

RESOLUTION NO. 3640

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

Grantor

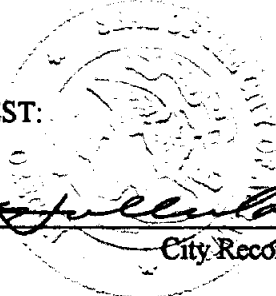

Dayton Hudson Corporation dba Target Stores

Purpose

A permanent public utility easement for water and sewer purposes 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.

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

  
\_\_\_\_\_  
Mayor

## 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 water and sewer systems for the purpose of conveying public water and sewer 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 STRIP OF LAND FOR WATER AND SEWER SYSTEM 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 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W & H PACIFIC" WHICH BEARS NORTH 09° 43' 42" WEST 355.02 FEET FROM THE SOUTHEAST CORNER OF SECTION 25 AND IS ON THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 99E; THENCE SOUTH 87° 32' 31" EAST ALONG SAID RIGHT-OF-WAY 6.00 FEET; THENCE NORTH 02° 15' 12" EAST LEAVING SAID RIGHT-OF-WAY 1643.40 FEET TO A POINT ON A 22869.31 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 60.83 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS NORTH 02° 10' 37" EAST 60.83 FEET); THENCE NORTH 89° 32' 31" WEST 27.00 FEET TO A POINT ON A 22842.31 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 60.92 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 02° 10' 36" WEST 60.92 FEET); THENCE SOUTH 02° 15' 12" WEST 1183.71 FEET; THENCE NORTH 87° 44' 48" WEST 9.50 FEET; THENCE SOUTH 02° 15' 12" WEST 459.56 FEET; THENCE SOUTH 87° 32' 31" EAST 30.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.156 ACRES OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THIS EASEMENT DESCRIPTION IS LINN COUNTY PARTITION PLAT NO. 1995-32.

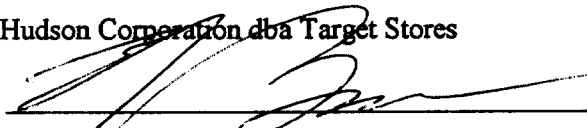
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted 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

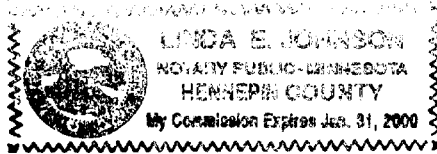
By:   
 Title: Edward J. Bierman  
Vice President  
Target Stores

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

The foregoing instrument was acknowledged before me this 17<sup>th</sup> 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.

  
 Notary Public for Minnesota

My Commission Expires:




**CITY OF ALBANY:**

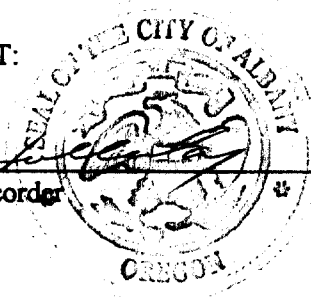
STATE OF OREGON        )  
 County of Linn        ) ss.  
 City of Albany        )

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3640 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14<sup>th</sup> day of May, 1996.

  
 City Manager

ATTEST:

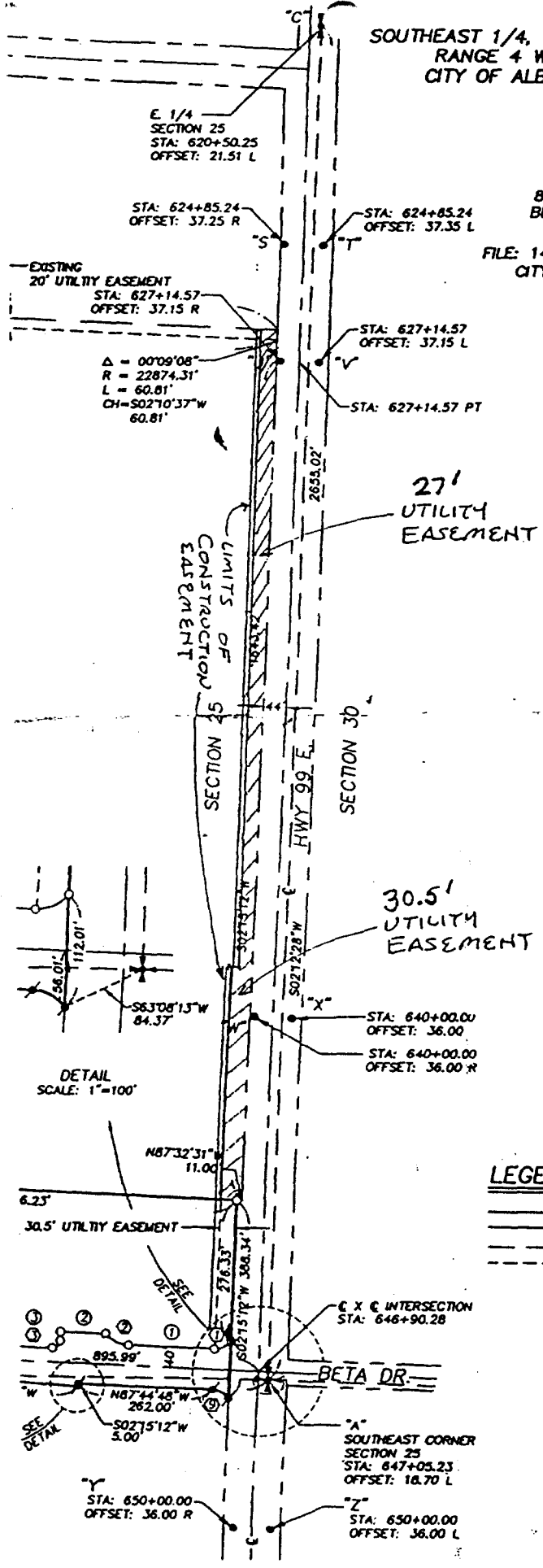
  
 City Recorder



LOCATED IN THE  
 SOUTHEAST 1/4, SECTION 25, TOWNSHIP 11 SOUTH,  
 RANGE 4 WEST, WILLAMETTE MERIDIAN,  
 CITY OF ALBANY, LINN COUNTY, OREGON  
 MAY 12, 1995

FOR  
 THE SCHROCK'S  
 BY  
 W&H PACIFIC  
 8405 SW NIMBUS AVE  
 BEAVERTON, OR 97008  
 (503) 626-0455

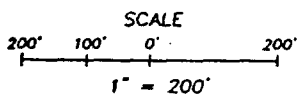
FILE: 1474-0101 / STWTPP01.DWG  
 CITY CASE NO. PA-04-95



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 19, 1994  
 JOHN D. PUTNAM  
 2676  
 RENEWAL: 12-31-96

I CERTIFY THAT THIS IS AN EXACT  
 COPY OF THE ORIGINAL PARTITION PLAT.



LEGEND:

- RIGHT-OF-WAY LINE
- CENTER LINE
- SECTION LINE
- EASEMENT LINE
- FOUND MONUMENT AS NOTED
- FOUND 5/8"X30" IR W/YPC
- STAMPED "W&H PACIFIC"
- SET 5/8"X30" IR W/YPC STAMPED "W&H PACIFIC"
- IR IRON ROD
- IP IRON PIPE
- W/YPC WITH YELLOW PLASTIC CAP
- R.O.W. RIGHT OF WAY

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

M  
R 15  
S 10  
A  
O

MAY 23 2 34 PM '96

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PAGE 795

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Recorded Document Recorder File No. 2755