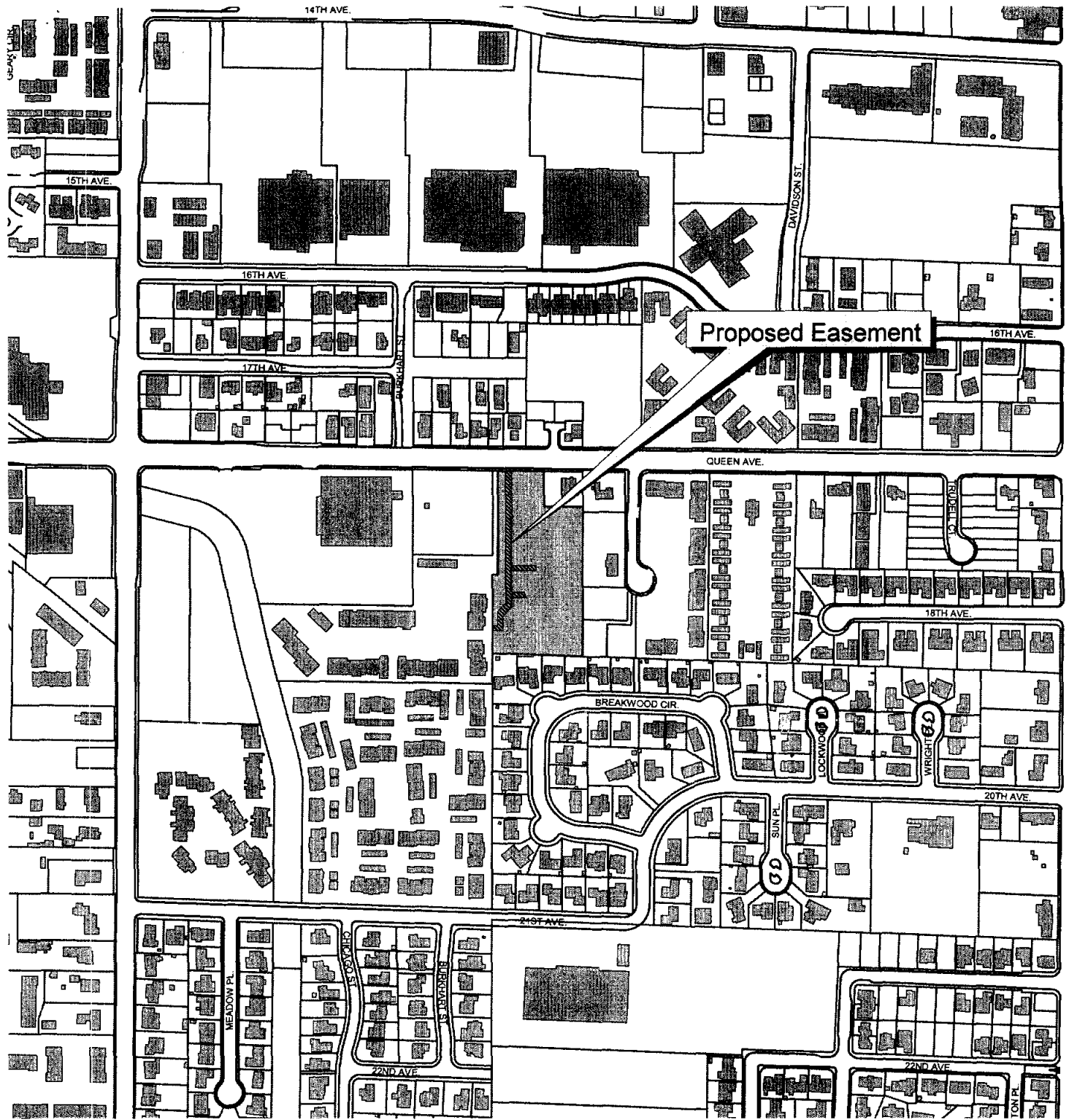
REGISTERED
PROFESSIONAL
LAND SURVEYOR

David A. Foster

OREGON
DECEMBER 16, 1980
DAVID A. FOSTER
1934

RENEWED THRU 12/31/2001

SURVEYED BY:
FOSTER & MADDUX SURVEYING INC.
708 NE 238TH PLACE
WOOD VILLAGE, OR. 97060
(503) 867-8307



VICINITY MAP

100 0 100 Feet



CLAYTON MEADOWS APTS LIMITED PARTNERSHIP

15' Wide Public Utility Easement

Mike Brash

Engineering

angies J:\AV_PROJ\SITE_MAP.APR

November 27, 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 Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By DA, Deputy

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Recorded Document Recorder File No. 4065