

RESOLUTION NO. 3639

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Dayton Hudson Corporation dba Target Stores

Purpose

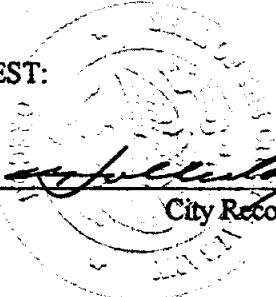

A permanent public utility easement for stormdrainage 31 feet in even width across that property located in the southeast quarter of section 25, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon.

DATED THIS 8th DAY OF MAY 1996.



Mayor

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17th day of APRIL, 1996, by and between Dayton Hudson Corporation dba Target Stores, herein called Grantors, 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 grantors have this day bargained and sold and by these presents do 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 storm drainage system for the purpose of conveying public storm drainage 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, undergrowth, 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 31.00 FOOT STRIP OF LAND FOR STORM DRAINAGE PURPOSES LOCATED IN THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED EXHIBIT A:

BEGINNING AT A POINT WHICH BEARS NORTH 86° 48' 30" WEST 915.03 FEET FROM THE SOUTHEAST CORNER OF SECTION 25 SAID POINT ALSO BEING THE CENTERLINE OF THE WEST TERMINUS OF BETA DRIVE; THENCE NORTH 87° 44' 48" WEST 1723.84 FEET ALONG THE SOUTH LINE OF PARCEL 1 OF LINN PARTITION PLAT 1995-32 TO THE EASTERLY RIGHT-OF-WAY OF LOONEY LANE; THENCE NORTH 02° 34' 16" WEST ALONG SAID RIGHT-OF-WAY 31.11 FEET; THENCE SOUTH 87° 44' 48" EAST LEAVING SAID RIGHT-OF-WAY 1726.46 FEET TO THE NORTH RIGHT-OF-WAY LINE TERMINUS OF BETA DRIVE; THENCE SOUTH 02° 15' 12" WEST 31.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.23 ACRES OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THIS EASEMENT DESCRIPTION IS LINN COUNTY PARTITION PLAT NO. 1995-32.

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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantors do 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 within the limits of this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

Dayton Hudson Corporation dba Target Stores

By: _____

Edward J. Bierman
Vice President
Target Stores

Title: _____

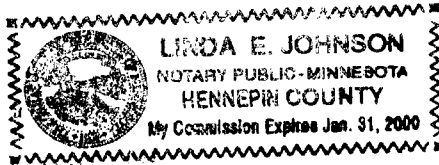
STATE OF MINNESOTA)
County of Hennepin) ss.
City of Minneapolis)

The foregoing instrument was acknowledged before me this 16th day of April, 1996, by Edward J. Bierman, V.P. Target Stores (title), of Dayton Hudson Corporation dba Target Stores, a Minnesota corporation, on behalf of the corporation.

Linda E. Johnson

Notary Public for Minnesota

My Commission Expires:



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 3639 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of May, 1996.

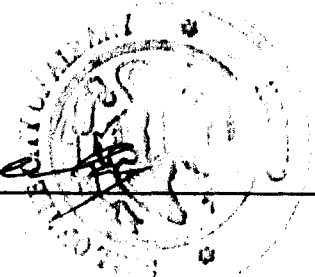
Steve Bryant

City Manager

ATTEST:

[Signature]

City Recorder



LOONEY LANE

R: 2624.79
D: 442°30'
L: 232.13
LCB: N 0°13'01" W
LC: 232.06

SCALE: 1" = 200'

TARGET
NORTHWEST
DISTRIBUTION
CENTER

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DRAINAGE EASEMENT

N 87°44'48" W 1723.84

AUTO
PARKING

BETA DRIVE

74 CORNER

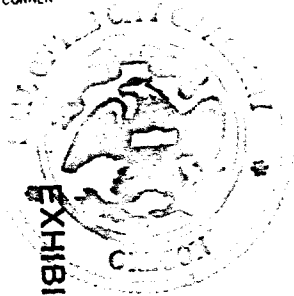


EXHIBIT A

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 RV, Deputy

MF 804
PAGE 799

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Recorded Document Recorder File No. 2756