

RESOLUTION NO. 4791

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT.

Grantor

Cascade View Development Company, LLC

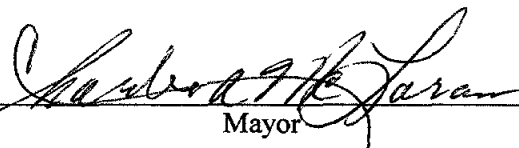
Purpose

A permanent 10 00 foot public utility easement 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 12TH DAY OF FEBRUARY 2003.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

**RECORDING COVER SHEET  
ALL TRANSACTIONS, ORS: 205.234**

**339796**

This cover sheet has been prepared by the person  
Presenting the attached instrument for recording.  
Any errors in this cover sheet **DO NOT** affect the  
Transaction(s) contained in the instrument itself.

BENTON COUNTY, OREGON **2003-337102**  
DE-EAS **03/19/2003 10:45:34 AM**  
Cnt=1 Str=5 MR  
\$30 00 \$11 00 \$10 00 \$15 00 **\$66.00**

*AFTER RECORDING RETURN TO:*

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



00012593200303371020060067

**PR**  
I, James V. Morales, County Clerk for Benton  
County, Oregon, certify that the instrument  
identified herein was recorded in the Clerk  
records

James V. Morales - County Clerk



**1.) NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)**

*Easement for Public Utilities*

**2.) DIRECT PARTY / GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160**

*Cascade View Development Company, LLC*

**3) INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160**

*City of Albany*

**4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030**

**5) ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:**

**6) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY  
CLERKS LIEN RECORDS, ORS 205.121(1)(e)**

**7) THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES,  
INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT  
WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325**

**8) Rerecorded to correct \_\_\_\_\_  
Previously recorded as \_\_\_\_\_**

**EASEMENT FOR PUBLIC UTILITIES**

THIS AGREEMENT, made and entered into this 22nd day of January, 2003, by and between **Cascade View Development Company, LLC**, 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 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, 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 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.

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P O Box 490, Albany, OR 97321

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

GRANTOR:

CITY OF ALBANY:

Paul C. Beals  
Paul C. Beals, Manager

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4791, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February, 2003.

STATE OF OREGON )  
County of LINN )  
City of STAYTON )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January, 2003, by Paul C. Beals, Manager of Cascade View Development Company, LLC, on behalf of the company, as his voluntary act and deed.

Steve Bryant  
City Manager

ATTEST:

Randall J. Fischer  
Notary Public for Oregon  
My Commission Expires: Jan, 10, 2005

Deety Langwell  
City Recorder



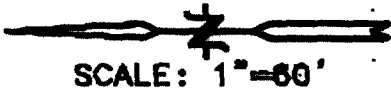
# Exhibit "A"

## **COVEY RUN – PHASE 3, 10' wide Public Utility Easement South of Lot 127**

A 10 foot wide Public Utility Easement;  
the west side of said 10 foot wide easement being along the following described line;  
the intent of the location of this easement is to be east of and along the easterly right of  
way of Broadway St. NW as dedicated in Covey Run Phase 3, subdivision;

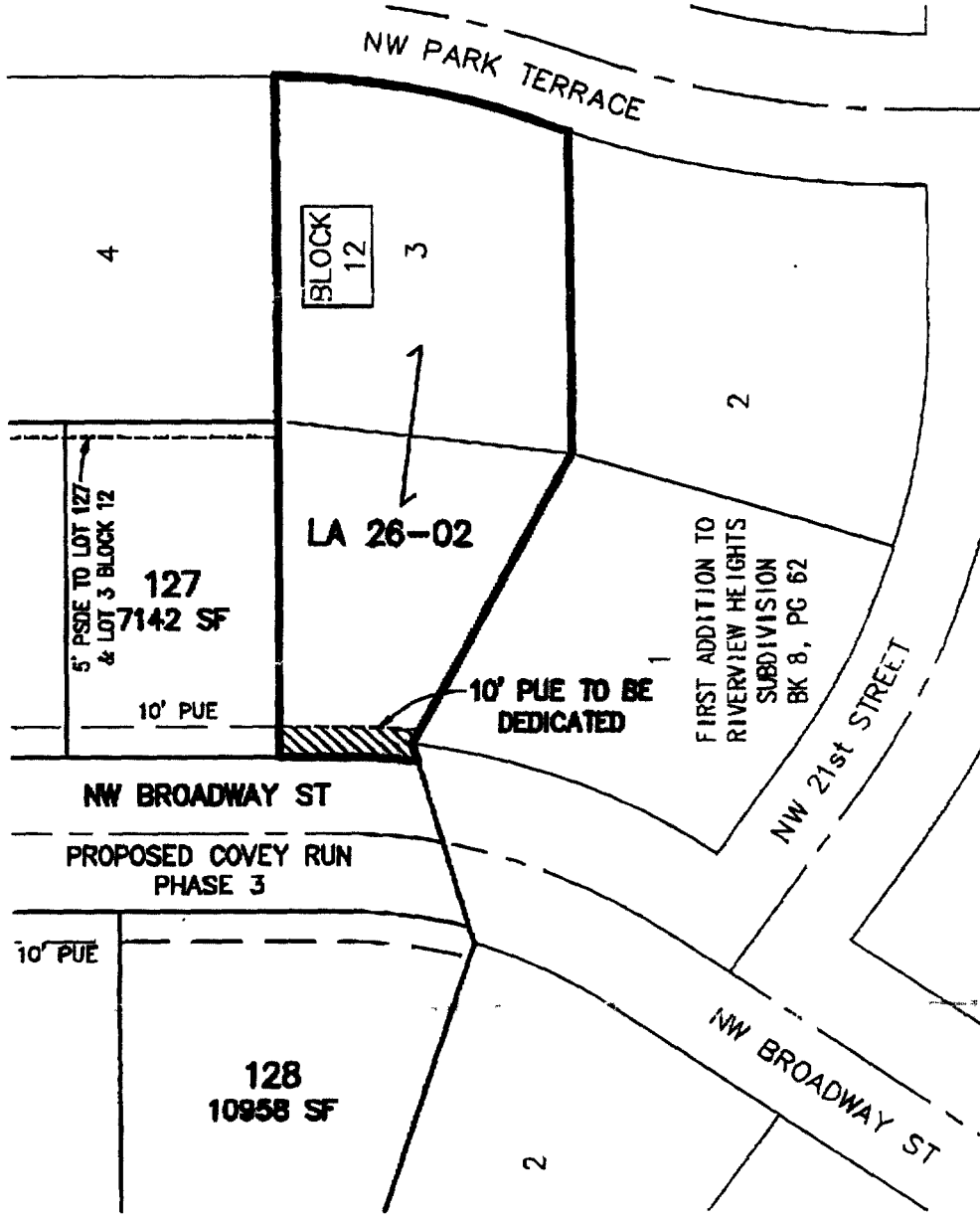
Beginning at a point 109.91 feet North 90°00'00" West of Northwest corner of Lot 3,  
Block 12 of the First Addition to Riverview Heights Subdivision, located in Section 36,  
Township 10 South, Range 4 West of the Willamette Meridian, City of Albany, Benton  
County, Oregon;


Thence South 00°00'00" West 17.87 feet;  
Thence along a 205.00 foot radius curve to the right 24.40 feet (the chord which bears  
South 03°24'34" West 24.38 feet) to the terminus of said easement at the Northerly line  
of said Riverview Heights Subdivision.

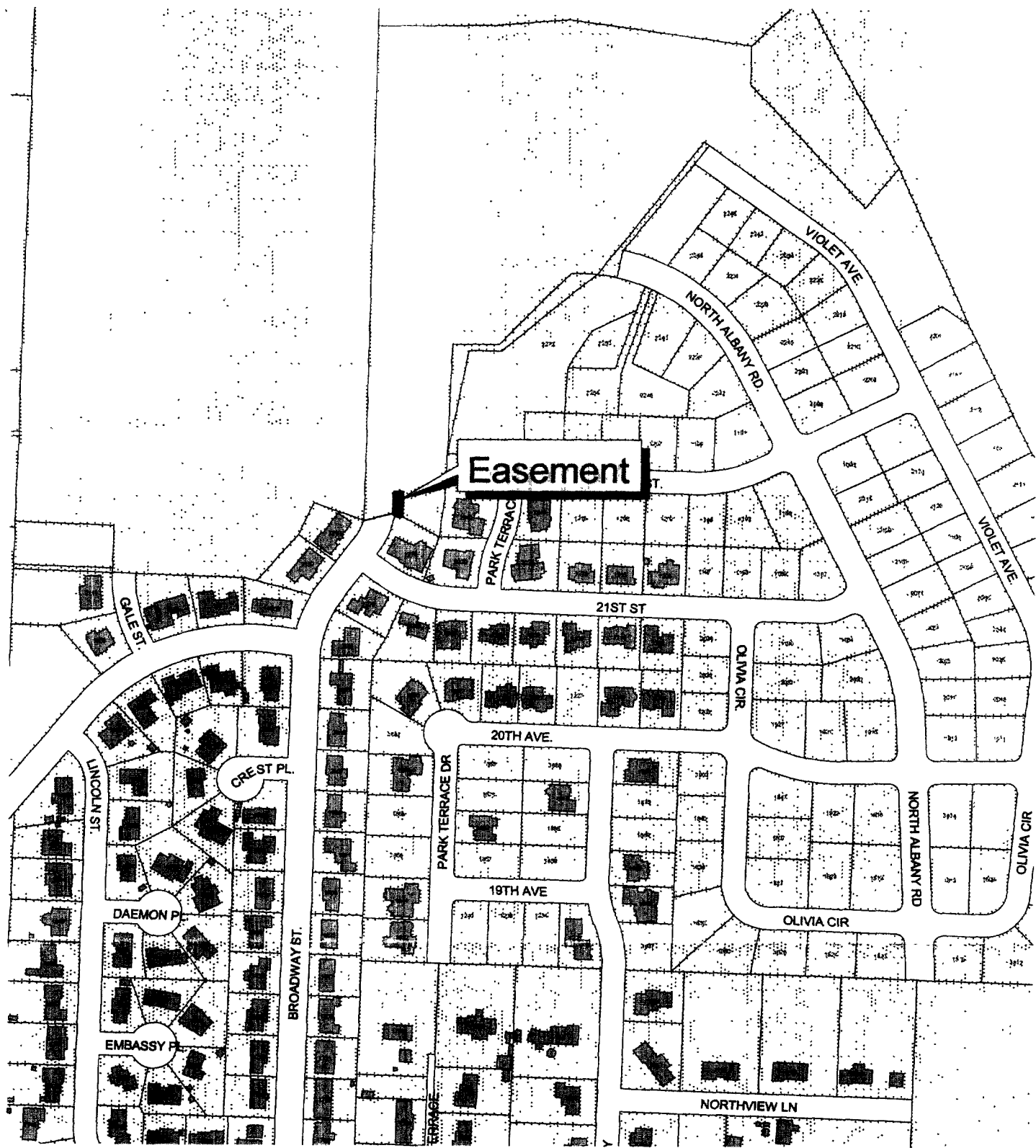


SCALE: 1"=60'

# Exhibit "B"



<b>COVEY RUN PHASE 3: LLA 26-02</b>		
<b>10' PUBLIC UTILITY EASEMENT TO BE DEDICATED</b>		
 <b>PREPARED BY:</b> <b>NORTH SANTIAM PAVING COMPANY</b> 41203 KINGSTON-LYONS DRIVE, P.O. BOX 516 STAYTON, OREGON 97383 503-769-3436		
<b>SCALE:</b> <b>HORIZ: 1"=60'</b> <b>VERT: NONE</b>	<b>DATE:</b> Jan 17, 2002 <b>REV.:</b>	<b>SHEET</b> 1 <b>OF</b> 1



# Vicinity Map



Public Works

gordons nil

Gordon Steffensmeier

Jan 27, 2003

0 300 Feet



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information to a readily available level. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and then its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



Resolution No. 4791

Recorded Document Recorder File No. 4205