

RESOLUTION NO. 4807

A RESOLUTION ACCEPTING THE FOLLOWING SLOPE AND WALL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT:

Grantor

Schneider Homes, Inc.

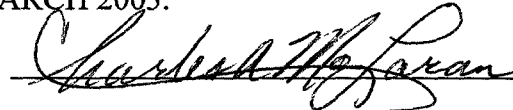
Purpose

SLOPE and WALL EASEMENT, more particularly described as Tract 1, Tract 2, and Tract 3 in attached EXHIBIT A and shown in attached EXHIBIT B; and a TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 4 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 slope and wall easement and a temporary construction 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 MARCH 2003.



Mayor

ATTEST:



City Recorder

SLOPE AND WALL EASEMENT
AND A
TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **Schneider Homes, Inc.**, hereinafter called Grantor, does dedicate to the City of Albany, a Municipal Corporation, herein called "City," for easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded in M 730-916, Linn County deed records, and being more particularly described as follows:

SLOPE and WALL EASEMENT, more particularly described as Tract 1, Tract 2, and Tract 3 in attached EXHIBIT A and shown in attached EXHIBIT B; and a

TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 4 in attached EXHIBIT A and shown 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 easements dedicated herein are 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.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. The slope and wall 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 wall and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location and maintenance of said wall.
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. The Grantor shall not construct any permanent structure on the slope and wall easement.

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

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

GRANTOR: SCHNEIDER HOMES, INC.

By: Gerald E. Schneider
Gerald E. Schneider, President

Date: 1-30-03

GRANTOR: SCHNEIDER HOMES, INC.

By: Harry J. Schneider
Harry J. Schneider, Vice President

Date: 1.30-03

STATE OF WASHINGTON)

County of King) ss.

City of Tukwila)

STATE OF WASHINGTON)

County of King) ss.

City of Tukwila)

The foregoing instrument was acknowledged before me this 30 day of January 2003, by Gerald E. Schneider, President, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 30 day of January 2003, by Harry J. Schneider, Vice President, as his voluntary act and deed.

Sharon A. Glan
Notary Public for Oregon Washington
My Commission Expires: 8-15-05

Sharon A. Glan
Notary Public for Oregon Washington
My Commission Expires: 8-15-05

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 4807 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of March 2003.

Steve Bryant
City Manager

ATTEST:

Ken Thompson
City Recorder

EXHIBIT "A"

City of Albany

Vestee: Schneider Homes, Inc., a Washington Corporation

Tax Map No. 11S04W24CA-00100

Tract 1 (Slope and Wall Easement)

Beginning at the Southeast corner of Tract 1, MEADOWS AT OAK CREEK as platted and recorded in Book 19, Page 17, Book of Town Plats which point bears South 00°44'22" East 1735.10 feet and North 89°38'00" West 1402.15 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 89°38'00" West along the North right-of-way line of S.W. 53 rd Avenue, a distance of 65.00 feet;

thence North 00°22'00" East 35.00 feet;

thence South 89°38'00" East 64.78 feet to a point on the East line of said Tract 1;

thence South 00°00'00" East along said East line a distance of 35.00 feet to the point of Beginning and containing 2271.1 square feet of land, more or less.

Tract 2 (Slope and Wall Easement)

Beginning at the Southeast corner of Lot 1 of said MEADOWS AT OAK CREEK;

thence North 06°22'20" East along the Easterly line of said Lot 1, a distance of 25.14 feet;

thence South 89°38'00" East 97.37 feet;

thence South 00°22'00" West 25.00 feet to a point on the North right-of-way line of said S.W. 53 rd Avenue;

thence North 89°38'00" West along said right-of-way line, a distance of 100.00 feet to the Point of Beginning and containing 2467.1 square feet of land, more or less.

Tract 3 (Slope and Wall Easement)

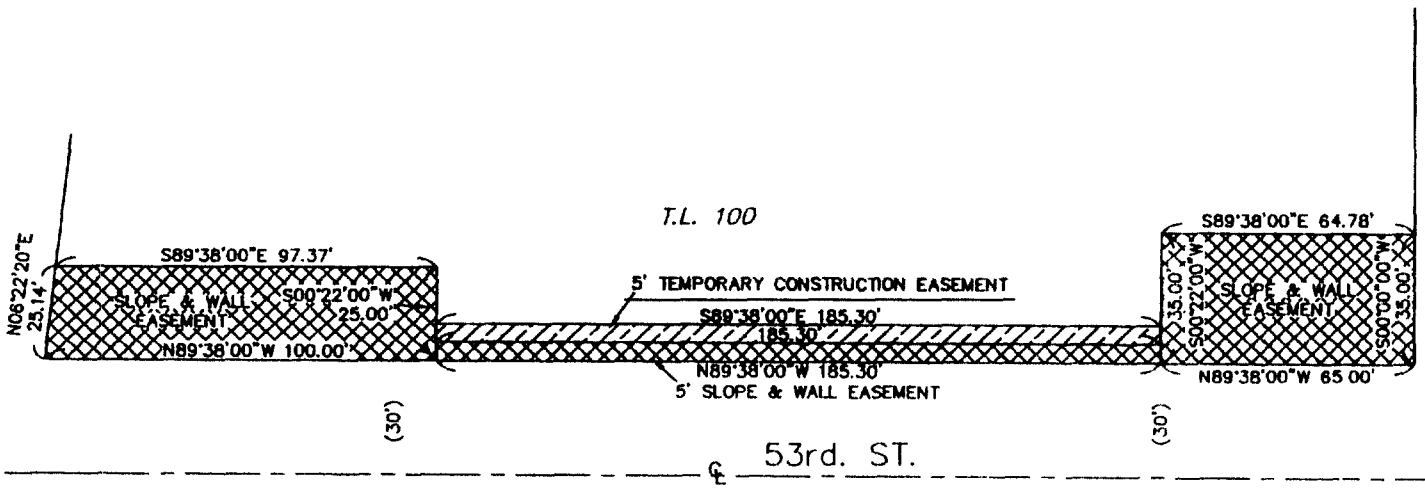
A 5.00 foot strip of land lying parallel with and contiguous to the North right-of-way line of S.W. 53 rd Avenue between Tract 1 and Tract 2 as described above.

Contains 926.5 square feet of land, more or less.

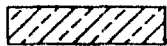
Tract 4 (Temporary Construction Easement)

A 5.00 foot strip of land lying parallel with and contiguous to the North line of Tract 3 between Tract 1 and Tract 2 as described above.

Contains 926.5 square feet of land, more or less.



SLOPE & WALL EASEMENT



TEMPORARY CONSTRUCTION EASEMENT

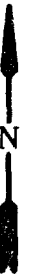
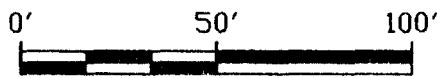


EXHIBIT "B"

STREET IMPROVEMENT
S.W. 53rd AVENUE



CITY OF ALBANY
DEPARTMENT OF
PUBLIC WORKS

ACQUISITION MAP

SCHNEIDER HOMES, INC.
6510 SOUTH CENTER BLVD. SUITE 1
TUKWILA, WASHINGTON
M.F. 730 PAGE 916

TAX MAP 114W24CA - 00100
LINN COUNTY, OREGON

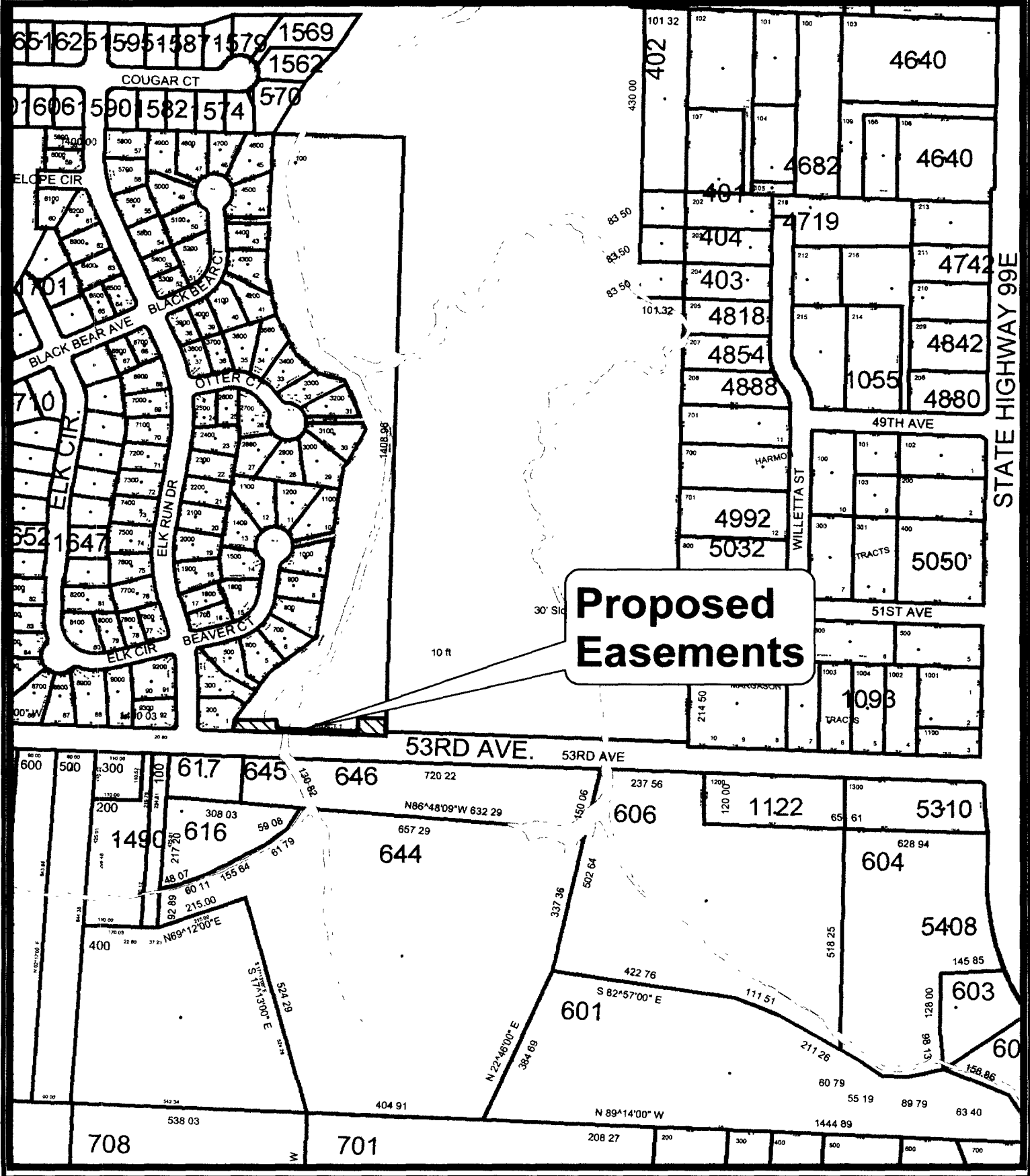
P.N. ST-98-01

BY: B.S.C. DATE: 12-24-02

Street Improvement
S.W. 53rd Avenue
ST-98-01



1 inch equals 300 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 DRUCKENMILLER
Linn County Clerk

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MF 1400

By JD Deputy PAGE 83

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Recorded Document Recorder File No. 4185