

RESOLUTION NO. 3851

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

FIRSTCARE HEALTH FOUNDATION

Purpose

A permanent public utility easement, 20 feet in even width, described as two public utility easements in attached EXHIBIT "A" and shown in attached EXHIBIT "B."

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 24TH DAY OF SEPTEMBER 1997.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10th day of September 1997, by and between FIRSTCARE HEALTH FOUNDATION, an Oregon non-profit corporation, herein called Grantor, 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 utilities for the purpose of conveying public utilities 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, under-growth, 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:
See legal description on attached Exhibit "A" and map on attached Exhibit "B"
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 on this easement.

WITNESS the hand(s) of the Grantor(s) this 10th day of September, 19 97

FIRSTCARE HEALTH FOUNDATION, an Oregon non-profit corporation.

BY: Terry G. FitzPatrick
Terry G. FitzPatrick
Vice-President Physician Services

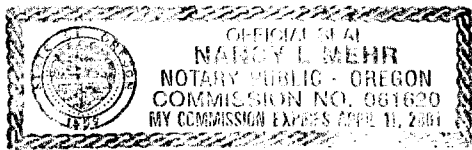
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

ACKNOWLEDGMENT

STATE OF OREGON)
) ss
County of Benton)

On this 10th day of September, in the year of 1997, before me personally appeared Terry G. FitzPatrick, who being personally known to me or proved to me on the basis of satisfactory evidence and being first duly sworn, declared that he is Vice President, Physicians Services of FIRSTCARE HEALTH FOUNDATION, an Oregon non-profit corporation, and that he executed the within and foregoing instrument and that the statements therein contained are true, and acknowledged said instrument to be the free and voluntary act and deed of FIRSTCARE HEALTH FOUNDATION, an Oregon non-profit corporation, for the uses and purposes therein mentioned and that he was authorized to execute said instrument for and on behalf of FIRSTCARE HEALTH FOUNDATION, an Oregon non-profit corporation.

WITNESS my hand and official seal as of the date first written above.



Nancy L. Mehr
Notary Public

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 3851 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of September 1997.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

EXHIBIT "A"Public Utility Easements

Two (2) easements for public utility purposes located in that Firstcare Health Foundation Tract described by deed recorded in Volume MF 869, Page 349 of the Linn County Deed Records on May 14, 1997 that is more particularly described as follows:

Public Utility Easement No. 1

A twenty (20.00) foot wide easement the centerline of which is more particularly described as follows:

Commencing at the southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 00°27'56" West 40.00 feet; thence South 89°50' West 30.00 feet to the southeast corner of said Firstcare Health Foundation Tract; thence North 00°27'36" West, along the east line of said tract, 220.56 feet to the TRUE POINT OF BEGINNING, said point being on the centerline of the herein described Public Utility Easement No. 1; thence South 89°20'12" West 44.70 feet; thence North 00°33'15" West 129.25 feet; thence South 89°26'45" West 126.00 feet; thence South 89°26'45" West 201.00 feet; thence South 00°33'20" East 222.00 feet to the terminus of the herein described easement.

Public Utility Easement No. 2

A twenty (20.00) foot wide easement the centerline of which is more particularly described as follows:

Commencing at the southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 00°27'56" West 40.00 feet; thence South 89°50' West 30.00 feet to the southeast corner of said Firstcare Health Foundation Tract; thence North 00°27'36" West, along the east line of said tract, 220.56 feet; thence South 89°20'12" West 44.70 feet; thence North 00°33'15" West 129.25 feet; thence South 89°26'45" West 126.00 feet to the TRUE POINT OF BEGINNING, said point being on the centerline of the herein described Public Utility Easement No. 2; thence South 00°33'15" East 164.50 feet to the terminus of the herein described easement.



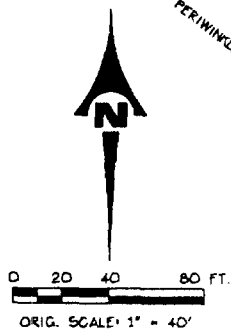
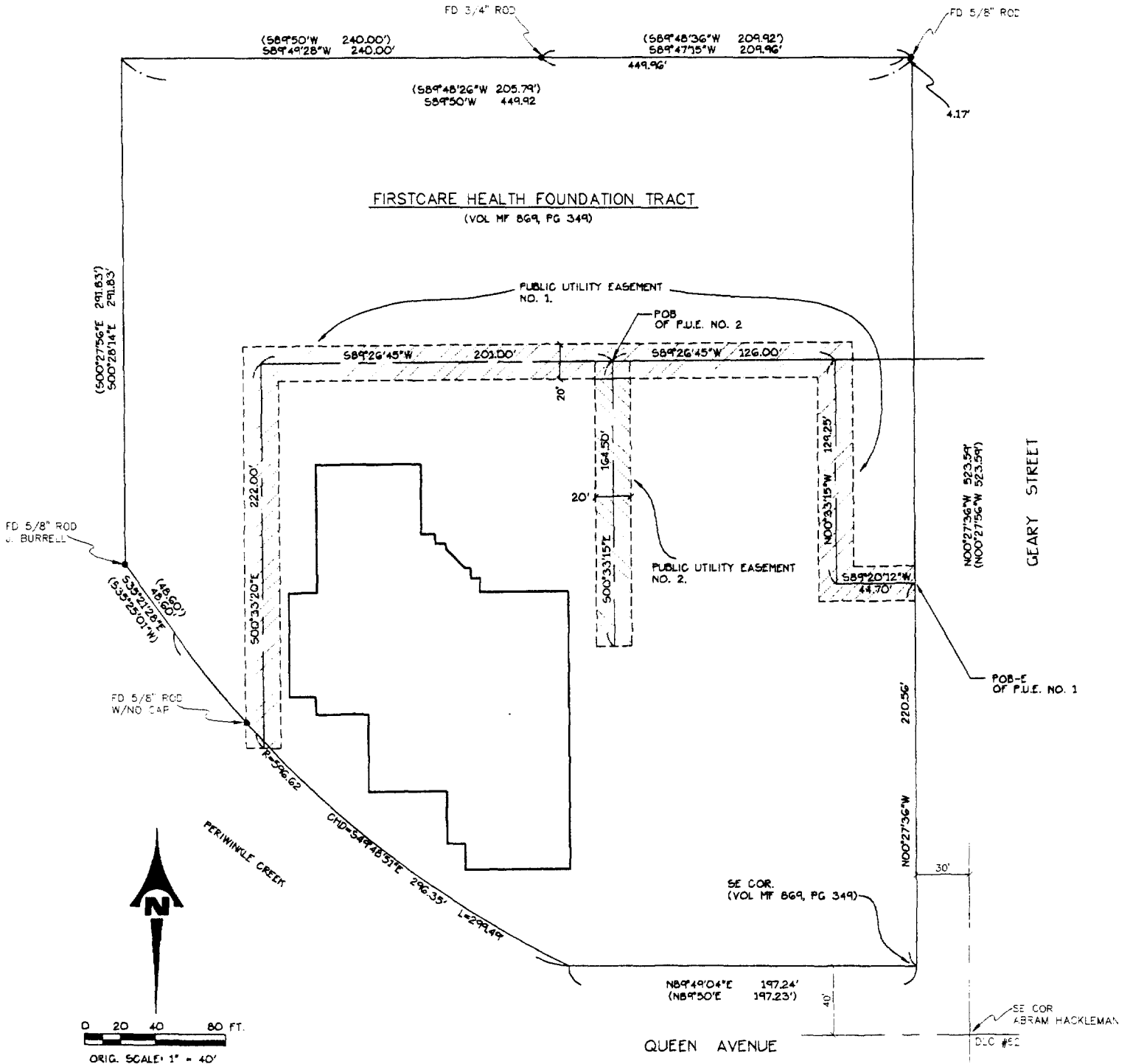
EXPIRATION DATE: 12/31/97

September 11, 1997
PUBLIC UTILITY EASEMENTS
JRB:nm (97-57)
File Ref: nlm\legals\9757UTLEAS

EXHIBIT "B"

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PUBLIC UTILITY EASEMENTS
SEPT. 11, 1997



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 CM, Deputy

MF 896

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SE COR
ABRAM HACKLEMAN
D.C. #52

Resolution No. 3851

Recorded Document Recorder File No. 3039