

RESOLUTION NO. 3679

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

Grantor

Richard B. Lefor and Thornton E. Coffey

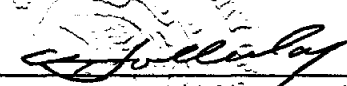
Purpose

A permanent public easement for slope purposes across that property conveyed in Benton County deed records M-205424-95.


DATED THIS 14TH DAY OF AUGUST 1996.


Mayor

ATTEST:



City Recorder



SLOPE EASEMENT

THIS AGREEMENT, made and entered into this 12th day of June, 1996, by and between Richard B. Lefor and Thornton E. Coffey, 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 including the right to enter upon the real property hereinafter described, for the purpose of removing trees, bushes, and undergrowth in order to construct and maintain the cut or fill slopes for Hickory Street.

This Agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

The southerly forty (40) feet of parcel I of Exhibit "A" described in Benton County deed records M-205424-95, where the aforementioned parcel I is more particularly described as follows:

BEGINNING ON THE NORTH BOUNDARY LINE OF THE A.M. RAINWATER DONATION LAND CLAIM NO. 61 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON, AT A POINT ON SAID NORTH BOUNDARY LINE 7 CHAINS NORTH 86° WEST OF THE NORTHEAST CORNER OF SAID CLAIM NO. 61; AND RUNNING THE SOUTH 4° WEST 14.28 CHAINS; THENCE NORTH 86° WEST 14.00 CHAINS; THENCE NORTH 4° EAST 14.28 CHAINS; THENCE SOUTH 86° EAST 14.00 CHAINS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM BEGINNING AT A POINT WHICH IS 21 CHAINS NORTH 86° 03' WEST, ALONG THE NORTH CLAIM LINE, AND 0.7143 CHAINS SOUTH 3° 57' WEST, AT RIGHT ANGLES TO SAID CLAIM LINE, FROM THE NORTHEAST CORNER OF THE A.M. RAINWATER DONATION LAND CLAIM NO. 39 IN TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON; THENCE SOUTH 86° 03' EAST, ALONG THE SOUTH LINE OF SAID TRACT, 115.5 FEET; THENCE SOUTH 3° 57' WEST, AT RIGHT ANGLES TO SAID CLAIM LINE, 132 FEET; THENCE NORTH 86° 03' WEST, PARALLEL TO SAID CLAIM LINE 115.5 FEET; THENCE NORTH 3° 57' EAST 132 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM BEGINNING AT A POINT WHICH IS 1270.50 FEET NORTH 86° 03' WEST, ALONG THE CLAIM LINE AND 179.14 FEET SOUTH 3° 57' WEST, AT RIGHT ANGLES TO

Lefor/Coffey Slope Easement

SAID CLAIM LINE, FROM THE NORTHEAST CORNER OF THE A.M. RAINWATER DONATION LAND CLAIM NO. 39, TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON; THENCE SOUTH 3° 57' WEST, ALONG THE EXTENSION OF THE EAST LINE OF SAID TRACT, 50.00 FEET; THENCE NORTH 86° 03' WEST, PARALLEL TO SAID CLAIM LINE, 71.51 FEET TO THE EASTERLY RIGHT-OF-WAY OF COUNTRY ROAD ROUTE NO. 40 AS ESTABLISHED IN BENTON COUNTY COURT JOURNAL NO. 26, PAGE 78; THENCE NORTH 13° 17' WEST, ALONG SAID RIGHT-OF-WAY, 52.35 FEET TO THE SOUTH LINE OF SAID TRACT; THENCE SOUTH 86° 03' EAST 87.02 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM BEGINNING AT A CONCRETE POST 7.00 CHAINS NORTH 86° WEST AND 0.71 CHAINS SOUTH 4° WEST OF THE NORTHEAST CORNER OF THE A.M. RAINWATER DONATION LAND CLAIM NO. 39 IN TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON; AND RUNNING THENCE SOUTH 4° WEST 6.06 CHAINS TO A CONCRETE POST; THENCE NORTH 86° WEST 2.174 CHAINS TO A CONCRETE POST; THENCE NORTH 4° EAST 6.06 CHAINS TO A CONCRETE POST; THENCE SOUTH 86° EAST 2.174 CHAINS TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM BEGINNING ON THE NORTH BOUNDARY LINE OF THE A.M. RAINWATER DONATION LAND CLAIM NO. 39 IN TOWNSHIP 11 SOUTH, RANGE 4 WEST AND CLAIM NO. 61 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON, AT A POINT ON SAID BOUNDARY LINE, 7 CHAINS NORTH 86° WEST OF THE NORTHEAST CORNER OF SAID CLAIM; THENCE SOUTH 4° WEST 0.7143 CHAINS; THENCE NORTH 86° WEST 14 CHAINS; THENCE NORTH 4° EAST 0.7143 CHAINS TO SAID NORTH BOUNDARY LINE OF SAID CLAIM; THENCE SOUTH 86° EAST 14 CHAINS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION LYING WEST OF NORTH ALBANY ROAD.

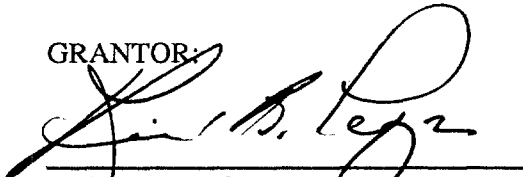
ALSO EXCEPTING THEREFROM BEGINNING AT A CONCRETE POST 9.174 CHAINS NORTH 86° WEST AND 0.71 CHAINS SOUTH 4° WEST OF THE NORTHEAST CORNER OF THE A.M. RAINWATER DONATION LAND CLAIM NO. 39 IN TOWNSHIP 11 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON; AND RUNNING THENCE SOUTH 4° WEST 6.06 CHAINS TO A CONCRETE POST; THENCE NORTH 86°

WEST 2.11 CHAINS; THENCE NORTH 4° EAST 6.06 CHAINS TO A
CONCRETE POST; THENCE SOUTH 86° EAST 2.11 CHAINS TO
THE PLACE OF BEGINNING.

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.

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

GRANTOR:


Richard B. Lefor, Partner

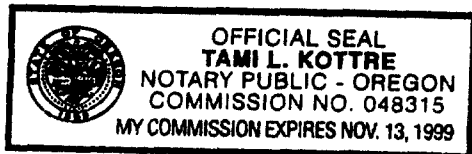
STATE OF OREGON)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 19 day of June, 1996,
by Richard B. Lefor, as his voluntary act and deed.

Notary Public for Oregon



My Commission Expires: 11-13-99



GRANTOR:

Thornton E. Coffey

Thornton E. Coffey

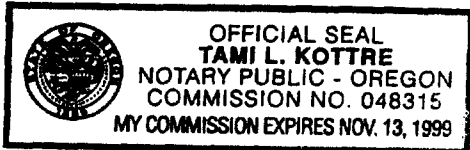
STATE OF OREGON)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 19 day of June, 1996,
by Thornton E. Coffey, as his voluntary act and deed.

Tami L. Kottre

Notary Public for Oregon

My Commission Expires: 11-13-99



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 3679
do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms of this
14th day of August, 1996.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

Lefor/Coffey Slope Easement

SEE MAP 11 & 12A

SOUTHERN PACIFIC R.R.

8-04

TO WIDE
SLOPE
EASEMENT

SEE MAP 11 & 12C

14401

NORTH ALBANY ROAD

NW

NW

HICKORY STREET

STREET

04401

ROAD 14401

ALBANY

NORTH

OLD NORTH ROAD

8-01

R/W

HIGHWAY

17-04W-01AD-01000

SEE MAP 11 & 12D

1/4 COR.

7/10

E. 1/4 COR.

DAN

STATE OF OREGON }
County of Benton } ss. 209567

I hereby certify that the within instrument
was received for record.

'96 AUG 28 PM 1 50

AND
ASSIGNED No 218203 1996

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

By _____ Deputy

35
15615

Resolution No. 3679

Recorded Document Recorder File No. 2824