

RESOLUTION NO. 4827

A RESOLUTION ACCEPTING THE FOLLOWING PUBLIC RIGHT OF WAY DEDICATION, WALL AND PUBLIC UTILITY, TEMPORARY CONSTRUCTION AND PUBLIC UTILITY EASEMENTS:

Grantor

Purpose

Richard A. Robb and Laurie L. Robb

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

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 and;

PUBLIC UTILITY EASEMENT, more particularly described as Tract 4 in attached EXHIBIT A and shown as Tract 4 in attached EXHIBIT B.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right of way dedication, public utility, wall and public utility, and temporary construction easement;

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 14TH DAY OF MAY 2003.



Mayor

ATTEST:



City Recorder

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

KNOW ALL MEN BY THESE PRESENTS, that **Richard A. Robb and Laurie L. Robb**, hereinafter called Grantors, do dedicate to the City of Albany, a Municipal Corporation, herein called "City", for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded in M 1013-315, Linn County deed records, and being more particularly described as follows:

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

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, and;

PUBLIC UTILITY EASEMENT, more particularly described as Tract 4 in attached EXHIBIT A and shown as Tract 4 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 deed and easements dedicated herein are in consideration of \$35,000.00, 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 wall and public utility 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 or 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. Grantor shall not construct any permanent structure within the public utility easement.

*Return to City of Albany
Attn: City Clerk
PO Box 490, Albany, OR 97331*

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

GRANTOR: RICHARD A. ROBB

By: Richard A. Robb
Richard A. Robb
Date: 4/24/03

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

The foregoing instrument was acknowledged before me this 24 day of April 2003, by Richard A. Robb, as his voluntary act and deed.

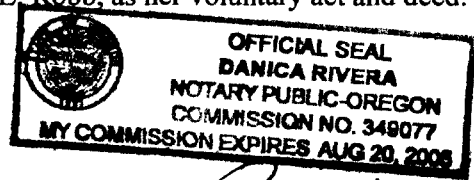


GRANTOR: LAURIE L. ROBB

By: Laurie L. Robb
Laurie L. Robb
Date: 4/24/03

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

The foregoing instrument was acknowledged before me this 24 day of April 2003, by Laurie L. Robb, as her voluntary act and deed.



Danica Rivera
Notary Public for Oregon
My Commission Expires: 8-20-05

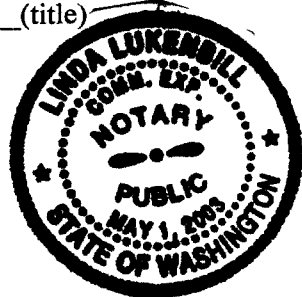
Security Holder consents to this dedication:

SECURITY HOLDER:
BANK OF AMERICA, N. A.

By: Theresa S. Runkel
Title: AVP
Date: 4-21-2003

STATE OF ^{WASHINGTON} OREGON)
County of King) ss.
City of Seattle)

The foregoing instrument was acknowledged before me this 21 day of April 2003, by Theresa S. Runkel, as AVP (title) Bank of America, N. A.



Linda Lukemill
Notary Public for Oregon ^{Washington}
My Commission Expires: 5-1-2003

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 4827 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of May 2003.

Steve Bryant
City Manager

ATTEST:

Ken Thompson
City Recorder

EXHIBIT "A"

City of Albany

Vestee: Richard A. Robb and Laurie L. Robb

Tax Map No. 11S04W24DA-1001 & 1100

Tract 1 (Right-of-way)

Beginning at a point on the North right-of-way line of S.W. 53 rd Avenue at its intersection with the West right-of-way line of Highway 99E, which point bears South 00°44'22" East 1735.10 feet and North 89°38'00" West 40.67 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 said right-of-way line, a distance of 28.28 feet;

thence Northeasterly along the arc of a 5.00 foot radius curve to the left (the chord of which bears North 59°35'54" East 5.12 feet) a distance of 5.37 feet;

thence North 28°49'50" East 36.35 feet;

thence Northerly along the arc of an offset spiral curve to the right, said offset spiral being 58.00 feet Westerly of and parallel with the centerline of Highway 99E, (the chord of which bears North 01°11'21" West 174.85 feet) an arc distance of 174.85 feet to a point on the North line of Lot 1, MARGASON TRACTS as platted and recorded in Book of Town Plats for Linn County, Oregon;

thence South 89°38'00" East along said North line, a distance of 8.00 feet to the West right-of-way line of said Highway 99E;

thence South 00°32'15" East along said right-of-way line, a distance of 209.39 feet to the Point of Beginning and containing 1838 square feet of land, more or less.

Tract 2 (Wall and Public Utility Easement)

Beginning at the Southwest corner of Tract 1 and running thence North 89°38'00" West along the North right-of-way line of S.W. 53rd Avenue, a distance of 25.11 feet;

thence North 00°22'00" East 5.00 feet;

thence South 89°38'00" East 25.11 feet;

thence North 28°49'50" East 34.97 feet;

thence Northerly along the arc of an offset spiral curve to the right, said offset spiral being 63.00 feet Westerly of and parallel with the centerline of Highway 99E, (the chord of which bears North 01°19'52" West 135.39 feet) an arc distance of 135.39 feet;

thence North 89°16'45" East 5.00 feet to the Westerly line of said Tract 1;

thence Southerly along said Westerly line on the arc of a spiral curve to the left (the chord of which bears South 01°20'22" East 136.65 feet) an arc distance of 136.65 feet;

thence South 28°49'50" East 36.35 feet;

thence Southwesterly along the arc of 5.00 foot radius curve to the right (the chord of which bears South 59°35'54" West 5.12 feet) a distance of 5.37 feet to the Point of Beginning and containing 998 square feet of land, more or less.

Tract 3 (Temporary Construction Easement)

Beginning at the Southwest corner of Tract 2 and running thence North $89^{\circ}38'00''$ West along the North right-of-way line of SW 53rd Avenue, a distance of 91.56 feet to a point on the West line of Lot 3, of said MARGASON TRACTS;

thence North $00^{\circ}37'03''$ West 5.00 feet;

thence South $89^{\circ}38'00''$ East 91.64 feet to the most Westerly Northwest corner of said Tract 2;

thence South $00^{\circ}22'00''$ West 5.00 feet to the Point of Beginning.

ALSO Beginning at the most Westerly Northwest corner of Tract 2 and running thence North $00^{\circ}22'00''$ East 5.00 feet;

thence South $89^{\circ}38'00''$ East 22.13 feet;

thence North $28^{\circ}49'50''$ East 30.61 feet;

thence Northerly parallel with the Westerly line of said Tract 2 on the arc of a spiral curve to the right (the chord of which bears North $01^{\circ}19'23''$ West 134.13 feet) an arc distance of 134.13 feet;

thence North $89^{\circ}16'45''$ East 5.00 feet to the most Northerly Northwest corner of said Tract 2;

thence Southerly along the Westerly line of said Tract 2 on the arc of a spiral curve to the left (the chord of which bears South $01^{\circ}19'52''$ East 135.39 feet) an arc distance of 135.39 feet;

thence South $28^{\circ}49'50''$ West 34.97 feet;

thence North $89^{\circ}38'00''$ West 25.11 feet to the Point of Beginning.

Contains 1,415 square feet of land, more or less.

Tract 4 (Public Utility Easement)

Beginning at the Northwest corner of Tract 1 and running thence Southerly along the Westerly line of said Tract 1 on the arc of a spiral curve to the left (the chord of which bears South $00^{\circ}39'02''$ East 38.21 feet) an arc distance of 38.21 feet to the Northeast corner of Tract 2;

thence South $89^{\circ}16'45''$ West 5.00 feet to the most Northerly Northwest corner of said Tract 2;

thence Northerly parallel with the Westerly line of said Tract 1 on the arc of a spiral curve to the right (the chord of which bears North $00^{\circ}38'58''$ West 38.30 feet) an arc distance of 38.30 feet to a point on the North line of Lot 1 of said MARGASON TRACTS;

thence South $89^{\circ}38'00''$ East 5.00 feet to the Point of Beginning and containing 191 square feet of land, more or less.

MARGASON TRACTS

LOT 4

LOT 1

LOT 2

LOT 3

HIGHWAY 99 E.

RIGHT-OF-WAY DEDICATION

53rd. ST.





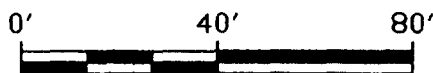
-  RIGHT OF WAY
-  WALL & PUBLIC UTILITY EASEMENT
-  TEMPORARY CONSTRUCTION EASEMENT
-  PUBLIC UTILITY EASEMENT



EXHIBIT "B"

STREET IMPROVEMENT
S.W. 53rd AVENUE



CITY OF ALBANY
DEPARTMENT OF
PUBLIC WORKS

ACQUISITION MAP

RICHARD A. & LAURIE L. ROBB
1093 S.W. 53rd AVENUE
M.F. 1013 PAGE 315

01001 AND
TAX MAP 114W24DA - 01100
LINN COUNTY, OREGON

P.N. ST-98-01

BY: B.S.C. DATE: 2-12-03

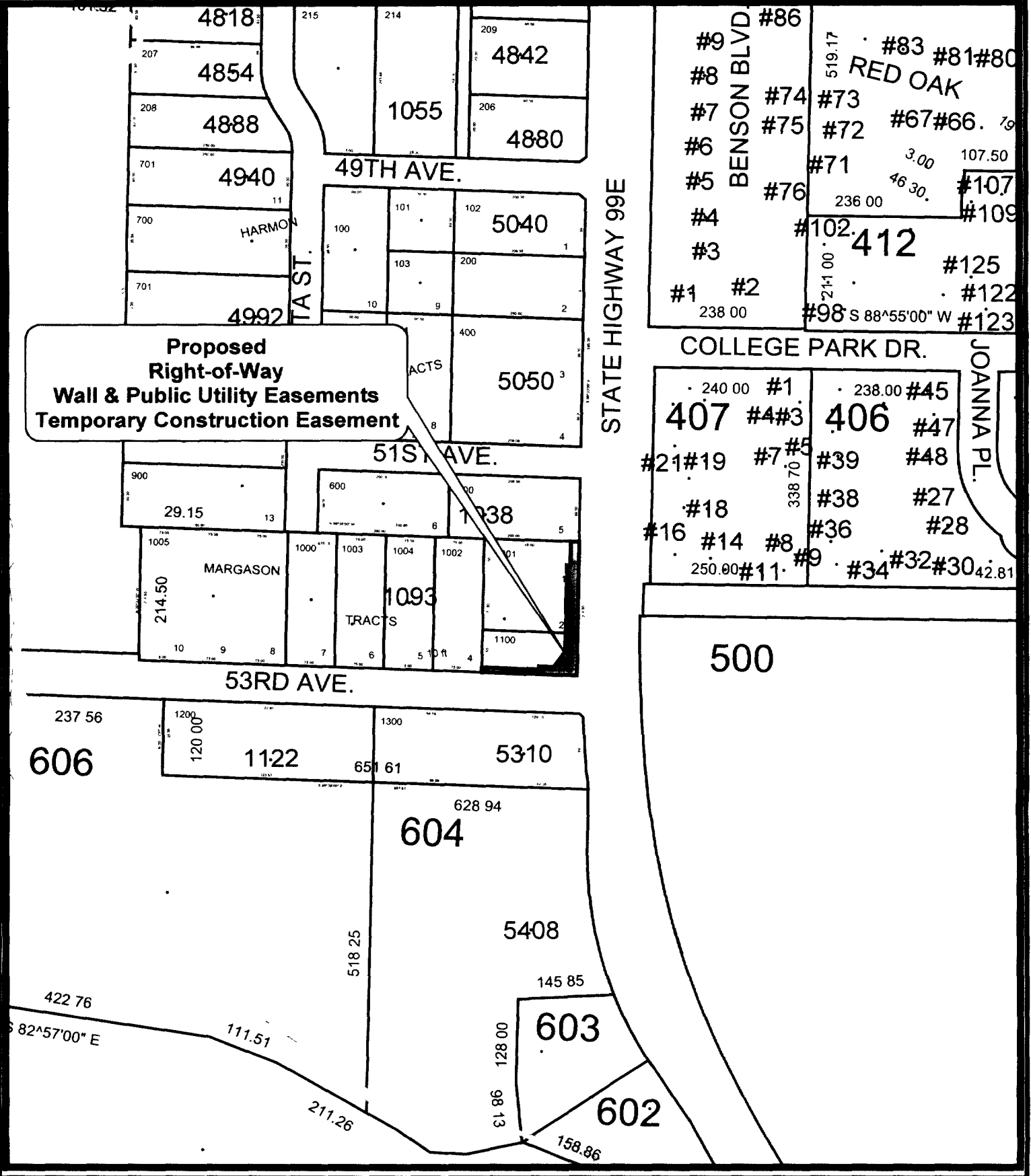
VICINITY MAP

VOL 1427 PAGE 740



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

1 inch equals 200 feet



**Proposed
Right-of-Way
Wall & Public Utility Easements
Temporary Construction Easement**

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. _____
R. 35
S. 10
A. 11
O. 10

2003 MAY 20 P 2:29

66

MF 1427

By SW Deputy PAGE 734

Resolution No. 4827

Recorded Document Recorder File No. 4219