

RESOLUTION NO. 4746

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

FRANCIS REALTY, INC.

Purpose

A slope 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

M326803-02

SLOPE EASEMENT

THIS AGREEMENT, made and entered into this 2nd day of July, 2002, **FRANCIS REALTY INC.**, herein called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

WITNESSETH:

That the Grantor has this day granted unto the City of Albany, a Slope Easement over a portion of real property situated in Benton County, State of Oregon, conveyed to Grantor by deed recorded in Microfilm Volume M-13937-80, Benton County Deed Records, said easement being more particularly described as follows:

A SLOPE EASEMENT as described in attached EXHIBIT A and as shown on attached EXHIBIT B.

This agreement is subject to the following terms and conditions:

1. The easement granted herein is in consideration of \$10,000.00, receipt of which is acknowledged by the Grantor, and in further consideration of the work to clear and prepare the site, import, place, and compact the fill, and establish grass cover for erosion control, and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit Grantor's obligation to pay any costs or assessments which may result from the improvements
2. The 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. Upon performing any maintenance, the City shall return the site to original or better condition.
4. The Grantor is the owner of the above-described property free of all encumbrances save and except reservations in patents and easements of record, and will warrant and defend the same against all persons who may lawfully claim the same
5. No permanent structure shall be constructed by Grantor on this easement.
6. When additional fill is placed on the parcel such that a sloped fill is no longer required to support the sidewalk, the City will vacate this slope easement at the Grantor's request.

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: Francis Realty, Inc.

[Signature]
Francis Carrington, President

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

The foregoing instrument was acknowledged before me this 12th day of July, 2002, by Francis Carrington, President, for Francis Realty, Inc., as his voluntary act and deed

[Signature]
Deborah Downs, Secretary

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

The foregoing instrument was acknowledged before me this 12th day of July, 2002, by Deborah Downs, Secretary, for Francis Realty, Inc., as her voluntary act and deed.

[Signature]
Notary Public for California
My Commission Expires: 9-11-04

[Signature]
Notary Public for California
My Commission Expires: 9-11-04



CITY OF ALBANY:

STATE OF OREGON)
Counties of Linn and Benton) ss.
City of Albany)

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4746, 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.

[Signature]
City Manager

[Signature]
City Recorder

EXHIBIT "A"

Easement Description over Francis Realty Tract

The westerly 15.00 feet of even width of that Francis Realty, Inc. Tract described by deed recorded in M-13937-80 of the Benton County Deed Records on May 12, 1980 that is more particularly described as follows:

Beginning at the northwest corner of said Francis Realty Tract, which point being a chiseled mark in concrete gutter as shown on County Survey No. 6242 that is filed in the office of the Benton County Surveyor, said point being on the east right-of-way line of North Albany Road (a right-of-way of variable width also known as County Road No. 14400) and which point being North 89°55'15" East 918.72 feet, South 14°18'45" West 1080.74 feet, North 86°01'30" West 1817.25 feet, South 07°23'48" East 99.19 feet and South 13°04'09" East 367.17 feet from the northeast corner of the A.M. Rainwater Donation Land Claim No. 61 in Township 11 South, Range 3 West, Willamette Meridian, Benton County, Oregon; thence North 89°53'25" East, along the north line of said Francis Realty Tract, 15.39 feet to a point that is 15.00 feet distant from said east right-of-way line (when measured perpendicularly); thence South 13°04'09" East, parallel with said east right-of-way line, 184.47 feet to a point on the north right-of-way line of U.S. Highway 20; thence North 73°21'11" West, along said north right-of-way line, 17.27 to a 5/8 inch rod at the intersection of said north right-of-way line with said east right-of-way line and which point being the southwest corner of said Francis Realty Tract; thence North 13°04'09" West 179.36 feet to the Point of Beginning.

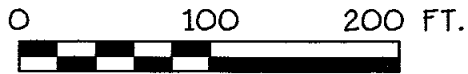
July 10, 2002
EASEMENT DESCRIPTION
FRANCIS REALTY TRACT
(01-130) JRB:nm

File nm\mydoc\legal\01-130 Ease Descript-Francis Realty Tract doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14 1978
JACK R BURRELL
1630

RENEWAL DATE 12/31/03



ORIG. SCALE: 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

RENEWAL DATE: 12/31/03

EXHIBIT "B" EASEMENT MAP

FOR THE CITY OF ALBANY
OVER THE

FRANCIS REALTY, INC.

LOCATED IN

E. 1/2 SEC. 1, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

JULY 10, 2002

COFFEY + LEFOR TRACT
(M-205424-95)

N.W. HICKORY STREET

(PARCEL 1)
(PARTITION PLAT No. 94-67)

INTERMEDIARY INC. TRACT
(M-310204-01)

INTERMEDIARY INC. TRACT
(M-310204-01)

(CS 6242)
FRANCIS REALTY
INC. TRACT
(M-13937-80)

DEDICATION
TRACT

U.S. HIGHWAY 20

P.O.B.

(N89°53'25"E)

15.39'

15'

184.47'

17.27'

(S13°04'09"E)

(N13°04'09"W 179.36')

(N73°21'11"W)

N.W. NORTH ALBANY ROAD

NOTE:

RECORD DATA IN PARANTHESIS
IS FROM DEED PER M-13937-80,
EXCEPT AS NOTED.

BRISCOE TRACT
(M-162691-93)

N.W. HICKORY PLACE

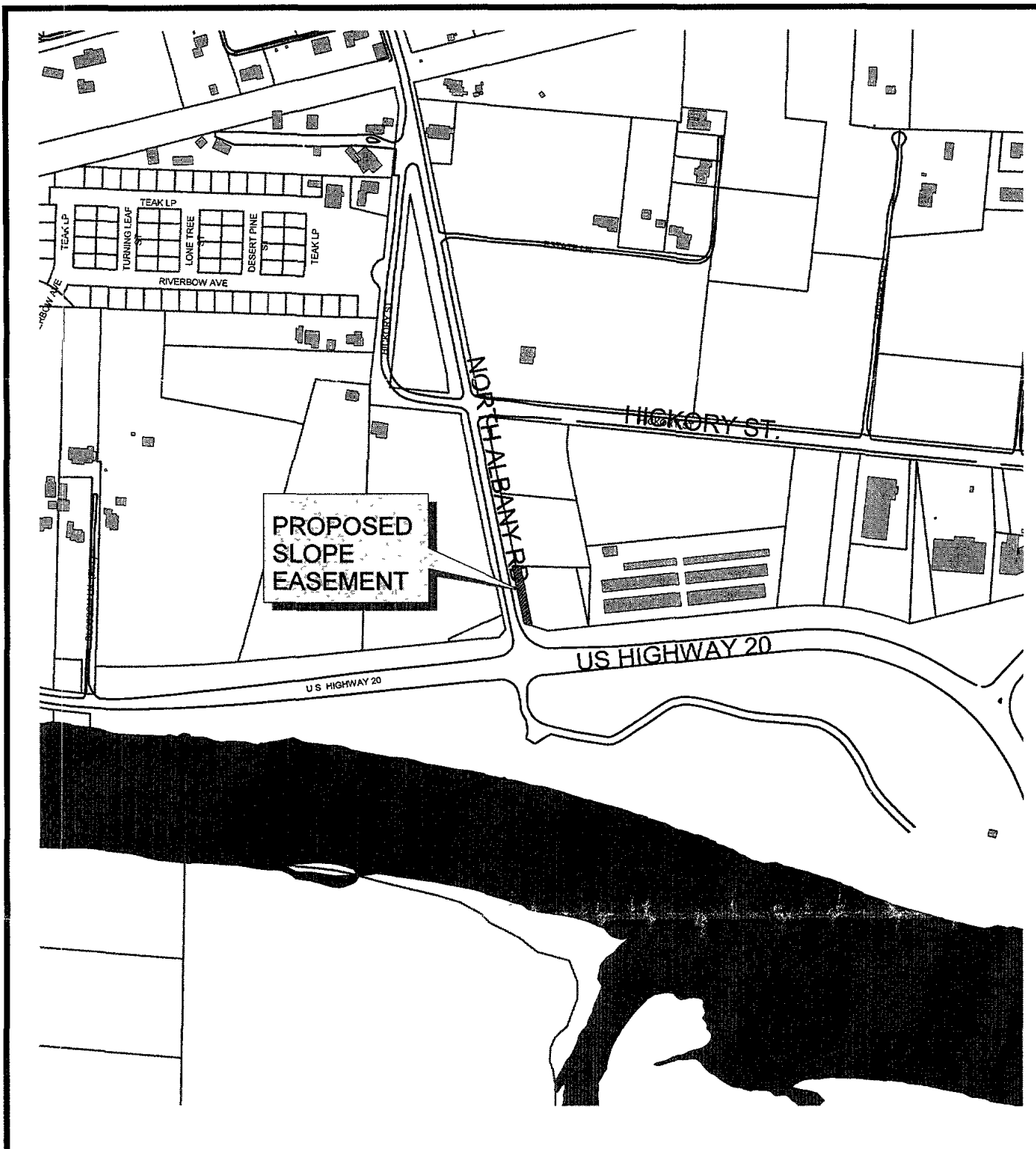
FIRST CHURCH OF GOD, ALBANY TRACT
(M-215766-96)

N.W. HICKORY PLACE



Date: 7/10/2002 Time: 11:35
Viewtwist: 76d55'51" Scale: 1=100
File: dwg\01-130\130-exhj.dwg (Justin)



K & D ENGINEERING, Inc.
276 NW Hickory Street P O Box 725
Albany, Oregon 97321



VICINITY MAP

	North Albany Road ST-01-03		A Slope Easement	
	Jeff Woodward	Engineering		
	angles J IAV_PROJISITE_MAP APR	July 23, 2002	PAGE 1 OF 2	

STATE OF OREGON } ss.
County of Benton }

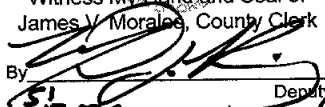
327538

I hereby certify that the within
instrument was received for record

AM 10:30 OCT 10
M326803 2002

In the microfilm records of said county

Witness My Hand and Seal of
James V. Morales, County Clerk

By  Deputy
5/5 05

Resolution No. 4746

Recorded Document Recorder File No. 4114