

RESOLUTION NO. 4795

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION AND EASEMENTS

Grantor

Purpose

Doug Vande Griend

Right of Way Dedication, and a Slope, Retaining Wall, and Public Utility Easement, and a Temporary Construction Easements, more particularly described in Exhibit A and as shown in Exhibit B

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this dedication and these easements; 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 2002.



Mayor

ATTEST:



City Recorder/Clerk

Number 5 on agenda map for February 12, 2003.

RIGHT-OF-WAY DEDICATION
AND A
SLOPE, RETAINING WALL, AND PUBLIC UTILITY EASEMENT
AND A
TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **Doug Vande Griend**, hereinafter called Grantor, does dedicate to the City of Albany, a Municipal Corporation, herein called "City" for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded in M 903-970, Linn County deed records, and being more particularly described as follows:

RIGHT OF WAY DEDICATION, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B; and

SLOPE, RETAINING WALL, AND PUBLIC UILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown in attached EXHIBIT B; and

TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 3 in attached EXHIBIT A and shown as Tract 3 in attached EXHIBIT B.

The Grantor covenants 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 same against all persons who may lawfully claim the same.

The deed and easements dedicated herein are in consideration of \$4,720.00, 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.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. 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 easements at any time that it may see fit, for construction, maintenance, evaluation and repair purposes, together with the right to excavate and refill ditches and/or trenches for the location of the said utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said utilities.
2. The temporary construction easement described herein shall expire upon completion of the City's construction project, known as ST-98-01, 53rd Avenue LID.
3. Upon performing any maintenance, the City shall return the site to original or better condition.
4. No permanent structure shall be constructed on these easements.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

ORIGINAL
TAX LOT 606

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

GRANTOR: DOUG VANDE GRIEND

By: [Signature]
Doug Vande Griend

Date: 1-22-2003

LENDER: PIONEER TRUST BANK, N.A.

By: [Signature]

Title: V. PRESIDENT

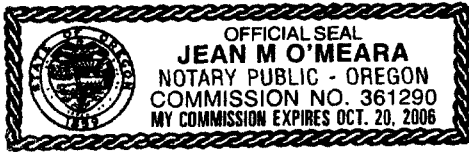
Date: 1-22-03

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

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

The foregoing instrument was acknowledged before me this 22 day of January 2003, by Doug Vande Griend, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 22 day of January 2003, by Peter R. Westerman, as V. President (title) of Pioneer Trust Bank, N.A.



[Signature]
Notary Public for Oregon
My Commission Expires: 10-20-06

[Signature]
Notary Public for Oregon
My Commission Expires: 10-20-06

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 4796 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: Doug Vande Griend
Tax Map. No. 11S04W24-00606

Tract 1 (Right-of-Way)

Beginning at a point on the South right-of-way line of S.W. 53 rd Avenue at its intersection with the West line of Parcel 2 as described in M.F. 903, Page 970, Records for Linn County, Oregon, which point bears South 00°44'22" East 1795.12 feet and North 89°38'00" West 670.62 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 South 00°33'00" East 6.00 feet;
thence North 89°38'00" West parallel with said 53 rd Avenue, a distance of 238.85 feet to the Westerly line of Parcel 3 as described in said M.F. 903, Page 970, Deed Records;
thence North 11°25'14" East along said Westerly line, a distance of 6.11 feet to the South right-of-way line of said 53 rd Avenue;
thence South 89°38'00" East along said right-of-way line a distance of 237.58 feet to the Point of Beginning and containing 1429.3 square feet of land, more or less.

Tract 2 (Slope, Retaining wall and Public utility easement)

A 35.00 foot wide strip of land lying parallel with and contiguous to the Southerly line of Tract 1.
Contains 8489.3 square feet of land, more or less.

Tract 3 (Temporary Construction Easement)

Beginning at the Southeast corner of Tract 2, described above;
thence South 00°33'00" East 75.01 feet;
thence North 89°38'00" West 155.74 feet;
thence North 00°22'00" East 40.00 feet;
thence North 89°38'00" West 98.55 feet to a point on the Westerly line of said Parcel 3 as described in M.F. 903, Page 970;
thence North 11°25'14" East along said Westerly line, a distance of 35.66 feet;
thence South 89°38'00" East 246.25 feet to the Point of Beginning and containing 14,965 square feet of land, more or less.

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 *SD* Deputy MF 1400
PAGE 89

M
R 20
S 10
A 11
O 10

2003 MAR 20 P 2: 42

51

Resolution No. 4795

Recorded Document Recorder File No. 4183