

RESOLUTION NO. 42400

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Mountain West Investment Corporation**

Purpose

Water and sewer public utility easements within Hickory Hills Mobile Home Park, more particularly described within the attached Easement for Public Utilities, as shown in attached Sheet 1 and Sheet 2 of EXHIBIT "A," 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 29TH DAY OF MARCH 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 9th day of March, 2000, by and between Mountain West Investment Corporation, an Oregon 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 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, 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 Water and Sewer Easements across that parcel conveyed to Mountain West Investment Corporation in M268153-99, Benton County Deed Records, more particularly described below and as shown on Sheets 1 and 2 of Exhibit A:

Commencing at the Southeast corner of Parcel 2 of Partition Plat Number 99-35 as recorded in the Benton County Deed Records; thence North 3°57'10" East a distance of 96.47 feet to a point; thence North 89°57'06" West a distance of 4.61 feet to the Point of Beginning of the centerline of a 27.5 feet wide Water and Sewer Easement, being 13.75 feet on either side of the following described centerline; thence continuing North 89°57'06" West a distance of 5.30 feet to a point hereinafter referred to as Point A; thence continuing North 89°57'06" West a distance of 82.87 feet to a point hereinafter referred to as Point B; thence continuing North 89°57'06" West a distance of 114.25 feet to a point hereinafter referred to as Point C; thence continuing North 89°57'06" West a distance of 190.00 feet to a point hereinafter referred to as Point D; thence continuing North 89°57'06" West a distance of 90.00 feet to a point hereinafter referred to as Point E; thence continuing North 89°57'06" West a distance of 100.00 feet to a point hereinafter referred to as Point F; thence continuing North 89°57'06" West a distance of 190.00 feet to a point hereinafter referred to as Point G; thence continuing North 89°57'06" West a distance of 156.82 feet to a point hereinafter referred to as Point H; thence continuing North 89°57'06" West a distance of 26.93 feet to a point hereinafter referred to as Point I; thence North 0°02'54" East a distance of 237.50 feet to a point; thence South 89°57'06" East a distance of 183.75 feet to a point hereinafter referred to as Point J; thence continuing South 89°57'06" East a distance of 89.00 feet to a point hereinafter referred to as Point K; thence continuing South 89°57'06" East a distance of 101.00 feet to a point hereinafter referred to as Point L; thence continuing South 89°57'06" East a distance of 190.00 feet to a point hereinafter referred to as Point M; thence continuing South 89°57'06" East a distance of 149.00 feet to a point hereinafter referred to as Point N; thence continuing South 89°57'06" East a distance of 41.00 feet to a point hereinafter referred to as Point O; thence Continuing South 89°57'06" East a distance of 20.00 feet to the Point of Ending of said centerline.

Also a 29.5 feet Water and Sewer Easement being 14.75 feet on each side of the following described centerline; beginning at the aforementioned Point B; thence North 0°02'54" East a distance of 113.75 feet to the Point of Ending of said centerline, said point hereinafter referred to as Point P.

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

Also a 15.00 feet Water Easement being 7.5 feet on each side of the following described centerline; commencing at Point P; thence North 89°57'06" West a distance of 7.25 feet to the Point of Beginning; thence North 0°02'54" East a distance of 60.05 feet to the Point of Ending of said centerline.

Also a 10.00 feet Water Easement being 5.00 feet on each side of the following described centerline, beginning at Point A; thence South 0°02'54" West a distance of 26.25 feet to the Point of Ending of said centerline.

Also a 15.00 feet Water Easement being 7.50 feet on each side of the following described centerline; beginning at Point C; thence North 0°02'54" East a distance of 237.50 feet to the Point of Ending of said centerline, said point being also Point O.

Also a 15.00 feet Water Easement being 7.50 feet on each side of the following described centerline; beginning at Point D; thence North 0°02'54" East a distance of 237.50 feet to the Point of Ending of said centerline, said point being also Point M.

Also a 15.00 feet Water Easement being 7.50 feet on each side of the following described centerline; beginning at Point F; thence North 0°02'54" East a distance of 237.50 feet to the Point of Ending of said centerline, said point being also Point L.

Also a 15.00 feet Water Easement being 7.50 feet on each side of the following described centerline; beginning at Point G; thence North 0°02'54" East a distance of 237.50 feet to the Point of Ending of said centerline, said point being also Point J.

Also a 10.00 feet Water Easement being 5.00 feet on each side of the following described centerline, beginning at Point E; thence North 0°02'54" East a distance of 23.75 feet to the Point of Ending of said centerline.

Also a 10.00 feet Water Easement being 5.00 feet on each side of the following described centerline, beginning at Point H; thence North 0°02'54" East a distance of 27.50 feet to the Point of Ending of said centerline.

Also a 10.00 feet Water Easement being 5.00 feet on each side of the following described centerline, beginning at Point K; thence North 0°02'54" East a distance of 26.25 feet to the Point of Ending of said centerline.

Also a 10.00 feet Water Easement being 5.00 feet on each side of the following described centerline, beginning at Point N; thence North 0°02'54" East a distance of 26.25 feet to the Point of Ending of said centerline.

Also a 27.5 feet Water and Sewer Easement being 13.75 feet on each side of the following described centerline, beginning at Point I; thence South 89°57'06" East a distance of 3.73 feet to a point; thence South 30°13'24" West a distance of 48.74 feet to the Point of Ending of said centerline.

The sidelines of said easements are to be lengthened or shortened so as to intersect at all angle points and to terminate at property lines. All being in the Northeast Quarter of Section 1, Township 11 South, Range 4 West of the Willamette Meridian, Benton County, Oregon.

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 their hand and seal the day and year above written.

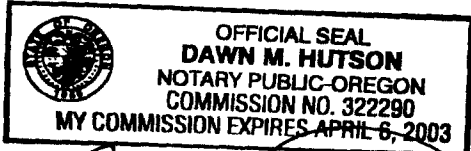
**GRANTOR:**

Mountain West Investment Corporation, an Oregon Corporation

By: Larry E. Tokarski  
Larry E. Tokarski, President

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

The foregoing instrument was acknowledged before me this 9th day of March, 2000, by Larry E. Tokarski as his voluntary act and deed.



Dawn M. Hutson  
Notary Public for Oregon  
My Commission Expires: 4/6/03

**CITY OF ALBANY:**

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

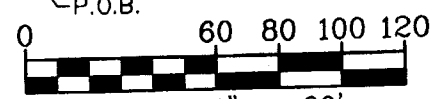
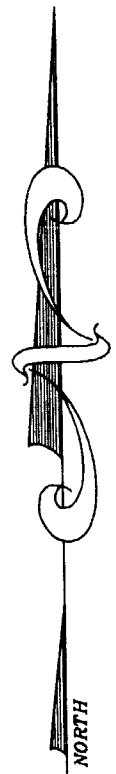
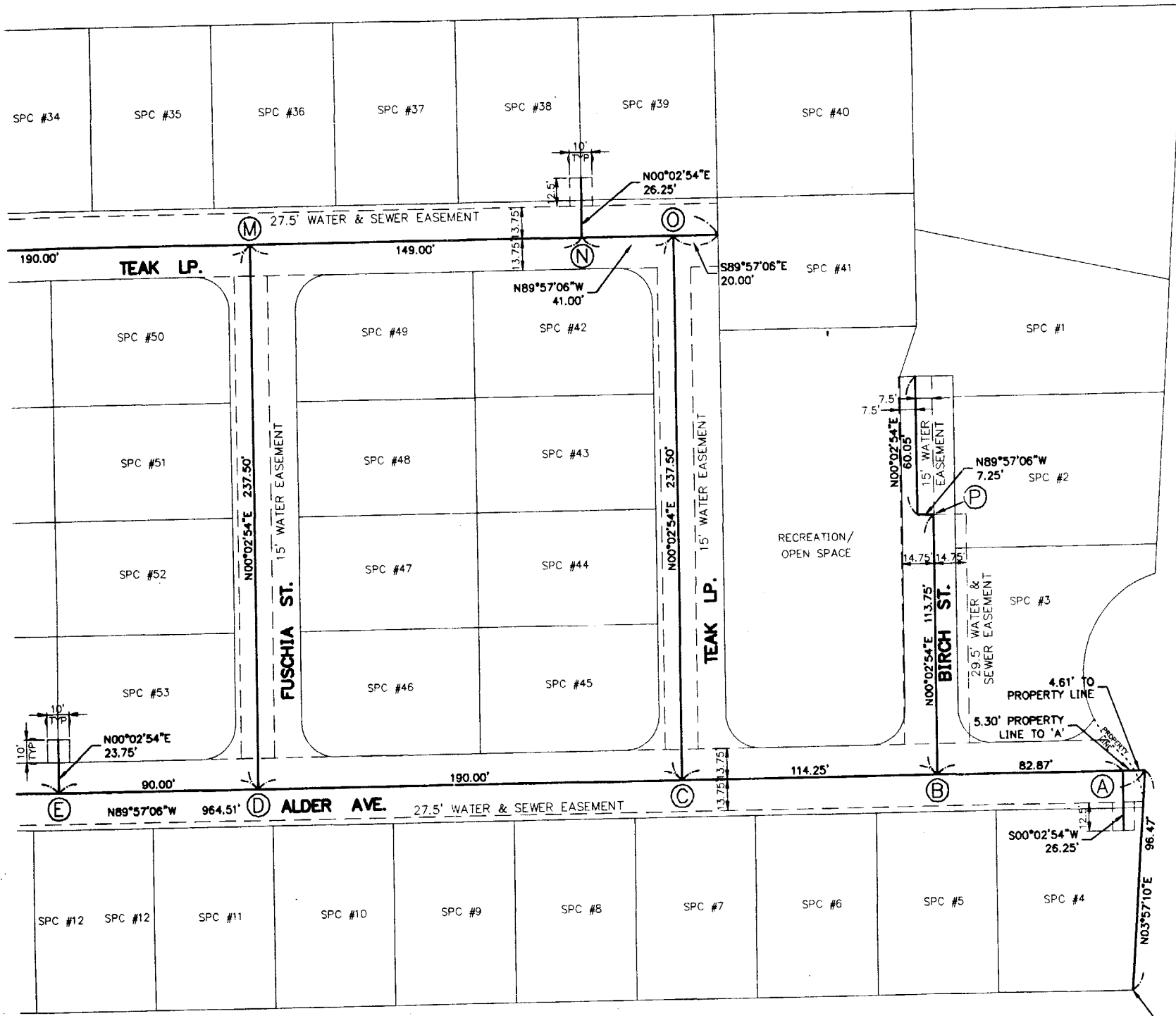
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4240, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of March, 2000.

Steve Bryant  
City Manager

ATTEST:

Betty Langwell  
City Recorder

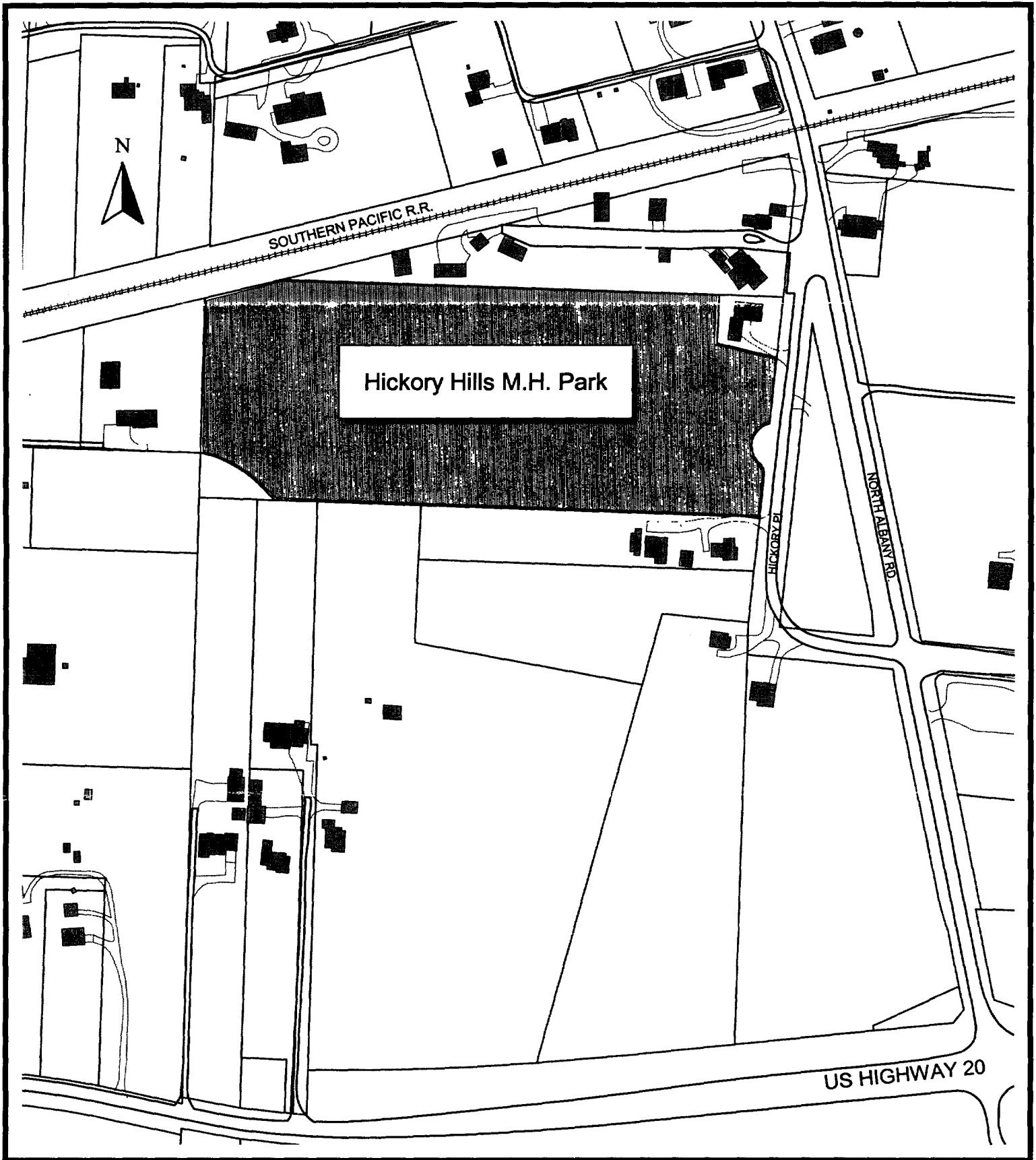




SCALE: 1" = 60'

EXHIBIT 'A' (2 OF 2)

Vicinity Map  
Mountain West Investment Corporation  
Hickory Hills Mobile Home Park



STATE OF OREGON } SS.  
County of Benton } **278097**


I hereby certify that the within instrument  
was received for record

PM 2:21 '00APR14

AND ASSIGNED **M282519** 2000

In the microfilm records of said county

Witness My Hand and Seal of County Affixed  
JOHN K. ANDERSON  
County Administrative Officer

By   
51 75 GRS Deputy



Resolution No. 4240

Recorded Document Recorder File No. 3569