

RESOLUTION NO. 4765

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

GOLD MEDAL GROUP LLC

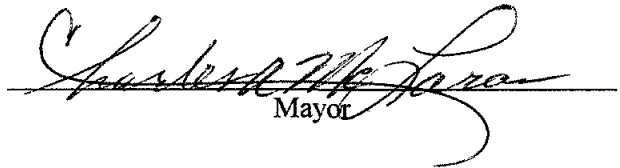
Purpose

A permanent public utility easement, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 23RD DAY OF OCTOBER 2002.



Mayor

ATTEST:



City Recorder

PUBLIC UTILITY EASEMENT

THIS AGREEMENT, made and entered into this 9th day of Oct, 2002, GOLD MEDAL GROUP, LLC, 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 permanent public utility easement, 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.

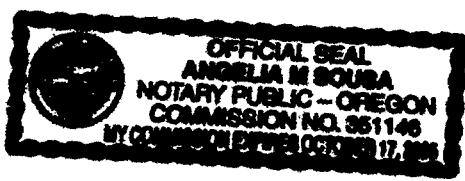
GRANTOR: Gold Medal Group, LLC.

Dennis W. Pavlina
Dennis Pavlina, President

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

The foregoing instrument was acknowledged before me this 9th day of Oct, 2002, by Dennis Pavlina, President, for Gold Medal Group, Inc., as his voluntary act and deed.

Christina M. Moore
Notary Public for Oregon
My Commission Expires: 10/17/2005



CITY OF ALBANY:

STATE OF OREGON)
Counties of Linn and Benton) ss.
City of Albany)

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4766 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23 day of October 2002.

ATTEST:

Steve Bryant
City Manager

Ken Thompson
City Recorder

EXHIBIT "A"

19 SEPTEMBER 2002

DESCRIPTION OF A PUBLIC UTILITY EASEMENT ON THE SOUTH SIDE OF 21ST AVENUE, OVER A PORTION OF A TRACT OF LAND DESCRIBED BY DEED IN MF 1332-796, LINN COUNTY DEED RECORDS, IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

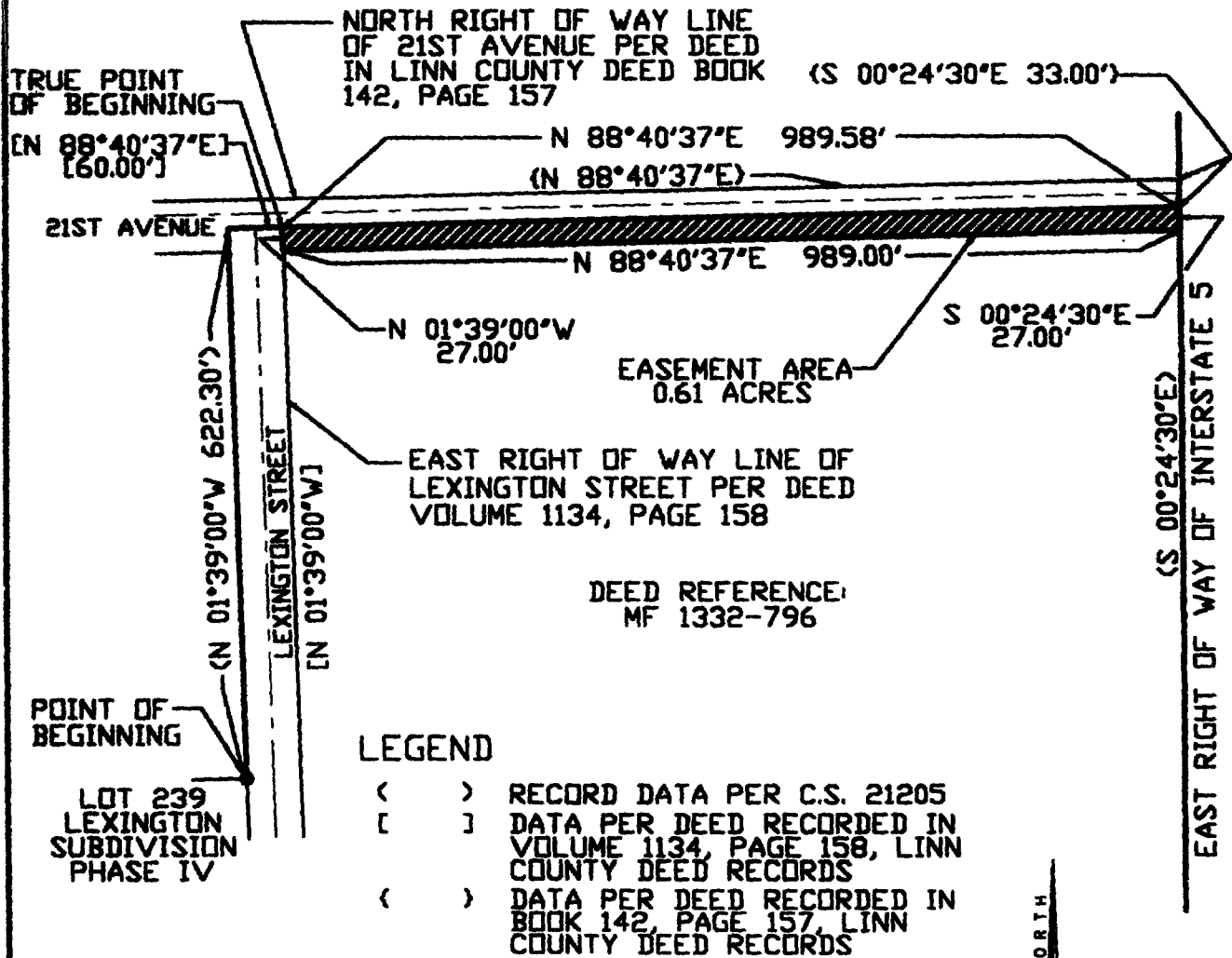
BEGINNING AT A 5/8 INCH IRON ROD, SAID ROD MARKS THE NORTHEAST CORNER OF LOT 239 OF LEXINGTON SUBDIVISION, PHASE IV, A SUBDIVISION OF RECORD AS FILED IN C.S. 22252; THENCE NORTH 01°39'00" WEST, 622.30 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 21ST AVENUE, A 33.00 FOOT RIGHT OF WAY DEEDED TO LINN COUNTY IN DEED BOOK 142, PAGE 157; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 88°40'37" EAST, 60.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88°40'37" EAST, 989.58 FEET ALONG SAID SOUTH RIGHT OF WAY LINE OF 21ST AVENUE TO A POINT ON THE WEST RIGHT OF WAY LINE OF INTERSTATE 5; THENCE SOUTH 00°24'30" EAST, 27.00 FEET, ALONG THE WEST RIGHT OF WAY LINE OF INTERSTATE 5; THENCE LEAVING THE WEST RIGHT OF WAY LINE OF INTERSTATE 5 SOUTH 88°40'37" WEST 989.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF LEXINGTON STREET AS DEDICATED TO THE CITY OF ALBANY IN VOLUME 1134, PAGE 158, LINN COUNTY RECORDS; THENCE NORTH 01°39'00" WEST, 27.00 FEET ALONG SAID EAST RIGHT OF WAY LINE OF LEXINGTON STREET TO THE TRUE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 0.61 ACRES.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS C.S. 21205.

EXHIBIT "B"
PUBLIC UTILITY EASEMENT
FOR
CITY OF ALBANY

LOCATED IN
SW1/4 SECTION 9, T. 11 S., R. 3 W., W.M.,
LINN COUNTY, OREGON
19 SEPTEMBER 2002



DEED REFERENCE:
MF 1332-796

LEGEND

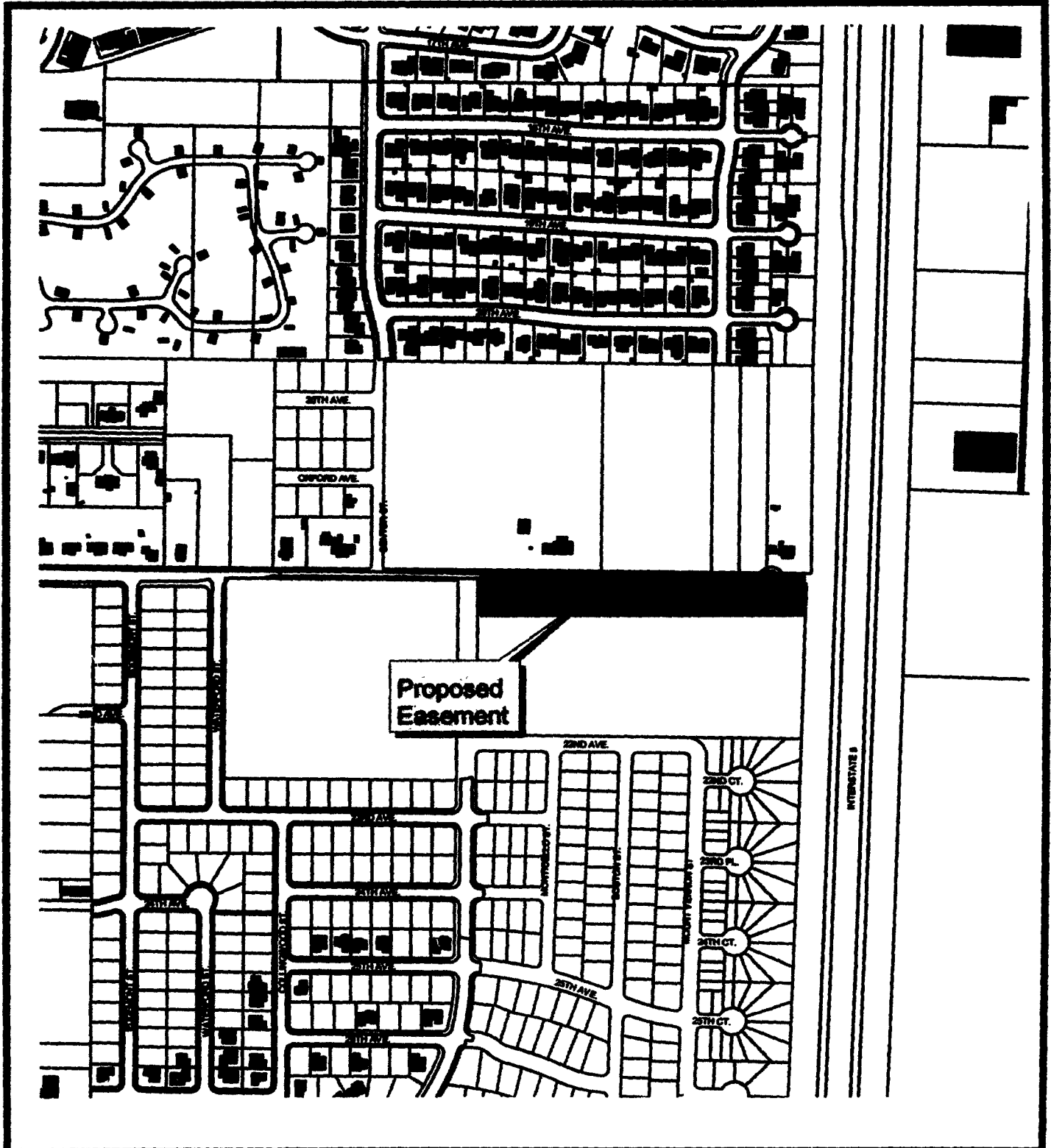
- () RECORD DATA PER C.S. 21205
- [] DATA PER DEED RECORDED IN VOLUME 1134, PAGE 158, LINN COUNTY DEED RECORDS
- () DATA PER DEED RECORDED IN BOOK 142, PAGE 157, LINN COUNTY DEED RECORDS

POINT OF BEGINNING
LOT 239
LEXINGTON
SUBDIVISION
PHASE IV

LING AND ASSOCIATES ENGINEERING
833 NW BUCHANAN AVENUE
CORVALLIS, OREGON 97330
(541) 754-7200
(541) 754-8305 FAX



SCALE: 1" = 200'



VICINITY MAP



Lexington - 21st Ave

Gordon Steffensmeier

englee J:\V_V_PROJ\SITE_MAP.APR

Engineering

Public Utility Easements



I hereby certify this copy to be a true, full and correct copy of the original now on record in my office

STEVE DRUCKENMILLER 7/9/03
County Clerk
Deputy

Amanda DeBrie

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 Sid, Deputy PAGE 01

NOV 25 2003
ALL

OCT 20 2003

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Resolution No. 4765

Recorded Document Recorder File No. 4221