

RESOLUTION NO. 4792

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Oak Creek Park, LLC

Purpose

A permanent 30.00 foot wide slope easement and a permanent 100.00 foot square storm drainage and water quality easement area, more particularly described in attached EXHIBIT A and shown in 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 AND EFFECTIVE THIS 12TH DAY OF FEBRUARY 2003.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

SLOPE, STORM DRAINAGE, AND WATER QUALITY EASEMENT

THIS AGREEMENT, made and entered into this 24<sup>th</sup> day of JANUARY, 2003, by and **Oak Creek Park, LLC**, 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 does hereby bargain, sell, convey, and transfer unto the City of Albany, an easement for slope, storm drainage, and water quality purposes, 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 easement hereby granted is over a portion of that real property situated in Linn County, State of Oregon, conveyed to Grantor by deed recorded in M1023-975, Linn County deed records, and being more particularly described as follows:  
  
A permanent 30.00 foot wide slope easement and a permanent 100.00 foot square storm drainage and water quality easement area, 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 1000, Albany, OR 97321

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

GRANTOR: OAK CREEK PARK, LLC

By: Stewart W Stone  
Stewart W. Stone, Member

Date: January 24, 2003

STATE OF OREGON )  
County of Marion ss.  
City of Salem

The instrument was acknowledged before me this 24 day of January, 2003, by Stewart W. Stone, Member, and a representative of Oak Creek Park LLC.

OAK CREEK PARK, LLC

By: Gary D. Williamson  
Gary D. Williamson, Member

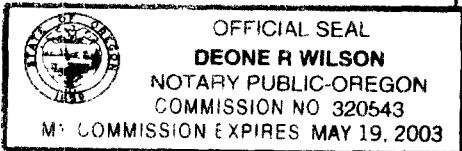
Date: January 24, 2003

STATE OF OREGON )  
County of Marion ss.  
City of Salem

The instrument was acknowledged before me this 24 day of January, 2003, by Gary D. Williamson, Member, and a representative of Oak Creek Park LLC.

Deone R. Wilson

Notary Public for Oregon  
My Commission Expires: 5/19/2003



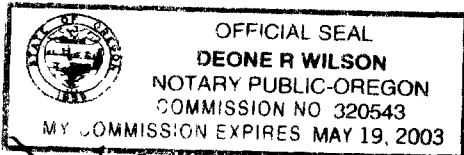
OAK CREEK PARK, LLC

By: Denise E. Stone  
Denise E. Stone, Member

Date: January 24, 2003

STATE OF OREGON )  
County of Marion ss.  
City of Salem

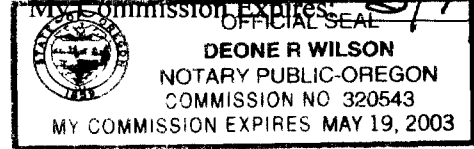
The instrument was acknowledged before me this 24 day of January, 2003, by Denise E. Stone, Member, and a representative of Oak Creek Park LLC.



Deone R. Wilson  
Notary Public for Oregon  
My Commission Expires: 5/19/2003

Deone R. Wilson

Notary Public for Oregon  
My Commission Expires: 5/19/2003



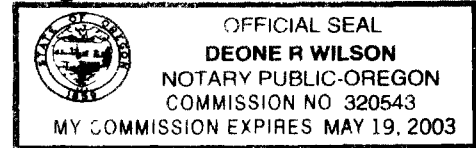
OAK CREEK PARK, LLC

By: Patricia E. Williamson  
Patricia E. Williamson, Member

Date: January 24, 2003

STATE OF OREGON )  
County of Marion ss.  
City of Salem

The instrument was acknowledged before me this 24 day of January, 2003, by Patricia E. Williamson, Member, and a representative of Oak Creek Park LLC.



Deone R. Wilson  
Notary Public for Oregon  
My Commission Expires: 5/19/2003

OAK CREEK PARK, LLC

By: [Signature]  
James W. Fowler, Member &  
as Manager, The Fowler Family, LLC

Date: January 24, 2003

STATE OF OREGON )  
County of Marion ) ss.  
City of Salem )

The instrument was acknowledged before me this 24 day of January, 2003, by James W. Fowler, Member, a representative of Oak Creek Park LLC, and as Manager, The Fowler Family, LLC.

[Signature]  
Notary Public for Oregon  
My Commission Expires: 5/19/2003

OAK CREEK PARK, LLC

By: [Signature]  
Candace J. Fowler, Member &  
as Manager, The Fowler Family, LLC

Date: January 24, 2003

STATE OF OREGON )  
County of Marion ) ss.  
City of Salem )

The instrument was acknowledged before me this 24 day of January, 2003, by Candace J. Fowler, Member, a representative of Oak Creek Park LLC, and as Manager, The Fowler Family, LLC.

[Signature]  
Notary Public for Oregon  
My Commission Expires: 5/19/2003

CITY OF ALBANY:

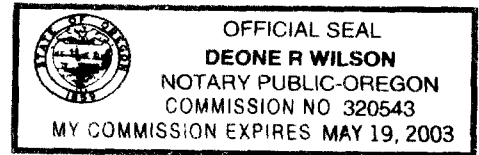
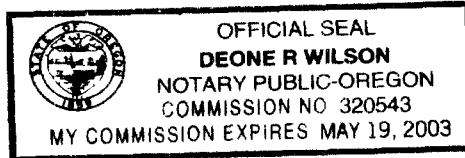
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4093 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February, 2003.

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder



## EXHIBIT "A"

City of Albany

Vestee: Oak Creek Park LLC, an Oregon Limited Liability Company

Tax Map No. 11S04W24-0400

Tract 1 (Slope Easement)

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 10, 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 710.46 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°33'00" West along the West line of said Lot 10, a distance of 10.00 feet to the True Point of Beginning;

thence North 89°38'00" West along the North right-of-way line of said S.W. 53 rd Avenue, a distance of 691.59 feet to a point on the East line of Tract 1, MEADOWS AT OAK CREEK as platted and recorded in Book 19, Page 17, Book of Town Plats;

thence North 00°00'00" East along said East line, a distance of 30.00 feet;

thence South 89°38'00" East parallel with said S.W. 53 rd Avenue, a distance of 691.30 feet to a point on the West line of said Lot 10, MARGASON TRACTS;

thence South 00°33'00" East along said line, a distance of 30.00 feet to the True Point of Beginning and containing 20,743.4 square feet of land, more or less.

Tract 2 (Storm Drainage and Water Quality Easement Area)

Beginning at a point on the North right-of-way line of S.W. 53 rd Avenue which is 124.99 feet South 89°38'00" East from the Southeast corner of Tract 1 described above;

thence North 00°22'00" East 100.00 feet;

thence South 89°38'00" East 100.00 feet;

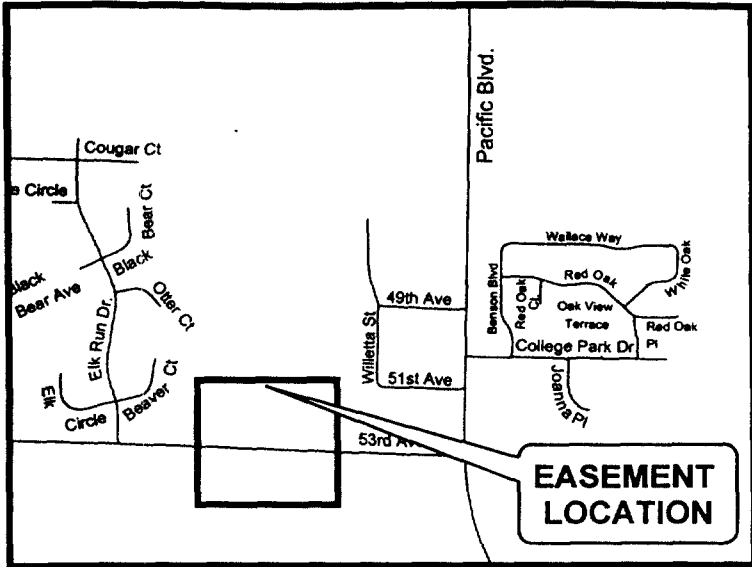
thence South 00°22'00" West 100.00 feet to a point on said right-of-way line;

thence North 89°38'00" West 100.00 feet to the Point of Beginning and containing 10,000 square feet of land, more or less.

# VICINITY MAP

VII 1398 PAGE 960

# EXHIBIT B

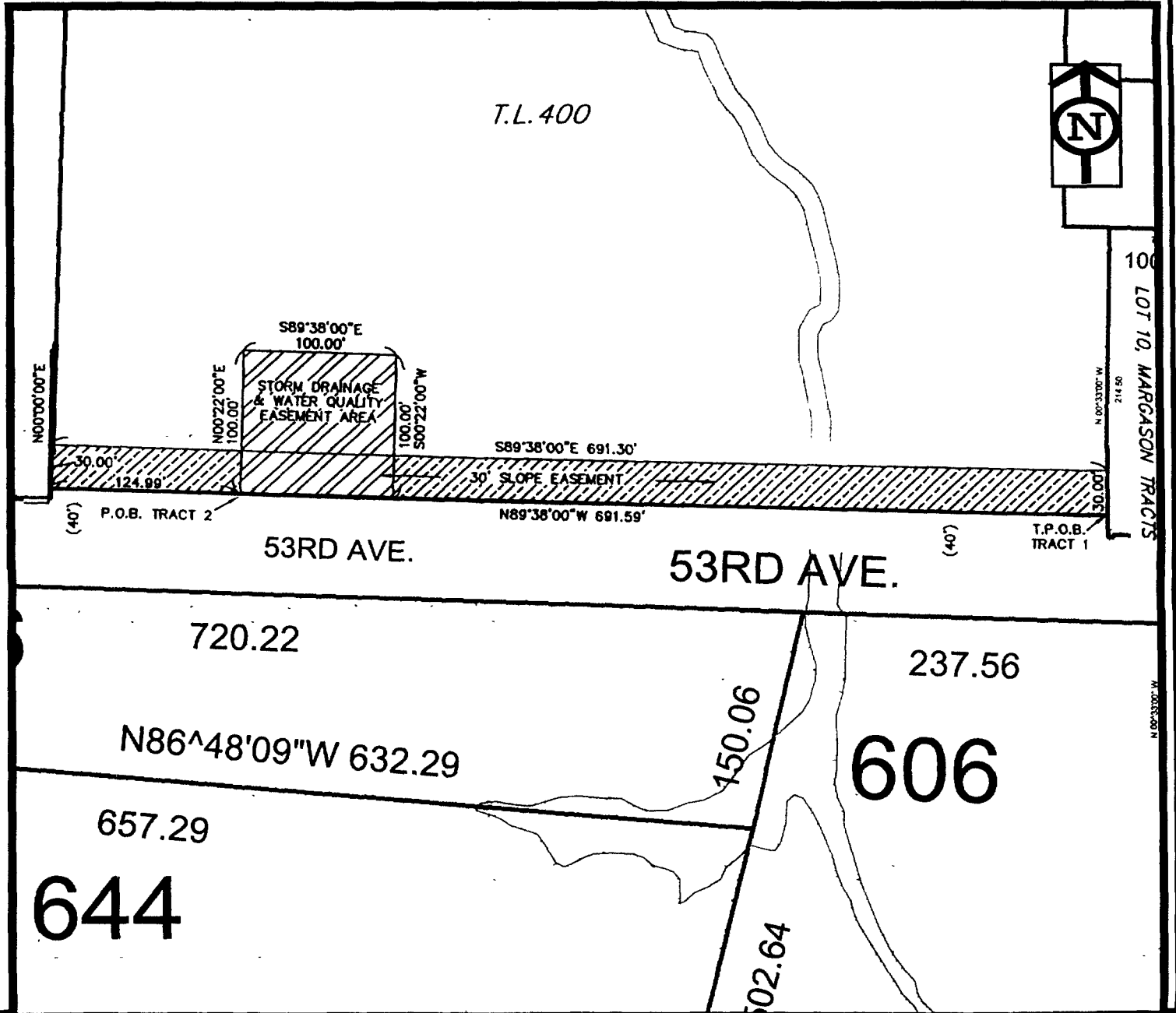


**OAK CREEK PARK, LLC**  
**SW 53RD AVENUE**  
**11S04W24 00400**  
**City of Albany, Linn Co., OR**

**Slope, Storm Drainage  
& Water Quality  
Area Easement**

**Project Manager Jeff Woodward**

1 inch equals 100 feet



STATE OF OREGON  
County of Linn

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

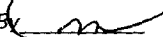
STEVE BRUCKENMILLER  
Linn County Clerk

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By  Deputy PAGE 956

Resolution No. 4792

Recorded Document Recorder File No. 4180