

RESOLUTION NO. 4808

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Knox Butte Apartments LLC

Purpose

A permanent public utility easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27th day of February, 2003, by and between **Knox Butte Apartments LLC**, hereinafter 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, 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:

A permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.

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 on this 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 above written.

GRANTOR:

Knox Butte Apartments LLC

Kenn Harrison
Kenneth O. Harrison

Title: owner/partner

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

The instrument was acknowledged before me this 26th day of February, 2003, by **Kenneth O. Harrison**, as a representative of **Knox Butte Apartments LLC**.



Brian M Grenz
Notary Public for Oregon
My Commission Expires: 12-15-05

Kevin C. Harrison
Kevin C. Harrison

Title: owner/partner

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

The instrument was acknowledged before me this 27th day of February, 2003, by **Kevin C. Harrison**, as a representative of **Knox Butte Apartments LLC**.



Brian M Grenz
Notary Public for Oregon
My Commission Expires: 12-15-05

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 4808 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"
(Public Utility Easement)

An easement for Public Utility purposes over, under and across tracts of land described in Deed Volume 1062 Page 900, and Deed Volume 788 Page 648, Linn County, Oregon, deed records, said tracts are located in the Northeast Quarter of Section 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, the centerlines of said easements, are more particularly described as follows:

Centerline 1

A strip of land, for the purpose of a Public Utility Easement, 25.00 feet in width, being 12.50 feet on each side of the following described centerline;

Commencing at the Southeast corner of Lot 8, "Harvey Subdivision", a plat recorded in Volume 9 Page 44, Linn County, Oregon Book of Town Plats; thence North 84°51'39" West 10.03 feet, North 00°17'00" East, 5.02 feet, North 84°51'39" West, 331.24 feet, to the true point of beginning; thence North 04°08'39" East along said centerline, a distance of 122.52 feet to a point; thence South 84°51'39" East, a distance of 87.44 feet, to a point hereinafter described as point "A"; thence South 84°51'39" East, a distance of 10.93 feet, to a point hereinafter described as point "A-1"; thence South 84°51'39" East, a distance of 45.06 feet, to a point hereinafter described as point "A-2"; thence South 84°51'39" East, a distance of 35.29 feet, to a point hereinafter described as point "A-3"; thence South 84°51'39" East, a distance of 60.11 feet, to a point hereinafter described as point "A-4"; thence South 84°51'39" East, a distance of 16.23 feet, to a point hereinafter described as point "A-5"; thence South 84°51'39" East, a distance of 29.50 feet, to a point hereinafter described as point "A-6"; thence South 84°51'39" East, a distance of 16.25 feet, and terminating there.

Centerline 2

A strip of land, for the purpose of a Public Utility Easement, 25.00 feet in width, being 12.50 feet on each side of the following described centerline;

Beginning at the aforementioned point "A"; thence North 04°08'39" East, a distance of 91.48 feet to a point hereinafter described as point "B"; thence North 04°08'39" East, a distance of 33.74 feet to a point hereinafter described as point "C", and terminating there.

Centerline 3

A strip of land, for the purpose of a Public Utility Easement, 15.00 feet in width, being 7.50 feet on each side of the following described centerline;

Beginning at the aforementioned point "C"; thence North $76^{\circ}49'04''$ East, a distance of 2.62 feet to a point hereinafter described as point "D"; thence North $76^{\circ}49'04''$ East, a distance of 10.37 feet to a point hereinafter described as point "C-1"; thence North $76^{\circ}49'04''$ East, a distance of 18.91 feet to a point hereinafter described as point "C-2"; thence North $76^{\circ}49'04''$ East, a distance of 98.71 feet to a point; thence North $37^{\circ}24'21''$ East, a distance of 2.99 feet to a point hereinafter described as point "C-3"; thence North $37^{\circ}24'21''$ East, a distance of 75.25 feet to a point; thence North $00^{\circ}17'00''$ East, a distance of 200.31 feet to a point; thence North $88^{\circ}54'43''$ West, a distance of 54.77 feet to a point hereinafter described as point "C-4"; thence North $88^{\circ}54'43''$ West, a distance of 41.90 feet to a point hereinafter described as point "C-5"; thence North $88^{\circ}54'43''$ West, a distance of 27.74 feet to a point hereinafter described as point "E", and terminating there.

Centerline 4

A strip of land, for the purpose of a Public Utility Easement, 15.00 feet in width, being 7.50 feet on each side of the following described centerline;

Beginning at the aforementioned point "D"; thence North $04^{\circ}08'39''$ East, a distance of 107.45 feet to a point; thence North $27^{\circ}39'27''$ East, a distance of 78.11 feet to a point; thence North $01^{\circ}05'17''$ East, a distance of 109.38 feet to a point hereinafter described as point "C-6"; thence North $01^{\circ}05'17''$ East, a distance of 8.22 feet to a point; thence South $88^{\circ}54'43''$ East, a distance of 2.50 feet to the aforementioned point "E", and terminating there.

Centerline 5

A strip of land, for the purpose of a Public Utility Easement, 15.00 feet in width, being 7.50 feet on each side of the following described centerline;

Beginning at the aforementioned point "E"; thence North $01^{\circ}05'17''$ East, a distance of 33.84 feet, to a point hereinafter described as point "E-1"; thence North $01^{\circ}05'17''$ East, a distance of 69.16 feet to the north line of Deed Volume 788 Page 648, and terminating there.

Centerline 6

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "A-1"; thence South 05°08'21" West, a distance of 25.31 feet, and terminating there.

Centerline 7

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "A-2"; thence North 05°08'21" East, a distance of 41.19 feet, and terminating there.

Centerline 8

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "A-3"; thence South 05°08'21" West, a distance of 25.31 feet, and terminating there.

Centerline 9

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "A-4"; thence North 05°08'21" East, a distance of 20.50 feet, and terminating there.

Centerline 10

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "A-5"; thence North 05°08'21" East, a distance of 17.85 feet, and terminating there.

Centerline 11

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "A-6"; thence South $05^{\circ}08'21''$ West, a distance of 25.31 feet, and terminating there.

Centerline 12

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "B"; thence North $85^{\circ}51'21''$ West, a distance of 44.78 feet, and terminating there.

Centerline 13

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "C-1"; thence South $13^{\circ}10'56''$ East, a distance of 25.50 feet, and terminating there.

Centerline 14

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "C-2"; thence North $04^{\circ}08'39''$ East, a distance of 14.29 feet, and terminating there.

Centerline 15

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "C-3"; thence North $13^{\circ}10'56''$ West, a distance of 17.41 feet, and terminating there.

Centerline 16

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "C-4"; thence South $01^{\circ}05'17''$ West, a distance of 23.69 feet, and terminating there.

Centerline 17

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "C-5"; thence North $01^{\circ}05'17''$ East, a distance of 22.50 feet, and terminating there.

Centerline 18

A strip of land, for the purpose of a Public Utility Easement, 35.70 feet in width, being 17.85 feet on each side of the following described centerline:

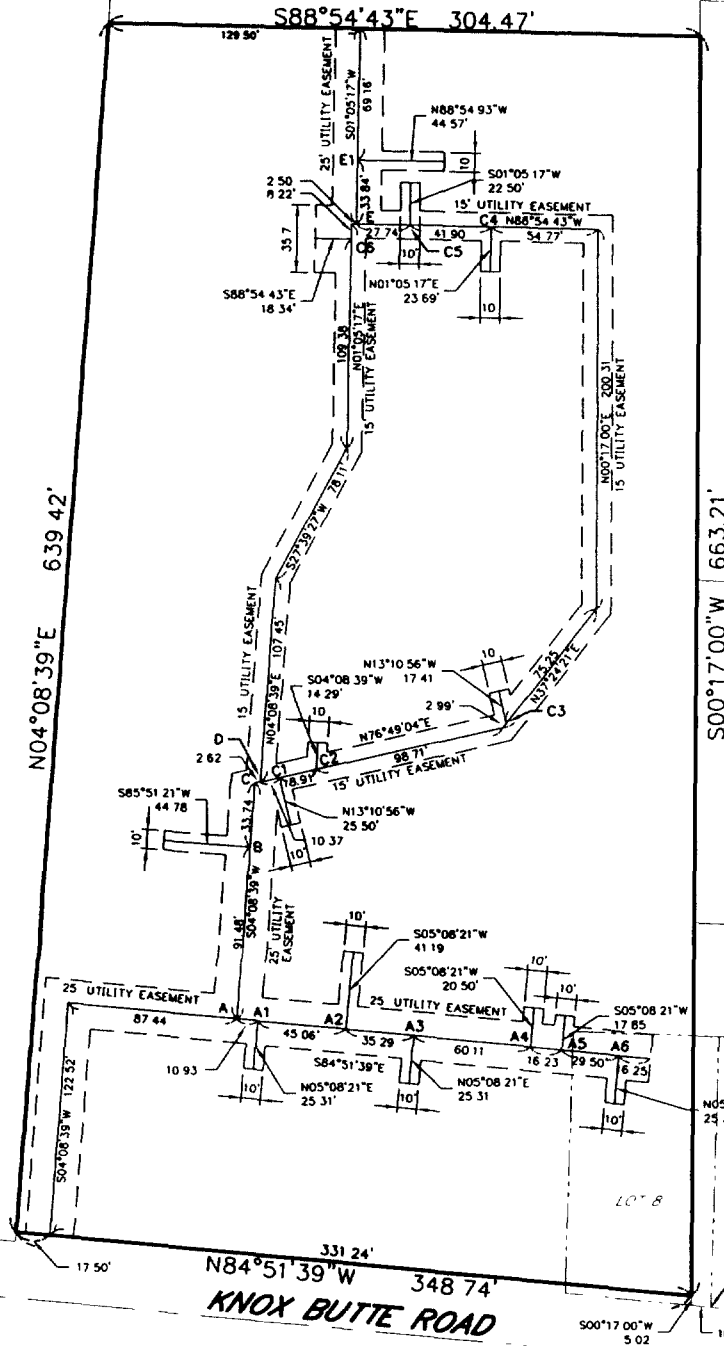
Beginning at the aforementioned point "C-6"; thence North $88^{\circ}54'43''$ West, a distance of 18.34 feet, and terminating there.

Centerline 19

A strip of land, for the purpose of a Public Utility Easement, 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Beginning at the aforementioned point "E-1"; thence South $88^{\circ}54'43''$ East, a distance of 44.57 feet, and terminating there.

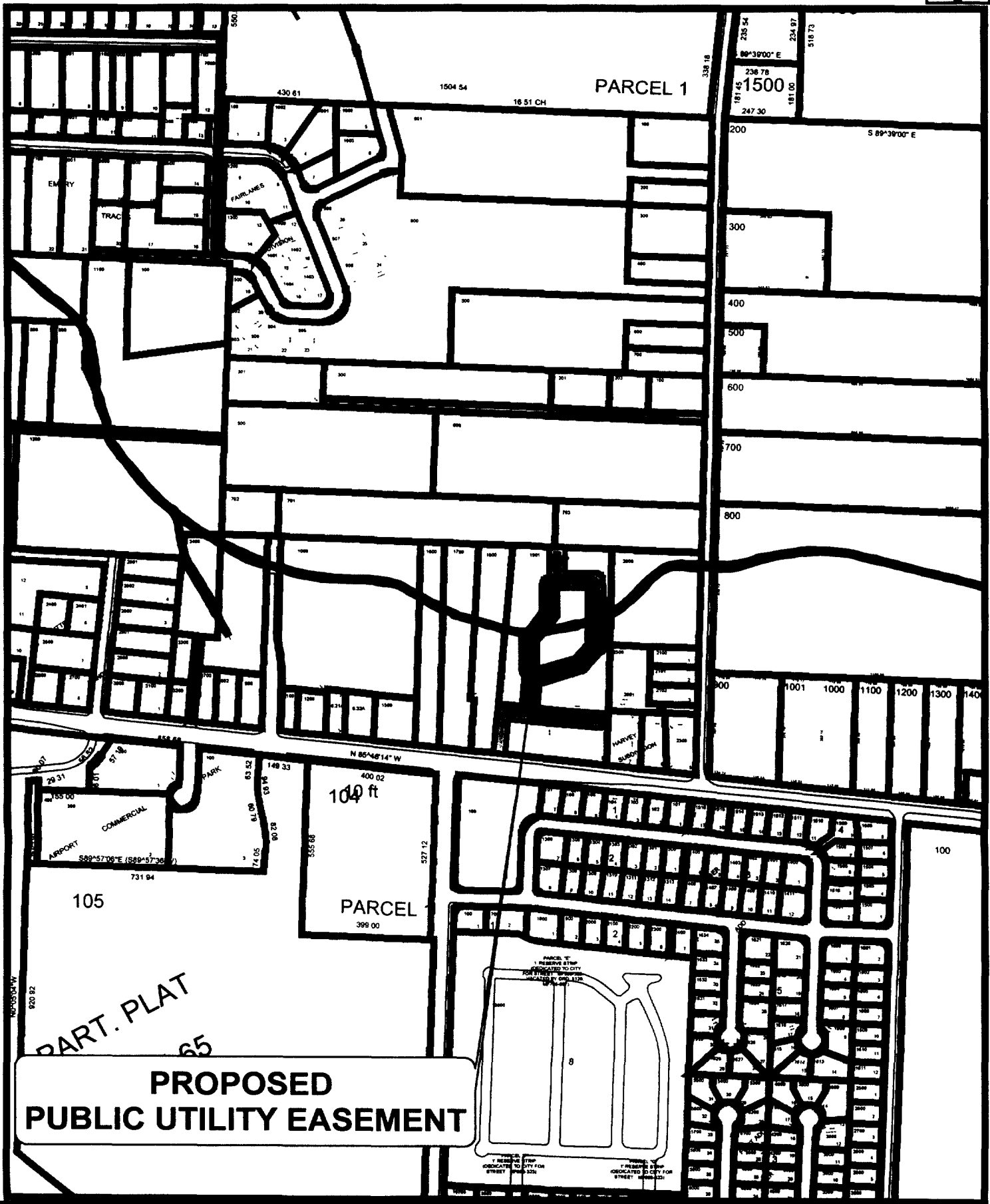
EXHIBIT B



0 100'
SCALE:
1" = 100'



1 inch equals 400 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

By [Signature] Deputy PAGE 967

M
R
S
A
O

2003 MAR 18 P 2: 24

66

Resolution No. 4808

Recorded Document Recorder File No. 4186