

RESOLUTION NO. 4218

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

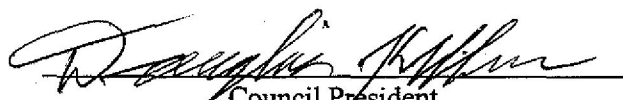
Oak Creek Park, LLC

Purpose

A 27.50-foot-wide strip of land for public utility easement purposes, more particularly described in attached EXHIBIT "A," shown in attached EXHIBIT "B," and located in attached vicinity map.


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

DATED THIS 26TH DAY OF JANUARY 2000.



Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 10th day of DECEMBER, 1999, by and between OAK CREEK PARK, LLC, an Oregon limited liability company, herein 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 has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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:

A 27.5-foot wide strip of land for public utility easement purposes. The easement is 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 by Grantor on this easement.

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

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

GRANTOR:

OAK CREEK PARK, LLC, an Oregon limited liability company

By: [Signature] member
Gary D. Williamson, Member

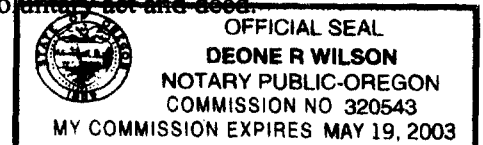
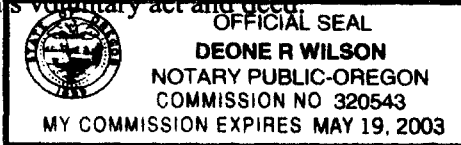
By: [Signature] member
Stewart W. Stone, Member

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 14 day of December, 1999, by Gary D. Williamson as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14 day of December, 1999, by Stewart W. Stone as his voluntary act and deed.



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

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

By: [Signature] member
Patricia E. Williamson, Member

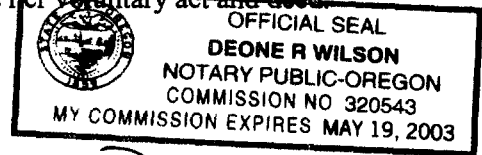
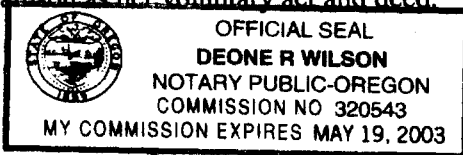
By: [Signature] member
Denise E. Stone, Member

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 14 day of December, 1999, by Patricia E. Williamson as her voluntary act and deed.

The foregoing instrument was acknowledged before me this 14 day of December, 1999, by Denise E. Stone as her voluntary act and deed.



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

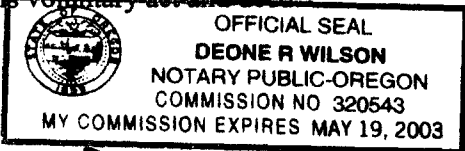
[Signature]
Notary Public for Oregon
My Commission Expires: 5/19/2003

By: The Fowler Family, LLC, Member

By: [Signature]
James W. Fowler, Member

STATE OF Oregon)
County of Washington) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 10 day of December, 1999, by James W. Fowler as his voluntary act and deed.



[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 4218, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of January, 2000.

[Signature]
City Manager

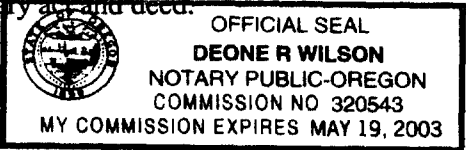
ATTEST:

[Signature]
City Recorder

By: [Signature]
Candace J. Fowler, Member

STATE OF Oregon)
County of Washington) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 10 day of December, 1999, by Candace J. Fowler as her voluntary act and deed.

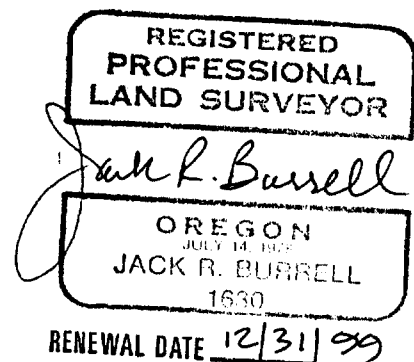


[Signature]
Notary Public for Oregon
My Commission Expires: 5/19/2003

EXHIBIT "A"**27.50' WIDE PUBLIC UTILITY EASEMENT**

A 27.50 foot wide strip of land for public utility easement purposes that is located in a portion of that Oak Creek Park LLC property identified as Tract III by deed recorded in MF Volume 1023, Page 975 of the Linn County Deed Records on April 1, 1999. The herein described strip being located in Section 24, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon and being more particularly described as follows:

Beginning at a point that is South 89°46'34" West 300.40 feet and North 29°09'27" East 124.52 feet from the northeast corner of 'MEADOWS AT OAK CREEK', a subdivision of record in Linn County, Oregon; thence South 88°05'51" East 287.36 feet; thence South 88°13'20" East 410.01 feet; thence North 01°46'40" East 27.50 feet; thence North 88°13'20" West 409.98 feet; thence North 88°05'51" West 269.98 feet; thence South 40°27'40" West 14.46 feet; thence South 29°09'27" West 18.22 feet to the Point of Beginning.



August 11, 1999

27.50' WIDE PUBLIC UTILITY EASEMENT

(99-18-F) JRB:ls

File Ref: nlm/oak creek/9918F 27&one half p-u easement desc.doc



EXHIBIT "B"
PUBLIC UTILITY EASEMENT
 FOR
"OAK CREEK ESTATES" SUBDIVISION

LOCATED IN
 SEC. 24, T. 11 S., R. 4 W., W.M.
 LINN COUNTY, OREGON
 AUGUST 11, 1999

NE CORNER OF
 ROBERT E. HARMON
 DLC No. 77

SE CORNER OF
 JARVIS BRIGGS
 DLC No. 83

FUTURE P.U.E. + PEDESTRIAN PATHWAY
 EASEMENT TO BE CREATED WHEN
 PHASE II PLAT IS RECORDED

BASIS OF BEARINGS:
 S 89°55'52" E 2560.53'

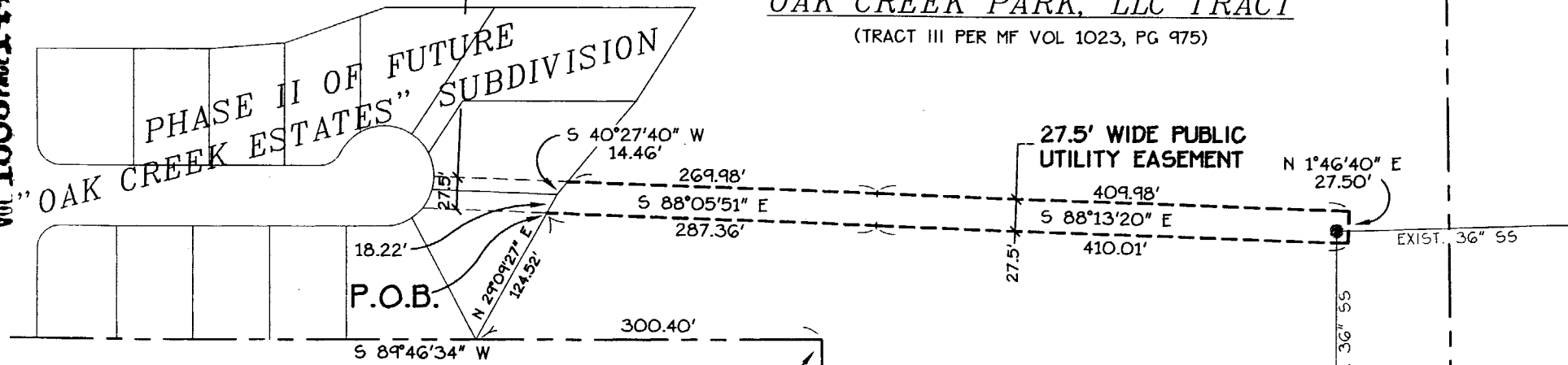
VOL 1089 PAGE 144

OAK CREEK PARK, LLC TRACT

(TRACT III PER MF VOL 1023, PG 975)

**27.5' WIDE PUBLIC
 UTILITY EASEMENT**

N 1°46'40" E
 27.50'



P.O.B.

S 89°46'34" W

300.40'

NE CORNER OF THE "MEADOWS
 AT OAK CREEK" SUBDIVISION

"MEADOWS AT OAK CREEK"
SUBDIVISION

Date: 8/11/1999

View: PLOT

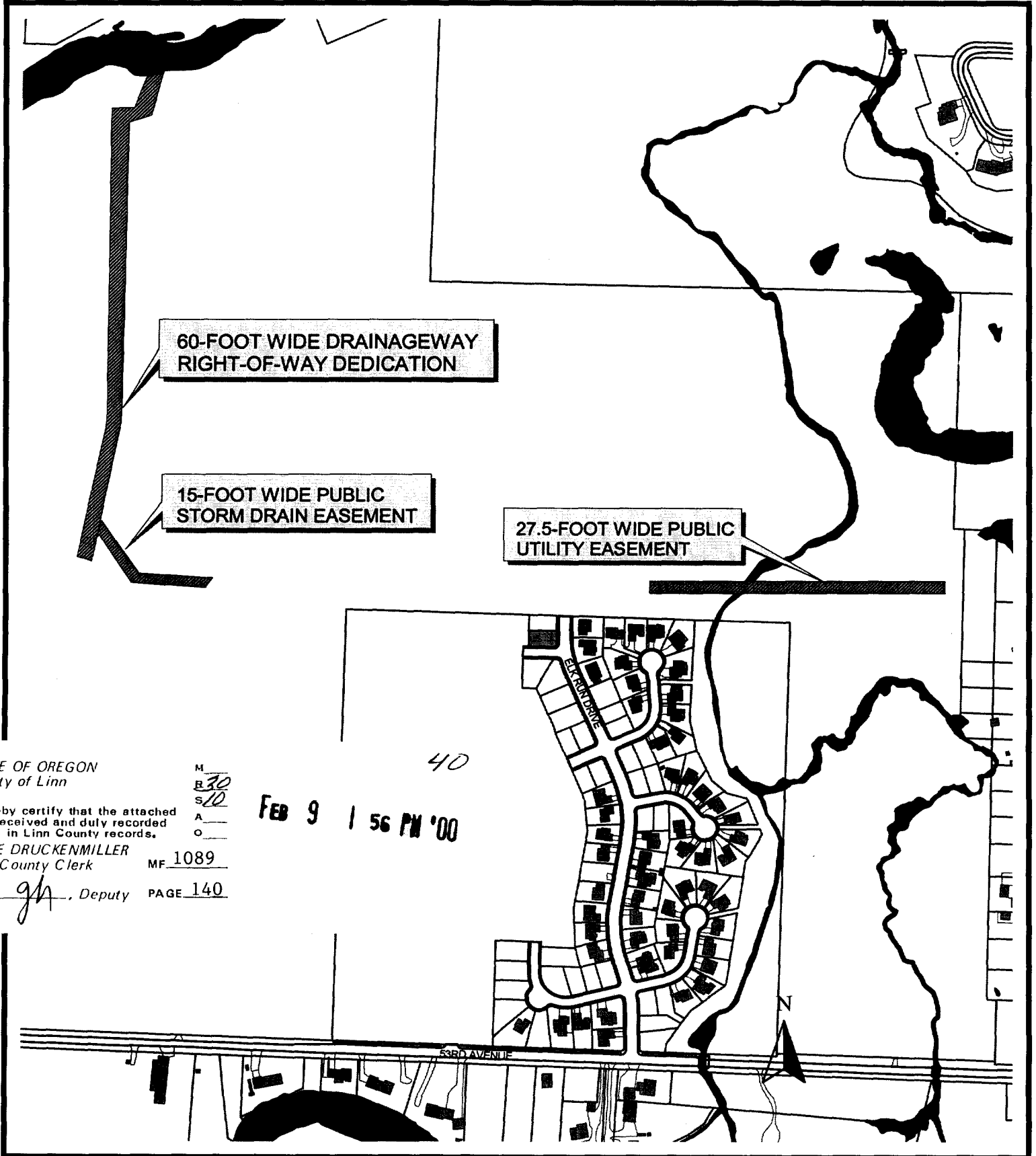
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K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

Vicinity Map
Oak Creek Park public utility easements
and right-of-way dedications to City of Albany



60-FOOT WIDE DRAINAGEWAY
RIGHT-OF-WAY DEDICATION

15-FOOT WIDE PUBLIC
STORM DRAIN EASEMENT

27.5-FOOT WIDE PUBLIC
UTILITY EASEMENT

40

FEB 9 1 56 PM '00

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

MF 1089

By gh, Deputy

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M
B 30
S 10
A
O

33RD AVENUE

Resolution No. 4218

Recorded Document Recorder File No. 3541