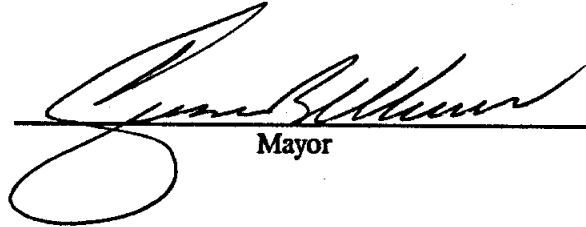


RESOLUTION NO. 3259

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following three (3) permanent public utility easements as listed below for the North Albany Sanitary Sewer Project, SS-90-7:

<u>GRANTOR:</u>	<u>MAP & TAX LOT:</u>	<u>COMPENSATION:</u>
Northwest Intermountain Development Company	10-4-36, #400	\$1,490
North Albany Land Company	10-4-36, #500	490
Oliver J. Anderson	11-4-1AD, #1000	510

DATED this 26 day of May, 1993.



Mayor

ATTEST:



City Recorder



9M-165710-9

Type of Document: EASEMENT for Public Utilities

Grantor: Northwest Intermountain Development Co., M-88769-77
per Benton County Circuit Court No. CV 92-0314, Amended Judgement Order (attached)

Grantee: City of Albany, Oregon

Consideration: \$1,490.00

Return to: attn: Engineering
 City of Albany
 ✓ P. O. Box 490
 Albany, OR 97321

I hereby certify this copy to be a true, full and correct copy of the original now on file in my office.

TRIAL COURT ADMINISTRATOR
Corvallis, Benton County, Oregon

by Carol A. Gillette
5-18-93

FILED

APR 6 1993

BENTON COUNTY COURTS
RLJ

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF BENTON

3	City of Albany, a municipal corporation,)	
4)	Case No. CV 92-0314
5	Plaintiff,)	AMENDED
6)	JUDGMENT ORDER
7	v.)	
8	Northwest Intermountain Development Co.,)	
9	a dissolved Oregon corporation;)	
10	Boise Pacific Corporation, successor corporation to North Albany Land Co.;)	
11	James E. Schram; Charles K. McCormack;)	
12	William F. Gwinn; Frank T. Glasser;)	
13	Jean B. Disher; Jean B. Disher, Trustee;)	
14	Delta Land Co., an Oregon corporation;)	
15	Clyde Rushing; and Atwood, Inc.,)	
16)	
17	Defendants.)	

13 This matter comes before the Court upon the Complaint of
14 plaintiff, seeking condemnation of an easement across property,
15 the title to which is held by Northest Intermountain
16 Development Co. Based upon the documents contained within the
17 Court's file, the Court hereby finds as follows:

18 1. Summons and Complaint in the above referenced matter
19 were duly served on each of the defendants herein.

20 2. None of the defendants have answered and the time
21 therefore has expired.

22 3. The default of each of the defendants has been duly
23 ordered by the Court.

24 4. The plaintiff is entitled to a judgment of
25 condemnation as sought in its complaint.

26 NOW, THEREFORE, plaintiff is hereby awarded judgment as follows:


LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

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1. Plaintiff is hereby granted the permanent utility easement and temporary construction easement described in Exhibit "1" attached hereto and by this reference incorporated herein.
2. The real property which is burdened by the foregoing easements is described in Exhibit "2" attached hereto and by this reference incorporated herein.
3. The fair value of the permanent utility easement and temporary construction easement granted hereby together with the damages to the real property burdened by said easements is the sum of \$1,490.00.
4. The person entitled to compensation for the permanent utility easement and temporary construction easement is Northwest Intermountain Development Co., a dissolved Oregon corporation, and the plaintiff is directed to pay the aforesaid sum of \$1,490.00 to Northwest Intermountain Development Co.
5. The Clerk of the Court is directed to return to the plaintiff the funds, in the sum of \$1,490.00 which were previously deposited with the Court in this proceeding to secure an Order for Immediate Possession, in order that they may be paid to Northwest Intermountain Development Co.

DATED this 5 day of April, 1993.



CIRCUIT COURT JUDGE

Submitted by:
James V. B. Delapoer, OSB #76117
Albany, Oregon
of Attorneys for Plaintiff

W 920314

EXHIBIT "1"

ALBX0003
Page 1 of 2

North Albany Wastewater
Collection System
Sheet No. 11
October 31, 1991
Amended January 10, 1992

10-4-36 Tax Lot No. 400
File No. 40
Benton County Records
Microfilm No. M-88769-77



PERMANENT UTILITY EASEMENT

A portion of that tract of land conveyed by Deed recorded December 15, 1977 and filed as Microfilm Record M-88769-77, Benton County Records, being within the Northeast 1/4, Section 36, Township 10 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

A 20.00 foot strip of land over the sewer facilities the centerline being described as follows:

Beginning at a point on the west line of said tract which bears South 0°15'00" East 58.31 feet from the northwest corner thereof; thence North 88°48'58" East 433.73 feet; thence South 54°58'10" East 360.22 feet; thence South 73°53'51" East 262.25 feet; thence South 40°12'00" East 450.00 feet to a point hereinafter referred to as "A"; thence South 43°47'41" East 144.36 feet to the easterly line of said tract. Also, beginning at the hereinabove described point "A"; thence South 62°30'00" West 430.00 feet to the end of said centerline.

Together with the westerly 20.00 feet of the north 73.30 feet of said tract.

Containing an area of 42,379 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A portion of that tract of land conveyed by Deed recorded December 15, 1977 and filed as Microfilm Record M-88769-77, Benton County Records, being within the Northeast 1/4, Section 36, Township 10 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701

EXHIBIT "1"
PAGE 1 OF 2

10-4-36 Tax Lot No. 400
File No. 40
Benton County Records
Microfilm No. M-88769-77

A 30.00 foot strip of land over the sewer facilities the centerline being described as follows:

Beginning at a point on the west line of said tract which bears South 0°15'00" East 58.31 feet from the northwest corner thereof; thence North 88°48'58" East 433.77 feet; thence South 54°58'10" East 360.22 feet; thence South 73°53'51" East 262.25 feet; thence South 40°12'00" East 450.00 feet to a point hereinafter referred to as "A"; thence South 43°47'41" East 144.36 feet to the easterly line of said tract. Also, beginning at the hereinabove described point "A"; thence South 62°30'00" West 435.00 feet to the end of said centerline.

Together with the westerly 30.00 feet of the north 73.30 feet of said tract.

Containing an area of 63,419 square feet, more or less.


Gary R. Anderson P.L.S. 2434
January 10, 1992

Beginning at the Northwest corner of Lot 3, Block 8, RIVERVIEW HEIGHTS SUBDIVISION; thence North 0°03'15'' East 1274.94 feet; thence South 89°06' East 730.31 feet; thence South 0°06'30'' East 47.89 feet, said point being South 0°14'15'' East 222.26 feet from the interior corner of the West line of the Gallatin Adkins Donation Land Claim No. 43; thence North 87°45'15'' East 252.60 feet; thence North 83°06'30'' East 153.60 feet; thence South 83°47'54'' East 391.04 feet; thence North 44°38'30'' East 156 feet; thence South 30°07' East 423.26 feet; thence South 25°38'30'' East 377.52 feet; thence South 27°59'28'' East 309.42 feet; thence South 43°01' East 280.60 feet; thence South 03°21'45'' West 959.24 feet; thence South 89°55'15'' West 844 feet to the Southeast corner of that land conveyed by deed recorded in Book 130 at page 193, Deed Records of Benton County, Oregon; thence North 00°18' West 660.11 feet; thence South 89°56' West 660.23 feet; said point being the Southeast corner of Lot 15, Block 1, Riverview Heights Subdivision; thence North 28°53'48'' East 56.01 feet to the Northeast corner of said Lot 15; thence North 61°09'15'' West 185 feet; thence North 77°40'45'' West 148.24 feet; thence North 89°57'30'' West 490 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within First Addition to Riverview Heights, a subdivision of record in Benton County, Oregon.

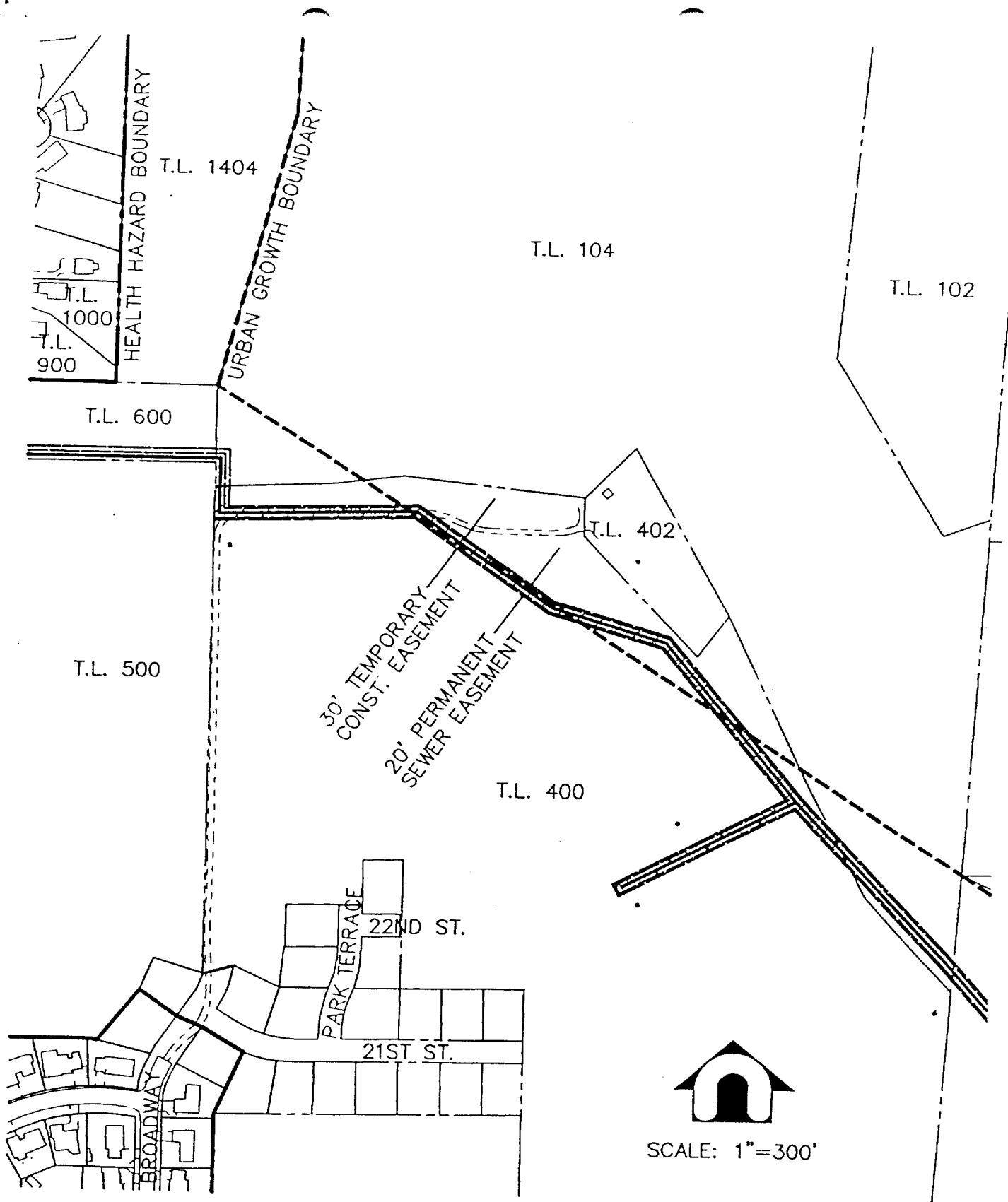
ALSO EXCEPTING THEREFROM, beginning at the Northwest corner of Lot 3, Block 8 of Riverview Heights Subdivision, Benton County, Oregon; thence South 89°57'30'' East 210 feet to the Northeast corner of said Lot 3; thence North 0°02'30'' East 10 feet to a 5/8 inch iron rod; thence North 89°57'30'' West 210 feet to the West line of that parcel described in deed recorded in Book 201, page 227, Benton County Deed Records; thence South 0°02'30'' West 10 feet to the point of beginning.

ALSO EXCEPTING THEREFROM, beginning at a 5/8 inch iron rod said rod being 10.00 feet North 0°02'30'' East of the Northwest corner of Lot 3, Block 8, Riverview Heights Subdivision as originally platted, in the Northwest one-quarter of Section 36, Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon; running thence North 0°02'30'' East 95.00 feet to a 5/8 inch iron rod; thence South 89°57'30'' East 209.81 feet to a 5/8 inch iron rod on the West right of way line of Northwest Gail Street extended; running thence along the extended West right of way line of Gail Street South 0°02'30'' West 95.00 feet to a 5/8 inch iron rod; said rod being North 0°02'20'' East 10.00 feet of the Northeast corner of Lot 3, Block 8, Riverview Heights Subdivision, as originally platted; running thence South 89°57'45'' West 209.81 feet to the point of beginning.

ALSO EXCEPTING THEREFROM, commencing at a 1/2 inch iron pipe set at the interior corner of the West line of the Gallatin Adkins Donation Land Claim No. 43; thence South 0°08'51'' East 222.35 feet; thence North 87°45'15'' East 252.60 feet; thence North 83°06'30'' East 153.60 feet; thence South 83°49'54'' East 391.04 feet to the point of beginning, said point marked by a 5/8 inch iron rod with aluminum cap as shown on County Survey No. 4487 on file at the Benton County Surveyor's Office, said point being also a point on the Southerly line of Parcel IV of that property conveyed to Young & Morgan Timber Company by deed recorded as Microfilm No. 90352 of Benton County Deed Records; thence South 0°43'51'' East 84.02 feet; thence South 44°15'39'' East 363.51 feet; thence North 37°06'50'' East 111.72 feet to a 5/8 inch iron rod with aluminum cap as shown on said survey, said point being a point on said Southerly line; thence North 30°07'00'' West, along said Southerly line 423.16 feet to a 5/8 inch iron rod with aluminum cap as shown on said survey; thence South 44°45'34'' West, along said Southerly line 156.02 feet to the point of beginning.

CONTINUED

ALSO EXCEPTING THEREFROM, Beginning at a point which is 105.00 feet North 0°02'30'' East of the Northwest corner of Lot 3, Block 8, Riverview Heights Subdivision, Township 10 South, Range 4 West, Section 36, Willamette Meridian, Benton County, Oregon; and running thence North 0°02'30'' East 1091 feet, more or less, to the Southwesterly corner of the property recorded in Book 132 at page 146, Benton County Deed Records; thence East 742.5 feet; thence South 1150 feet, more or less, to the Northeasterly corner of Lot 2, Block 10 of the First Addition to Riverview Heights; thence North 72°31'15'' West 112.89 feet; thence South 23°11'04'' West 76.95 feet; thence South 39°02'55'' West 135.87 feet; thence North 77°40'45'' West 28.24 feet; thence North 89°57'30'' West 280.00 feet to the Northeast corner of Lot 3, Block 8, Riverview Heights Subdivision; thence North 0°02'30'' East 105.00 feet; thence 89°57'30'' West 210.00 feet to the point of beginning. -----



DAVID EVANS AND ASSOCIATES, INC.
 2428 S.W. CORBETT AVENUE
 PORTLAND, OREGON 97201-4802
 (503) 223-6663

PROJECT	N. ALBANY WASTEWATER COLLECTION		
TITLE	EXHIBIT MAP FOR EASEMENT DESCRIPTION		
	RE: TAX LOT 10-4-36-400		
FILE	DRAWN BY	DESIGN BY	SCALE
ALBX0003	CUM	GRA	1"=300'
			DATE
			10-31-91

M-165711-9

Type of Document: EASEMENT for Public Utilities

Grantor: Northwest Intermountain Development Co. (North Albany Land Co., B201-227)
per Benton County Circuit Court No. CV 92-0313, Judgement Order (attached)

Grantee: City of Albany, Oregon

Consideration: \$490.00

Return to: attn: Engineering
City of Albany
✓ P. O. Box 490
Albany, OR 97321

I hereby certify this copy to be a true, full and correct copy of the original now on file in my office.

TRIAL COURT ADMINISTRATOR
Corvallis, Benton County, Oregon

by Walter A. Calce
5-18-93

FILED
MAR 29 1993

BENTON COUNTY COURTS
TW

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF BENTON

3	City of Albany, a municipal corporation,)	Case No. CV 92-0313
4)	
5	Plaintiff,)	JUDGMENT ORDER
6)	
7	v.)	
8)	
9	Northwest Intermountain Development Co.,)	
10	a dissolved Oregon corporation;)	
11	Boise Pacific Corporation, successor corporation to North Albany Land Co.;)	
12	James E. Schram; Charles K. McCormack;)	
13	William F. Gwinn; Frank T. Glasser;)	
14	Jean B. Disher; Jean B. Disher, Trustee;)	
15	Delta Land Co., an Oregon corporation;)	
16	Clyde Rushing; and Atwood, Inc.,)	
17)	
18	Defendants.)	

13 This matter comes before the Court upon the Complaint of
14 plaintiff, seeking condemnation of an easement across property,
15 the title to which is held by Northeast Intermountain
16 Development Co. Based upon the documents contained within the
17 Court's file, the Court hereby finds as follows:

- 18 1. Summons and Complaint in the above referenced matter
- 19 were duly served on each of the defendants herein.
- 20 2. None of the defendants have answered and the time
- 21 therefore has expired.
- 22 3. The default of each of the defendants has been duly
- 23 ordered by the Court.
- 24 4. The plaintiff is entitled to a judgment of
- 25 condemnation as sought in its complaint.

26 NOW, THEREFORE, plaintiff is hereby awarded judgment as follows:

LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

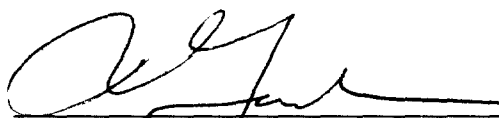
LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

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1. Plaintiff is hereby granted the permanent utility easement and temporary construction easement described in Exhibit "1" attached hereto, and by this reference incorporated herein.
2. The real property which is burdened by the foregoing easements is described as follows:

Beginning at a point which is 105.00 feet North 0°02'30" East of the Northwest corner of Lot 3, Block 8, Riverview Heights Subdivision, Township 10 South, Range 4 West, Section 36, Willamette Meridian, Benton County, Oregon, and running thence North 0°02'30" East 1091 feet, more or less, to the Southwesterly corner of the property recorded in Book 132 at page 146, Benton County Deed Records; thence East 742.5 feet; thence South 1150 feet, more or less, to the Northeasterly corner of Lot 2, Block 10 of the First Addition to Riverview Heights; thence North 72°31'15" West 112.89 feet; thence South 23°11'04" West 76.95 feet; thence South 39°02'55" West 135.87 feet; thence North 77°40'45" West 28.24 feet; thence North 89°57'30" West 280.00 feet to the Northeast corner of Lot 3, Block 8, Riverview Heights Subdivision; thence North 0°02'30" East 105.00 feet; thence North 89°57'30" West 210.00 feet to the point of beginning. -----
3. The fair value of the permanent utility easement and temporary construction easement granted hereby together with the damages to the real property burdened by said easements is the sum of \$490.00.
4. The person entitled to compensation for the permanent utility easement and temporary construction easement is Northwest Intermountain Development Co., a dissolved Oregon corporation, and the plaintiff is directed to pay the aforesaid sum of \$490.00 to Northwest Intermountain Development Co.
5. The Clerk of the Court is directed to return to the plaintiff the funds, in the sum of \$490.00 which were previously deposited with the Court in this proceeding to secure an Order for Immediate Possession, in order that they may be paid to Northwest Intermountain Development Co.

DATED this 29 day of March, 1993.



CIRCUIT COURT JUDGE

Submitted by:
James V. B. Delapoer, OSB #76117
Albany, Oregon
of Attorneys for Plaintiff

CN 920313

EXHIBIT "1"

ALBX0003
Page 1 of 2

North Albany Wastewater
Collection System
Sheet No. 17
October 31, 1991
Amended January 10, 1992

10-4-36 Tax Lot No. 500
File No. 41
Benton County Records
Deed Book 201, Page 227



PERMANENT UTILITY EASEMENT

A portion of that tract of land conveyed by Deed recorded June 14, 1966 and filed as Deed Book 201, Page 227, Benton County Records, being within the North 1/2, Section 36, Township 10 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

That portion of said tract lying within a 20.00 foot strip of land over the sewer facilities the centerline being described as follows:

Beginning at a point on the north line of said tract which bears North 89°57'29" West 489.14 feet from the northeast corner thereof; thence South 57°27'55" West 293.92 feet; thence South 0°28'08" West 323.74 feet; thence South 59°57'34" West 235.97 feet; thence South 26°59'57" West 256.83 feet to the end of said centerline.

Containing an area of 9,965 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A portion of that tract of land conveyed by Deed recorded June 14, 1966 and filed as Deed Book 201, Page 227, Benton County Records, being within the North 1/2, Section 36, Township 10 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

That portion of said tract lying within a 30.00 foot strip of land over the sewer facilities the centerline being described as follows:

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701

EXHIBIT " 1 "
PAGE 1 OF 2

10-4-36 Tax Lot No. 500
File No. 41
Benton County Records
Deed Book 201, Page 227

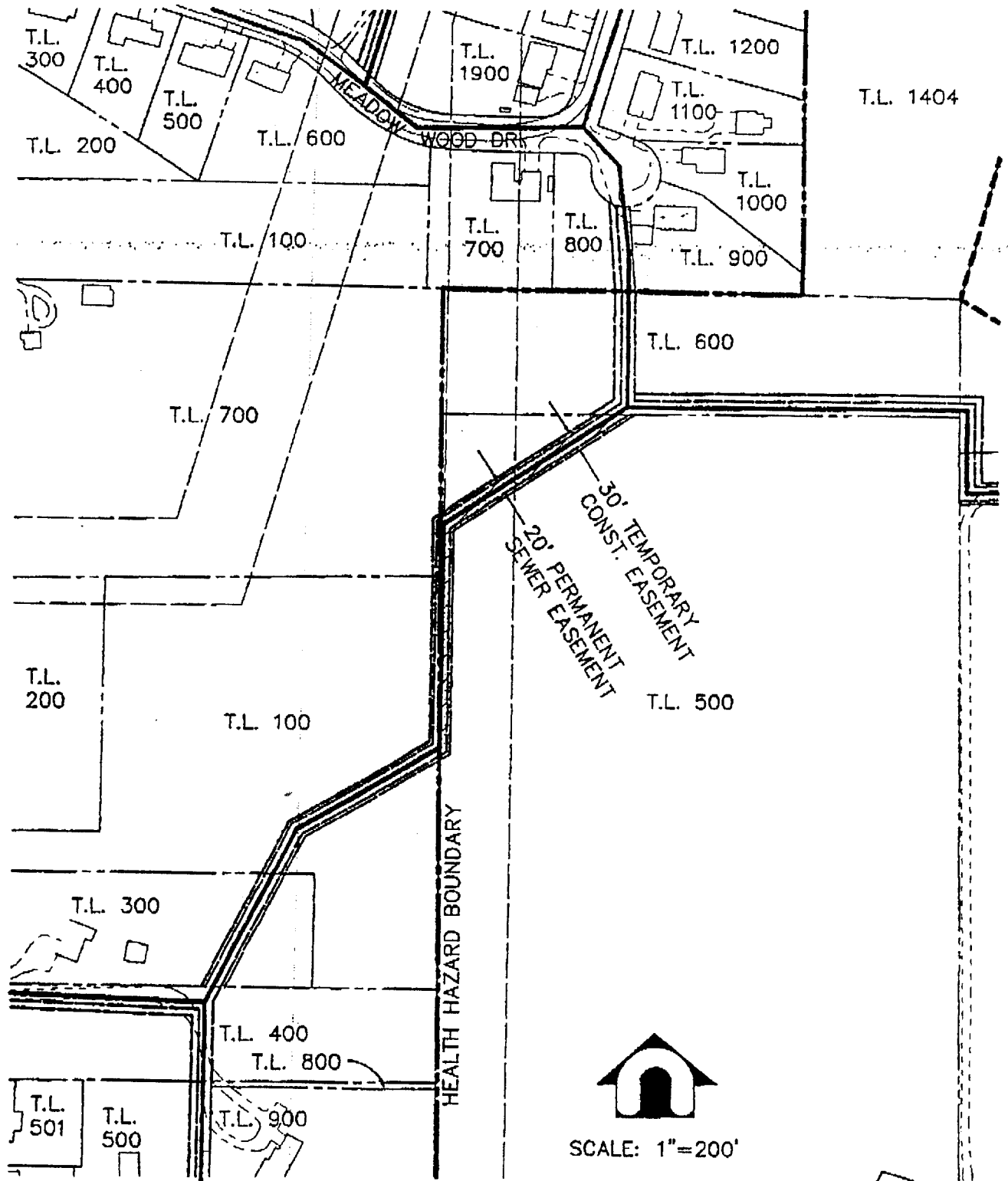
DEA

Beginning at a point on the north line of said tract which bears North $89^{\circ}57'29''$ West 489.14 feet from the northeast corner thereof; thence South $57^{\circ}27'55''$ West 293.92 feet; thence South $0^{\circ}28'08''$ West 323.74 feet; thence South $59^{\circ}57'34''$ West 235.97 feet; thence South $26^{\circ}59'57''$ West 256.83 feet to the end of said centerline.

Containing an area of 14,547 square feet, more or less.



Gary R. Anderson P.L.S. 2434
January 10, 1992



DEA
 DAVID EVANS AND ASSOCIATES, INC.
 2825 N.W. CORBETT AVENUE
 PORTLAND, OREGON 97201-4802
 (503) 823-8685

PROJECT	N. ALBANY WASTEWATER COLLECTION			
TITLE	EXHIBIT MAP FOR EASEMENT DESCRIPTION			
RE:	TAX LOT 10-4-36-500			
FILE	DRAWN BY	DESIGN BY	SCALE	DATE
ALBX00b3	CUM	GRA	1"=200'	10-31-91

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 3259 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of May, 1993.

Steve Bryant
City Manager

ATTEST:

Norm C. Willmore
City Recorder

STATE OF OREGON } ss. **155085**
County of Benton }

I hereby certify that the within instrument was received for record.

'93 JUN 17 AM 11 10

AND ASSIGNED No 165711 1993

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

By [Signature] Deputy
4500

CITY OF ALBANY:

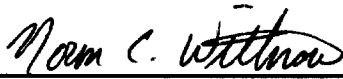
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3259 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of May, 1993.



City Manager

ATTEST:



City Recorder

STATE OF OREGON }
County of Benton } ss. **155084**

I hereby certify that the within instrument was received for record.

'93 JUN 17 AM 11 10

AND ASSIGNED **No 165710** 1993

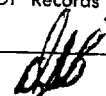
In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK

Director Of Records & Elections

By _____ Deputy

5500



M-165712-93

Type of Document: EASEMENT for Public Utilities

Grantor: Oliver J. Anderson, M-129976-90
per Benton County Circuit Court No. CV 92-0276, Judgement Order (attached)

Grantee: City of Albany, Oregon

Consideration: \$510.00

Return to: attn: Engineering
City of Albany
✓ P. O. Box 490
Albany, OR 97321

Delapoer

I hereby certify this copy to be a full and correct copy of the original now on file in my office.

TRIAL COURT ADMINISTRATOR
Corvallis, Benton County, Oregon

by *W. A. Chalk*
5-18-53

FILED

JAN 19 1993

BENTON COUNTY COURTS

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF BENTON

CITY OF ALBANY, a municipal corporation,

Plaintiff,

v.

Oliver J. Anderson; American Pacific Title & Escrow Company, Trustee for the benefit of Richard L. Hayes and Donald L. Berger,

Defendants.

Case No. CV 92-0276

JUDGMENT ORDER

This matter comes before the Court upon the Complaint of plaintiff, seeking condemnation of an easement across property, the title to which is held by Oliver J. Anderson. Based upon the documents contained within the Court's file, the Court hereby finds as follows:

1. Summons and Complaint in the above referenced matter were duly served on each of the defendants herein.
2. None of the defendants have answered and the time therefore has expired.
3. The default of each of the defendants has been duly ordered by the Court.
4. The plaintiff is entitled to a judgment of condemnation as sought in its complaint.

NOW, THEREFORE, plaintiff is hereby awarded judgment as follows:

1. Plaintiff is hereby granted the permanent utility

LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

1 easement and temporary construction easement
2 described in Exhibit "1" attached hereto, and by this
reference incorporated herein.

- 3 2. The real property which is burdened by the foregoing
4 easements is described as follows:

5 "Land in Township 11 South, Range 3 West of the
6 Willamette Meridian in Benton County, Oregon,
described as follows:

7 Beginning at the North boundary line of the Donation
8 Land Claim of M. Rainwater and wife, being Claim No.
9 62 in Township 11 South, Range 3 West of the
10 Willamette Meridian, Oregon, at a point on said North
11 boundary line 7 chains North 86° West of the
Northeast corner of said Claim No. 62; and running
thence South 4° West 14.28 chains; thence North 86°
West 14.00 chains; thence North 4° East 14.28 chains;
thence South 86° East 14.00 chains to the place of
beginning.

12 EXCEPTING THEREFROM: The following tracts:

13 That tract described in deed to Olive V. Peacock et
14 al, recorded June 23, 1923 in Book 72 at page 497,
Deed Records of Benton County, Oregon.

15 That tract described in deed to Fairmount Grange,
16 recorded June 5, 1930 as Instrument No. 8213 in Book
82 at page 413, Deed Records of Benton County,
Oregon.

17 That tract described in O. P. R. Anderson et ux,
18 recorded March 31, 1934 as Instrument No. 15150 in
Book 88 at page 7 (b), Deed Records of Benton County,
19 Oregon.

20 That tract described in deed to V. A. Peacock at ux,
21 recorded August 18, 1938 as Instrument No. 26356, in
Book 93 at page 574, Deed Records of Benton County,
Oregon.

22 That tract described in deed to Fairmount Grange,
23 recorded October 27, 1972 as Instrument No. 24754,
Microfilm No. 36083, Microfilm Records of Benton
24 County, Oregon.

25 That tract described in deed to Albany Vision Clinic,
26 et al, recorded April 15, 1977 as Instrument No.
75936, Microfilm No. 78448, Microfilm Records of

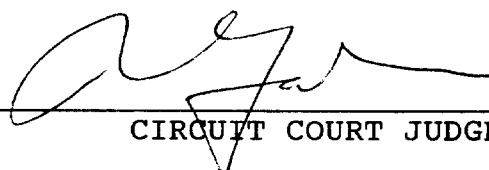
LONG, DELAPOER, HEALY & McCANN, P.C.
ATTORNEYS AT LAW
425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40
ALBANY, OREGON 97321-0014
TELEPHONE (503) 926-5504
FAX (503) 926-7167

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Benton County, Oregon. ----- "

3. The fair value of the permanent utility easement and temporary construction easement granted hereby together with the damages to the real property burdened by said easements is the sum of \$510.00.
4. The person entitled to compensation for the permanent utility easement and temporary construction easement is Oliver J. Anderson and the plaintiff is directed to pay the aforesaid sum of \$510.00 to Oliver J. Anderson.
5. The Clerk of the Court is directed to return to the plaintiff the funds, in the sum of \$510.00 which were previously deposited with the Court in this proceeding to secure an Order for Immediate Possession, in order that they may be paid to Oliver J. Anderson.

DATED this 14 day of January, 1993.



CIRCUIT COURT JUDGE

Submitted by:
James V. B. Delapoer
OSB #76117
Albany, Oregon
of Attorneys for Plaintiff

CV 92-0276

EXHIBIT "1"

ALBX0003

North Albany Wastewater
Collection System
Sheet No. 27
October 31, 1991
Amended January 10, 1992

11-4-1AD Tax Lot No. 1000
File No. 103
Benton County Records
Microfilm No. M-129976-90



PERMANENT UTILITY EASEMENT

A portion of that tract of land conveyed by Deed recorded December 4, 1990 and filed as Microfilm Record M-129976-90, Benton County Records, being within the A.M. Rainwater D.L.C. No. 61 in Township 11 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

A 20.00 foot strip of land lying south of and adjacent to the north line of the right-of-way described in Deed Records Book 93, Page 574.


Containing an area of 16,275 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A portion of that tract of land conveyed by Deed recorded December 4, 1990 and filed as Microfilm Record M-129976-90, Benton County Records, being within the A.M. Rainwater D.L.C. No. 61 in Township 11 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

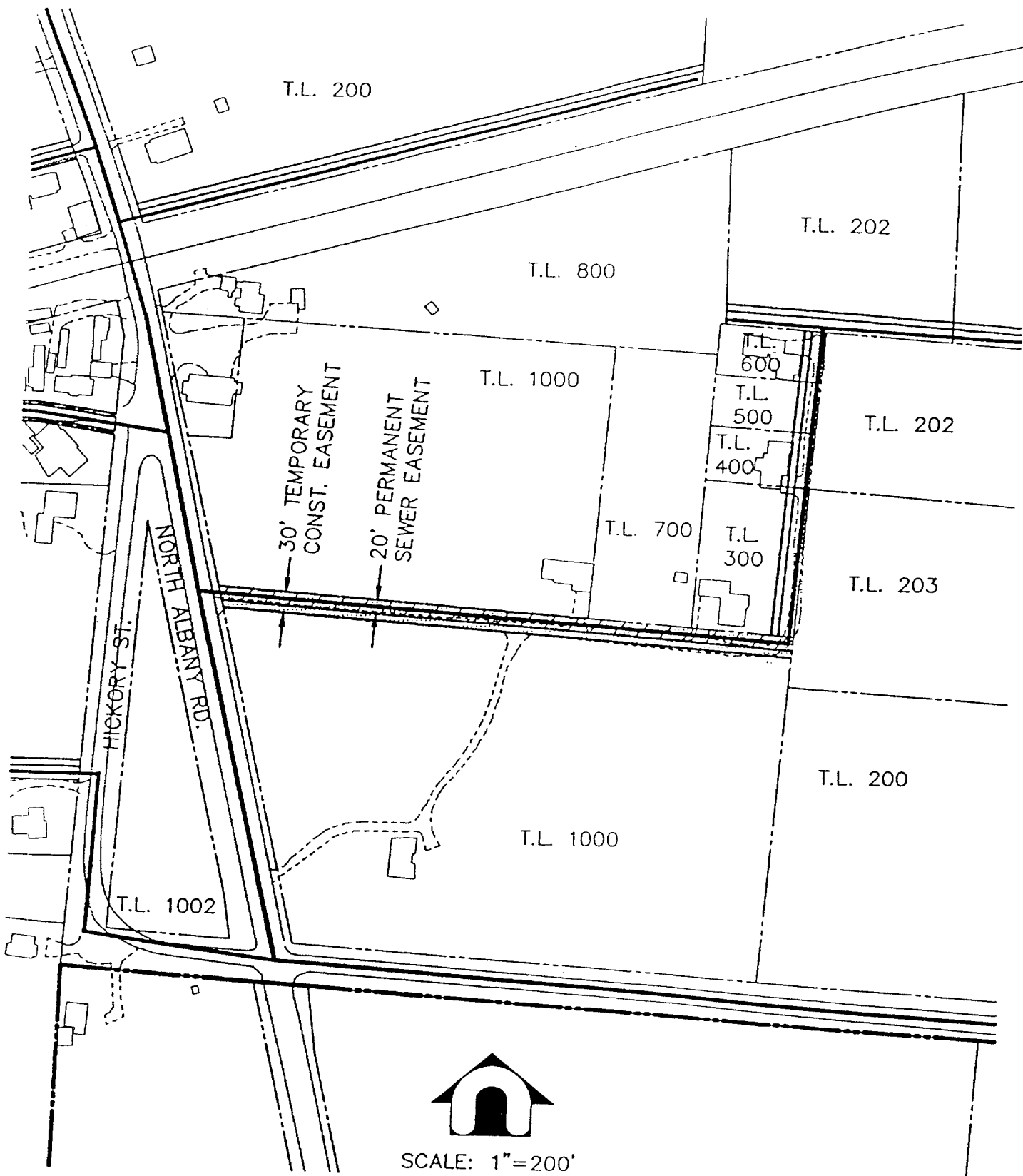
A 30.00 foot strip of land lying south of and adjacent to the north line of the right-of-way described in Deed Records Book 93, Page 574.

Containing an area of 24,365 square feet, more or less.



Gary R. Anderson P.L.S. 2434
January 10, 1992

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701



DEA
 DAVID EVANS AND ASSOCIATES, INC.
 2828 S.W. CORBETT AVENUE
 PORTLAND, OREGON 97201-4802
 (503) 223-6663

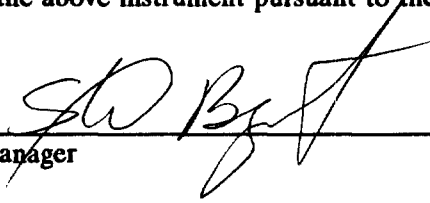
PROJECT **N. ALBANY WASTEWATER COLLECTION**
 TITLE **EXHIBIT MAP FOR EASEMENT DESCRIPTION**
RE: TAX LOT 11-4-1AD-1000

FILE	DRAWN BY	DESIGN BY	SCALE	DATE
ALBX0003	CUM	GRA	1"=200'	10-31-91

CITY OF ALBANY:

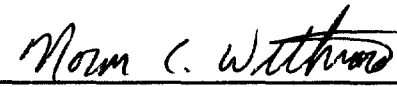
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3259 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of May, 1993.



City Manager

ATTEST:



City Recorder

STATE OF OREGON } ss. **155086**
County of Benton }


I hereby certify that the within instrument was received for record.

'93 JUN 17 AM 11 10

AND ASSIGNED **Nº 165712** 1993

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

By  Deputy
4500

Resolution No. 3259

Recorded Documents Recorder Files No.

2299 NW Intermountain

2300 North Albany Land Co

2301 Oliver J Anderson