

RESOLUTION NO. 3814

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

First Care Health Foundation

Purpose

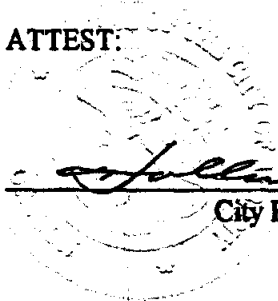

A permanent public utility easement along Geary Street, across that property conveyed to Grantor by deed recorded in Volume MF 869, Page 349, of the Linn County Deed Records.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 9TH DAY OF JULY 1997.


Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9 day of July, 1997, by and between First Care Health Foundation, herein called Grantors, 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 grantors have this day bargained and sold and by these presents do 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:

See legal description on attached Exhibit "A", and map on 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 Grantors do 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.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

This document is being re-recorded
to correct exhibits "A" and "B"
previously recorded in Vol 884
page 592 on August 1, 1997

GRANTOR:

First Care Health Foundation

By: Richard J. Delano
President

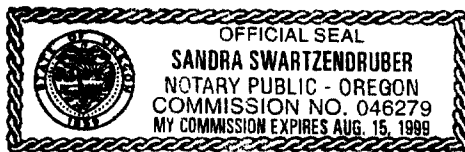
By: Carol Hawke
Secretary

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

The foregoing instrument was acknowledged before me this 4th day of June, 1997, by Richard Delano, president, and by Carol Hawke, secretary, of First Care Health Foundation, an Oregon corporation, on behalf of the corporation.

Sandra Swartzendruber
Notary Public for Oregon
My Commission Expires: 8/15/99

File: ST-96-5
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CITY OF ALBANY:

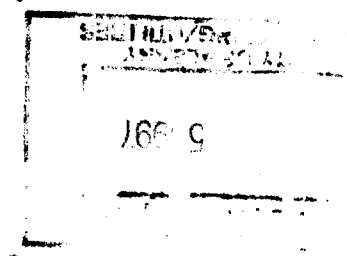
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3814 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of July, 1997.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

Street Right-of-Way Dedication

(Along Queen and Geary Streets)

A parcel of land in the Firstcare Health Foundation Tract described by deed recorded in Volume MF 869, Page 349 of the Linn County Deed Records on May 14, 1997 that is more particularly described as follows:

Beginning at the southwest corner of said Firstcare Health Foundation Tract that is 40.00 feet North 0°27'51" West and 30.00 feet South 89°50' West from the southeast corner of the Abner Hackleman Donation Land Claim No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 00°27'36" West, along the west right-of-way line of Geary Street, 523.59 feet to the northeast corner of said Firstcare Health Foundation Tract; thence South 89°47'15" West, along the north line of said tract, 4.17 feet; thence South 00°27'02" East 167.76 feet thence South 64°37'43" West 18.56 feet; thence South 00°33'15" East 40.09 feet; thence South 62°35'10" East 16.90 feet; thence South 02°37'44" West 31.60 feet; thence South 01°52'44" West 65.15 feet; thence South 00°52'31" East 176.53 feet; thence South 44°48'20" West 21.20 feet; thence South 89°50'11" West 176.29 feet to the southwesterly line of said Firstcare Health Foundation Tract; thence along said southwesterly line on the arc of a 106.62 foot radius curve to the left (chord bears South 85°54'59" East 5.82 feet) a distance of 5.82 feet to the north right-of-way line of Queen Avenue; thence North 89°49'04" East, along said north right-of-way line, 197.24 feet to the Point of Beginning. Containing 0.12 acres of land, more or less.

July 3, 1997
STREET RIGHT-OF-WAY DEDICATION
JRB:ls
File Ref: nlm\legals\9757.DES

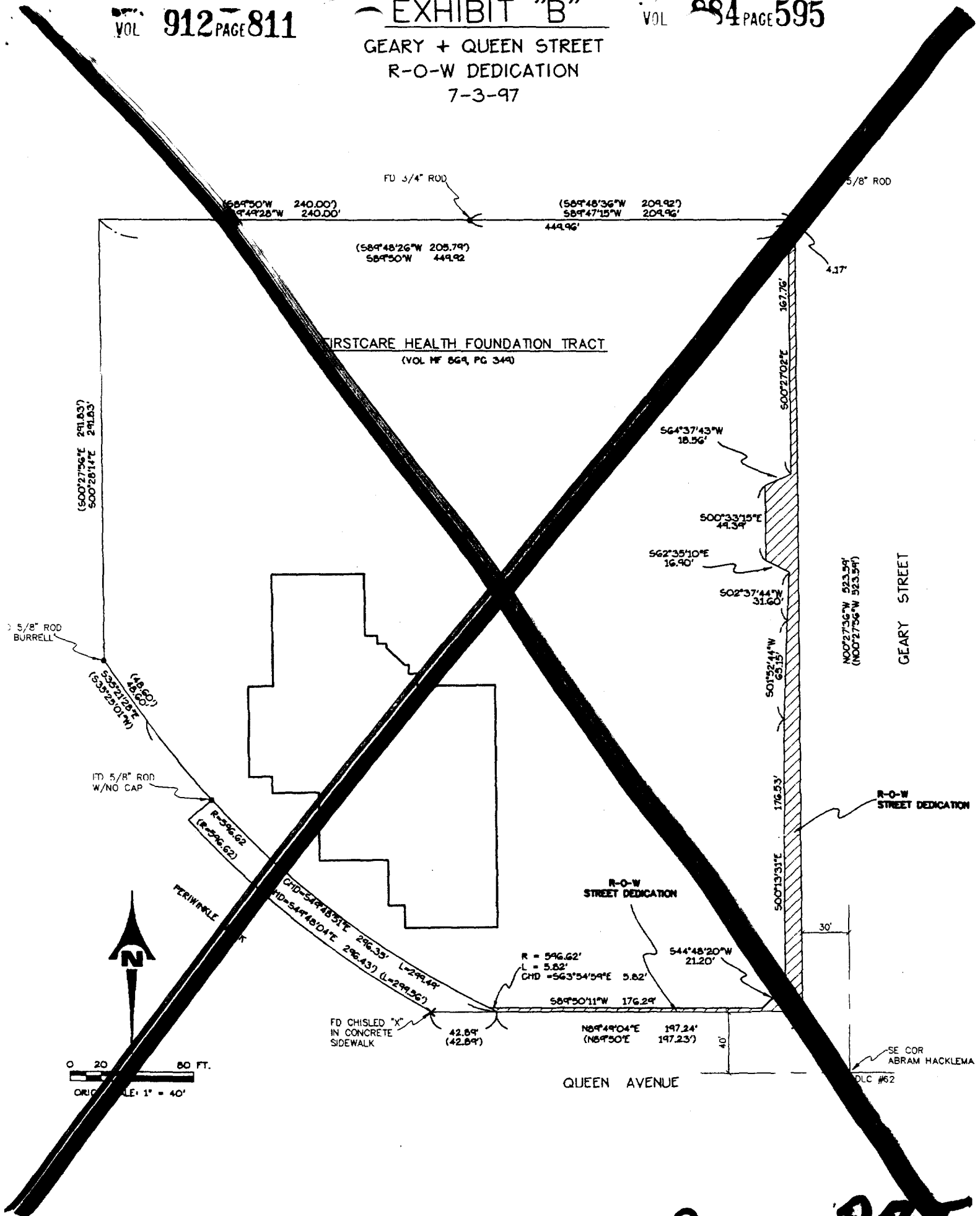
REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

EXPIRATION DATE: 12/31/97

REVISED 8/7/97

EXHIBIT "B"
GEARY + QUEEN STREET
R-O-W DEDICATION
7-3-97



REVISED 8/75

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 RV, Deputy

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MF 884

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EXHIBIT "A"

Public Utility Easement

(Along Geary Street)

A parcel of land for public utility easement purposes located in that Firstcare Health Foundation Tract described by deed recorded in Volume MF 869, Page 349 of the Linn County Deed Records on May 14, 1997 that is more particularly described as follows:

Beginning at the southeast corner of said Firstcare Health Foundation Tract that is 40.00 feet North 0°27'56" West and 30.00 feet South 89°50' West from the southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 00°27'36" West, along the west right-of-way line of Geary Street, 523.59 feet to the northeast corner of said Firstcare Health Foundation Tract; thence South 89°47'15" West, along the north line of said tract, 4.66 feet; thence South 00°44'36" West 260.07 feet; thence South 05°29'25" West 54.58 feet; thence South 00°54'48" West 209.28 feet to the north right-of-way line of Queen Avenue; thence North 89°49'04" East, along said north right-of-way line, 20.79 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

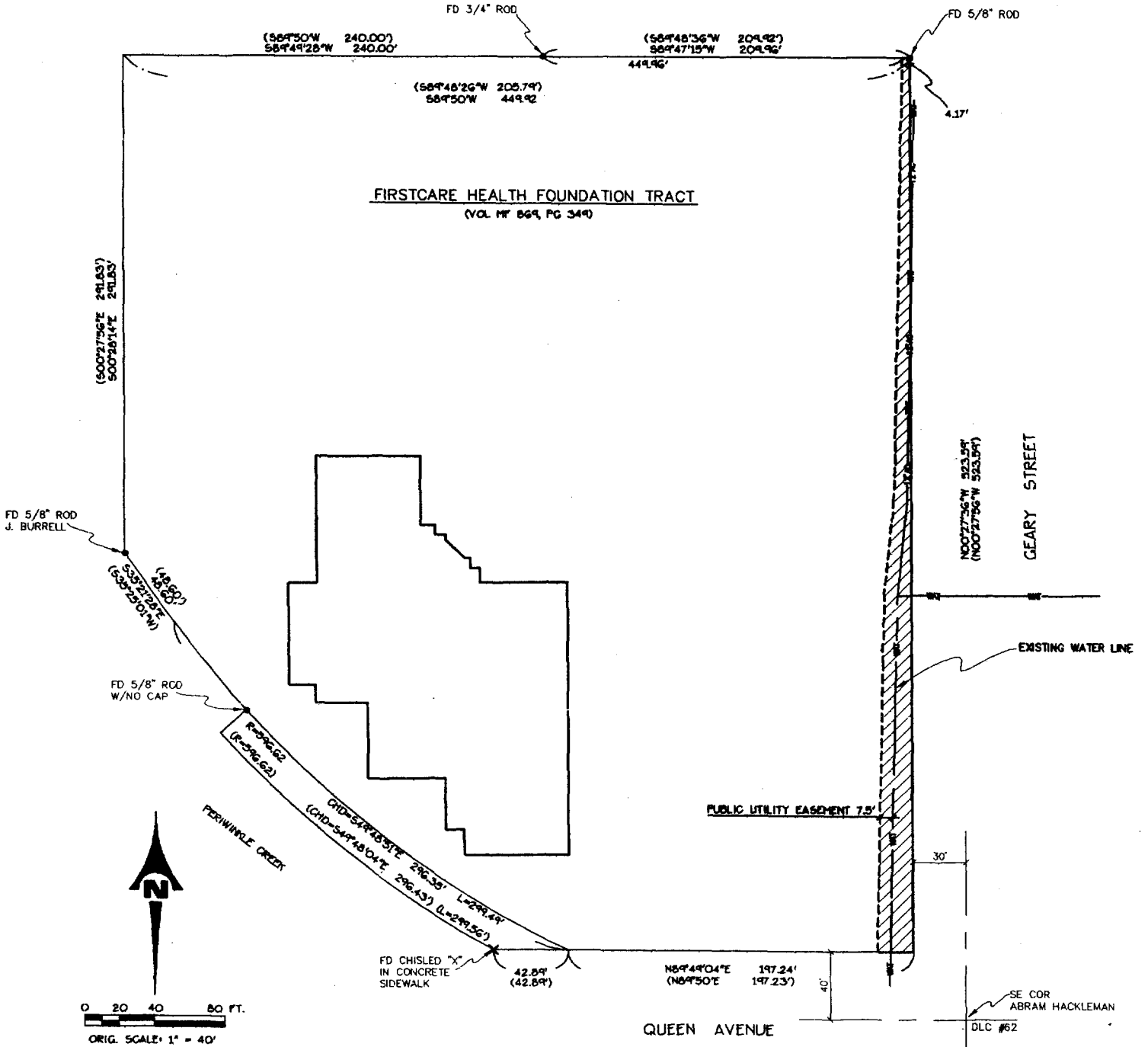
Jack R. Burrell

OREGON
JULY 14, 1978
JACK R. BURRELL
1630

May 30, 1997
PUBLIC UTILITY EASEMENT
JRB:ls (97-57)
File Ref: nlm\legals\9757PUE.DES

EXPIRATION DATE: 12/31/97

EXHIBIT "B"
PUBLIC UTILITY EASEMENT
ALONG GEARY STREET
5/30/97



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 *[Signature]*, Deputy

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R
S 20 **Dec 23 1 37 PM '97**
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MF 912
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Resolution No. 3814

Recorded Document Recorder File No. 2991