

RESOLUTION NO. 4219

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Oak Creek Park, LLC

Purpose


A 15-foot-wide strip of land for public storm drain utility easement purposes, more particularly described in attached EXHIBIT "A," shown in the attached EXHIBIT "B," and located in attached vicinity map.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 26TH DAY OF JANUARY 2000.


Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 9TH day of DECEMBER, 1999, by and between **OAK CREEK PARK, LLC**, an Oregon limited liability company, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, 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:

A 15-foot wide strip of land for public storm drain utility easement purposes. The easement is more particularly described in attached EXHIBIT "A" and shown in 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, 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.
4. The Grantor does 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 by Grantor on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

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

GRANTOR:

OAK CREEK PARK, LLC, an Oregon limited liability company

By: [Signature] member
Gary D. Williamson, Member

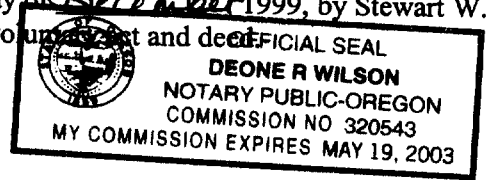
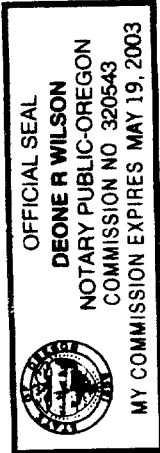
By: [Signature] member
Stewart W. Stone, Member

STATE OF (Oregon))
County of (Marion)) ss.
City of (Salem))

STATE OF (Oregon))
County of (Marion)) ss.
City of (Salem))

The foregoing instrument was acknowledged before me this 14 day of December, 1999, by Gary D. Williamson as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14 day of December 1999, by Stewart W. Stone as his voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 5/19/2003

[Signature]
Notary Public for Oregon
My Commission Expires: 5/19/2003

By: [Signature] member
Patricia E. Williamson, Member

By: [Signature] member
Denise E. Stone, Member

STATE OF (Oregon))
County of (Marion)) ss.
City of (Salem))

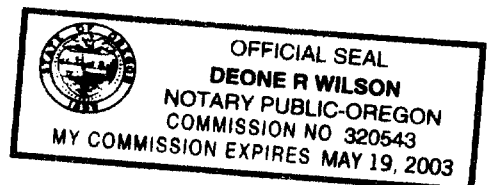
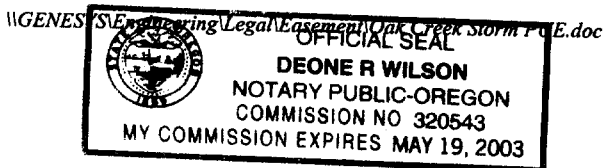
STATE OF (Oregon))
County of (Marion)) ss.
City of (Salem))

The foregoing instrument was acknowledged before me this 14 day of December, 1999, by Patricia E. Williamson as her voluntary act and deed.

The foregoing instrument was acknowledged before me this 14 day of December, 1999, by Denise E. Stone as her voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: 5/19/2003

[Signature]
Notary Public for Oregon
My Commission Expires: 5/19/2003



By: The Fowler Family, LLC, Member

By: [Signature]
James W. Fowler, Member

STATE OF Oregon)
County of Polk) ss.
City of Dallas)

The foregoing instrument was acknowledged before me this 9th day of December, 1999, by James W. Fowler as his voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 4-27-03

By: [Signature]
Candace J. Fowler, Member

STATE OF Oregon)
County of Polk) ss.
City of Dallas)

The foregoing instrument was acknowledged before me this 9th day of December, 1999, by Candace J. Fowler as her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 4-27-03

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 4219, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of January, 2000.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

EXHIBIT "A"

15' WIDE STORM DRAIN EASEMENT

A 15 foot wide strip of land for public storm drain utility easement purposes that is located in a portion of that Oak Creek Park LLC property identified as Tract I by deed recorded in MF Volume 1023, Page 972 of the Linn County Deed Records on April 1, 1999. The herein described strip being located in Section 24, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon and the centerline of which is more particularly described as follows:

Beginning at a point that is North 89°36'21" West 1114.59 feet from the southeast corner of the Jarvis Briggs Donation Land Claim No. 83 in said township and range; thence North 70°03'35" West 103.30 feet; thence North 82°14'53" West 185.96 feet; thence North 12°29'13" West 174.16 to the terminus of the herein described strip.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell

OREGON
JULY 14, 1988
JACK R. BURRELL
1630

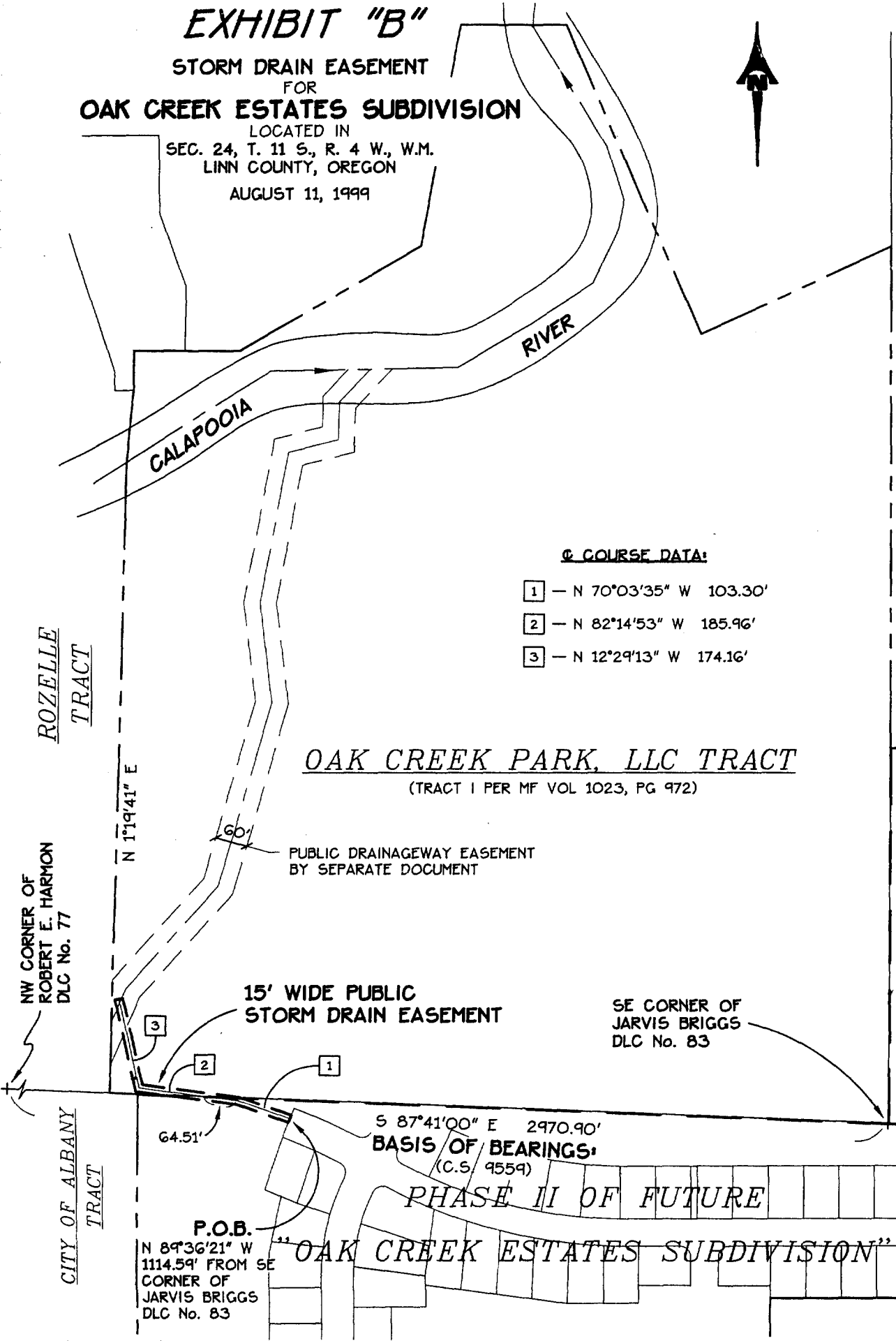
RENEWAL DATE 12/31/99

August 11, 1999
15' WIDE STORM DRAIN EASEMENT
(99-18-F) JRB:ls
File Ref: nlm/oak creek/9918f 15'storm drain easement desc.doc

EXHIBIT "B"

STORM DRAIN EASEMENT FOR OAK CREEK ESTATES SUBDIVISION

LOCATED IN
SEC. 24, T. 11 S., R. 4 W., W.M.
LINN COUNTY, OREGON
AUGUST 11, 1999



COURSE DATA:

- 1 — N 70°03'35" W 103.30'
- 2 — N 82°14'53" W 185.96'
- 3 — N 12°29'13" W 174.16'

OAK CREEK PARK, LLC TRACT

(TRACT I PER MF VOL 1023, PG 972)

PUBLIC DRAINAGEWAY EASEMENT
BY SEPARATE DOCUMENT

15' WIDE PUBLIC
STORM DRAIN EASEMENT

SE CORNER OF
JARVIS BRIGGS
DLC No. 83

S 87°41'00" E 2970.90'
BASIS OF BEARINGS:
(C.S. 9559)

PHASE II OF FUTURE

OAK CREEK ESTATES SUBDIVISION

P.O.B.
N 89°36'21" W
1114.59' FROM SE
CORNER OF
JARVIS BRIGGS
DLC No. 83

ROZELLE
TRACT

NW CORNER OF
ROBERT E. HARMON
DLC No. 77

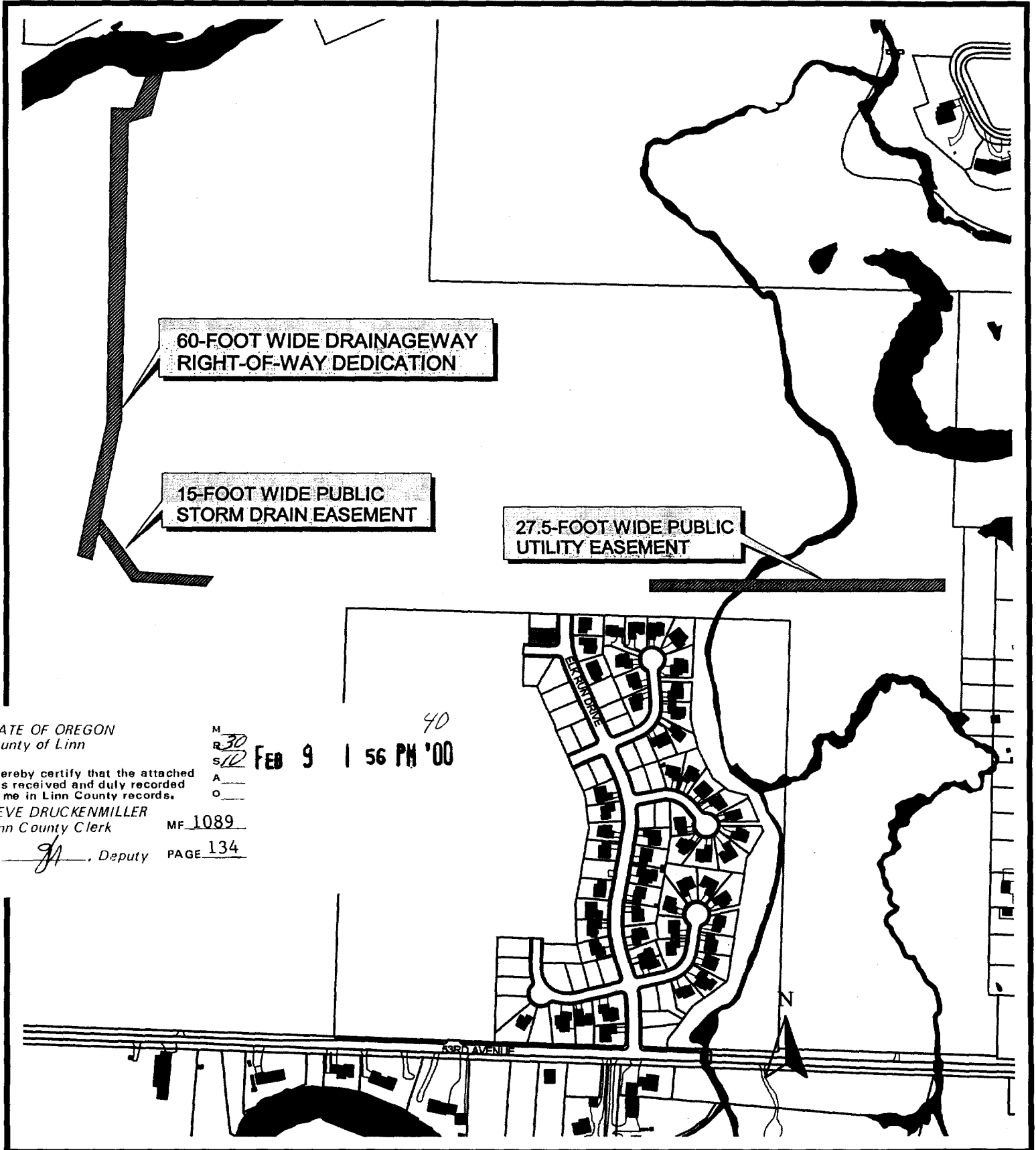
CITY OF ALBANY
TRACT

N 1°19'41" E

64.51'

60'

Vicinity Map Oak Creek Park public utility easements and right-of-way dedications to City of Albany



60-FOOT WIDE DRAINAGEWAY
RIGHT-OF-WAY DEDICATION

15-FOOT WIDE PUBLIC
STORM DRAIN EASEMENT

27.5-FOOT WIDE PUBLIC
UTILITY EASEMENT

STATE OF OREGON
County of Linn

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S 12 FEB 9 1 56 PM '00
A
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I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER MF 1089
Linn County Clerk

By *[Signature]*, Deputy PAGE 134

Resolution No. 4219

Recorded Document Recorder File No. 3542