

RESOLUTION NO. 4820

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION AND A SLOPE, RETAINING WALL, AND PUBLIC UTILITY EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT:

Grantor

Glen W. Alexander
Johnny L. King


Purpose

RIGHT OF WAY, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B; and a SLOPE, RETAINING WALL, AND PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown as Tract 2 in attached EXHIBIT B; and a TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 3 in attached EXHIBIT A and shown as Tract 3 in attached EXHIBIT B.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication and a slope, retaining wall, and public utility 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 23RD DAY OF APRIL 2003.



Mayor

ATTEST:



City Recorder

RIGHT-OF-WAY DEDICATION
AND A
SLOPE, RETAINING WALL, AND PUBLIC UTILITY EASEMENT
AND A
TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **Glen W. Alexander** and **Johnny L. King** hereinafter called Grantors, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantors by deed recorded in MF 1229-922, Linn County deed records, and being more particularly described as follows:

RIGHT OF WAY, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B; and

SLOPE, RETAINING WALL, AND PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown as Tract 2 in attached EXHIBIT B; and

TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 3 in attached EXHIBIT A and shown as Tract 3 in attached EXHIBIT B.

The Grantors covenant 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 deed and easements dedicated herein are in consideration of \$4,734.00, 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 permanent 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 utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said utilities.
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 Grantors shall not construct any permanent structure on the slope and wall easement.

Return to: City of Albany - Recorder
P.O. Box 400, Albany, OR 97321

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hand and seal the day and year written below.

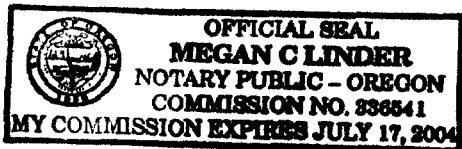
GRANTOR: GLEN W. ALEXANDER

By: Glen W. Alexander
Glen W. Alexander

Date: 4/11/03

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

The foregoing instrument was acknowledged before me this 11th day of April 2003, by Glen W. Alexander, as his voluntary act and deed.



Megan C Linder
Notary Public for Oregon
My Commission Expires: 7-17-04

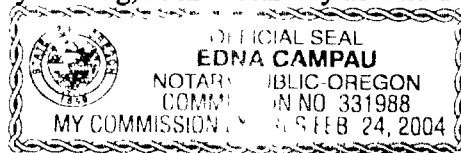
GRANTOR: JOHNNY L. KING

By: Johnny L. King
Johnny L. King

Date: 4-11-03

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

The foregoing instrument was acknowledged before me this 11th day of April 2003, by Johnny L. King, as his voluntary act and deed.



Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2004

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 4820 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23 day of April 2003.

Steve Bryant
City Manager

ATTEST:
[Signature]
City Recorder

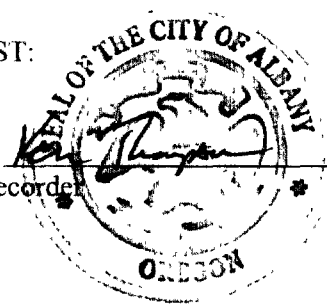


EXHIBIT "A"

City of Albany

Vestee: Glen W. Alexander and Johnny L. King

Tax Map No. 11S04W24-00645 & 00617

Tract 1 (Right-of-way)

Beginning at a point on the South right-of-way line of S.W. 53 rd Avenue at its intersection with the Easterly line of Parcel II as described in deed recorded in M.F. 1229, Page 922, Records for Linn County, Oregon, which point bears South 00°44'22" East 1795.12 feet and North 89°38'00" West 1628.25 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 South 26°52'57" East along said Easterly line, a distance of 6.75 feet;

thence North 89°38'00" West parallel with S.W. 53 rd Avenue a distance of 102.93 feet to a point on the Westerly line of said Parcel II;

thence North 02°11'08" West 0.54 feet;

thence North 88°12'06" West 169.93 feet to a point on the Westerly line of Parcel I as described in Deed recorded in M.F. 1229, Page 922;

thence North 02°11'08" East 1.22 feet to a point on the South right-of-way line of said S.W. 53 rd Avenue;

thence South 89°38'00" East 269.66 feet to the Point of Beginning and containing 1175.9 square feet of land, more or less.

Tract 2 (Slope, Retaining Wall and Public Utility Easement)

Beginning at the Southeast corner of Tract 1 and running thence South 26°52'57" East along the Easterly line of Parcel II as described in Deed Recorded in M.F. 1229, Page 922, a distance of 39.37 feet;

thence North 89°38'00" West 122.07 feet;

thence North 02°11'08" East 0.55 feet;

thence North 38°34'47" West 45.94 feet to a point on the South line of said Tract 1;

thence South 88°12'06" East 30.00 feet;

thence South 02°11'08" West 0.54 feet;

thence South 89°38'00" East 102.93 feet to the Point of Beginning and containing 4462.5 square feet of land, more or less.

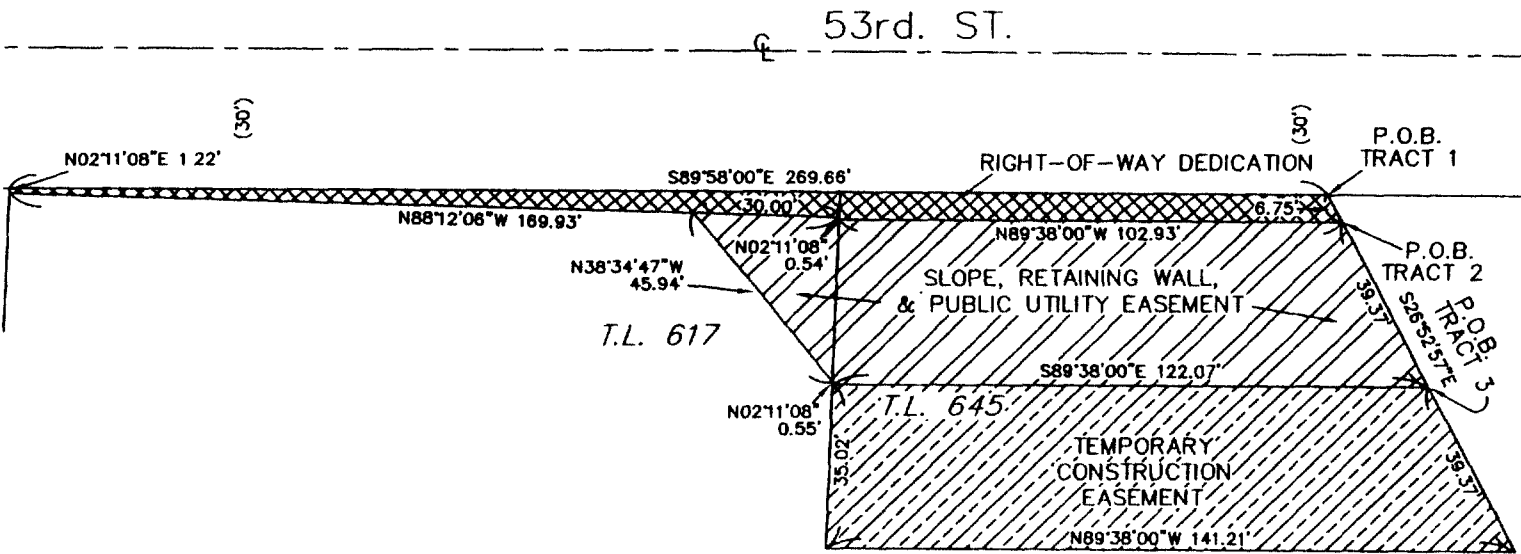
Tract 3 (Temporary Construction Easement)

Beginning at the Southeast corner of Tract 2 and running thence South 26°52'57" East 39.37 feet;

thence North 89°38'00" West 141.21 feet;

thence North 02°11'08" East 35.02 feet;

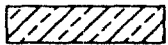
thence South 89°38'00" East 122.07 feet to the Point of Beginning and containing 4607.3 square feet of land, more or less.



RIGHT OF WAY



RETAINING WALL, SLOPE, AND PUBLIC UTILITY EASEMENT



TEMPORARY CONSTRUCTION EASEMENT



EXHIBIT "B"

STREET IMPROVEMENT
S.W. 53rd AVENUE



CITY OF ALBANY
DEPARTMENT OF
PUBLIC WORKS

ACQUISITION MAP

GLEN W. ALEXANDER & JOHNNY KING
1450 S.W. 53rd AVENUE
M.F. 1229 PAGE 922

TAX MAP 114W24 - 00645
& 00617
LINN COUNTY, OREGON

P.N. ST-98-01

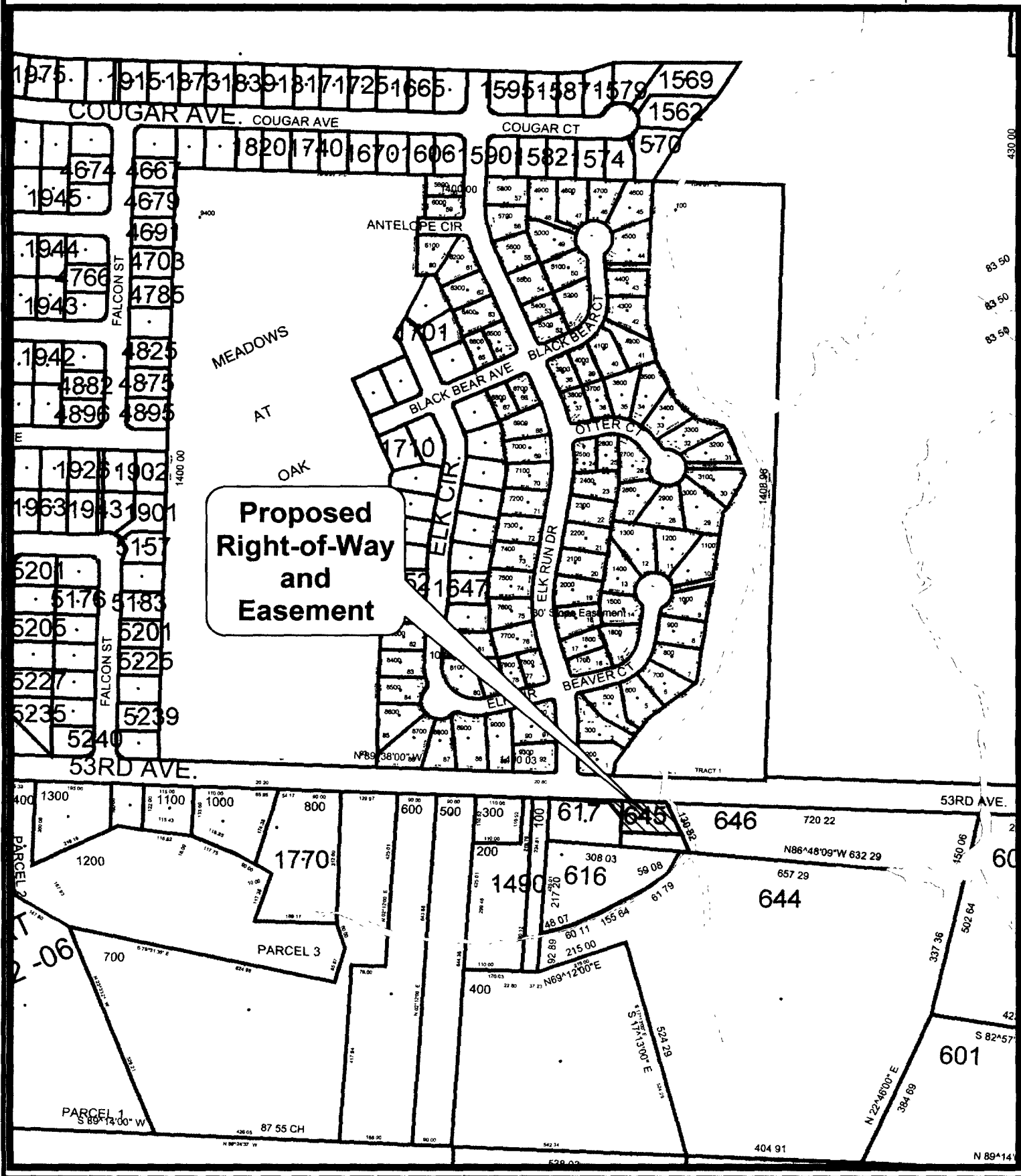
BY: B.S.C.

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

M 25
R 10
S 11
A 11
O 10

2003 MAY 15 P 2:39

56

MF 1425
By SW Deputy PAGE 780

Resolution No. 4820

Recorded Document Recorder File No. 4213