

RESOLUTION NO. 5111

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor:

Target Corporation f/k/a Dayton Hudson Corporation

Purpose:

A new public water line easement for the relocated water line accommodating expansion of the Target store at the Heritage Mall.

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


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 13TH DAY OF APRIL 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17 day of March, 2005, by and between TARGET CORPORATION f/k/a DAYTON HUDSON CORPORATION, hereinafter 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, Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an Easement 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 Easement hereby granted consists of:

A permanent public water line easement across Lot 11 of the Heritage Mall subdivision, conveyed to Target Corporation f/k/a Dayton Hudson Corporation by deed recorded in Volume 486, Page 250, Linn County microfilm deed records, being more particularly described on the attached Exhibit A and shown on the attached map labeled Exhibit B.

2. The 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.
5. Upon performing any maintenance, the City shall return the Easement area to original or better condition.
6. No permanent structure shall be constructed upon the Easement area except that Grantor hereby reserves all other property rights in the Easement area including the right to use the surface of the Easement area for vehicular traffic, pedestrian traffic, landscaping, and parking so long as such uses do not interfere with the City's rights hereunder.
7. Grantor and City agree that no other utility lines will be placed along side the public water line within the Easement area, that all utilities existing within the Easement area as of the date herein shall remain as currently located and that Grantor reserves the right to locate other utilities which cross the public water line within the Easement Area..

Return to: City of Albany - Recorder
PO Box 496 Albany OR 97321

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

TARGET CORPORATION f/k/a
DAYTON HUDSON CORPORATION:

By: Rich Varda

Title: Rich Varda
Vice President
Target Corporation

STATE OF MINNESOTA)
County of Hennepin) ss.
City of Minneapolis)

The instrument was acknowledged before me this 17 day of March, 2005, by Rich Varda, (title) VP Target Corp, as a representative of Target Corporation f/k/a Dayton Hudson Corporation.

By: _____

Title: _____

STATE OF MINNESOTA)
County of Hennepin) ss.
City of Minneapolis)

The instrument was acknowledged before me this _____ day of _____, 2005, by _____, (title) _____, as a representative of Target Corporation f/k/a Dayton Hudson Corporation.



Tami Lynn Kurtzweil
Notary Public for _____
My Commission Expires: _____

Notary Public for _____
My Commission Expires: _____

CITY OF ALBANY:

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

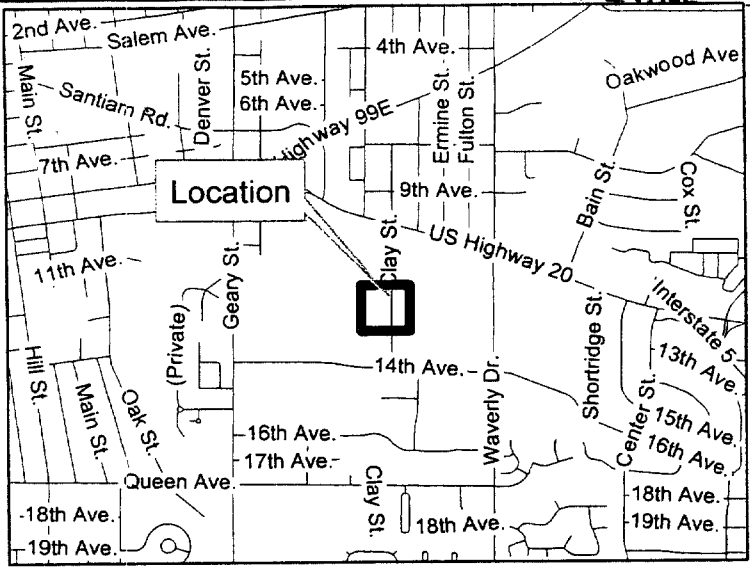
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5111 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof, this 13th day of April, 2005.

Steve Bryant
City Manager

ATTEST:

Betty Langwell
City Recorder

Vicinity Map



Target Corporation New Waterline Easement



Geographic Information Services

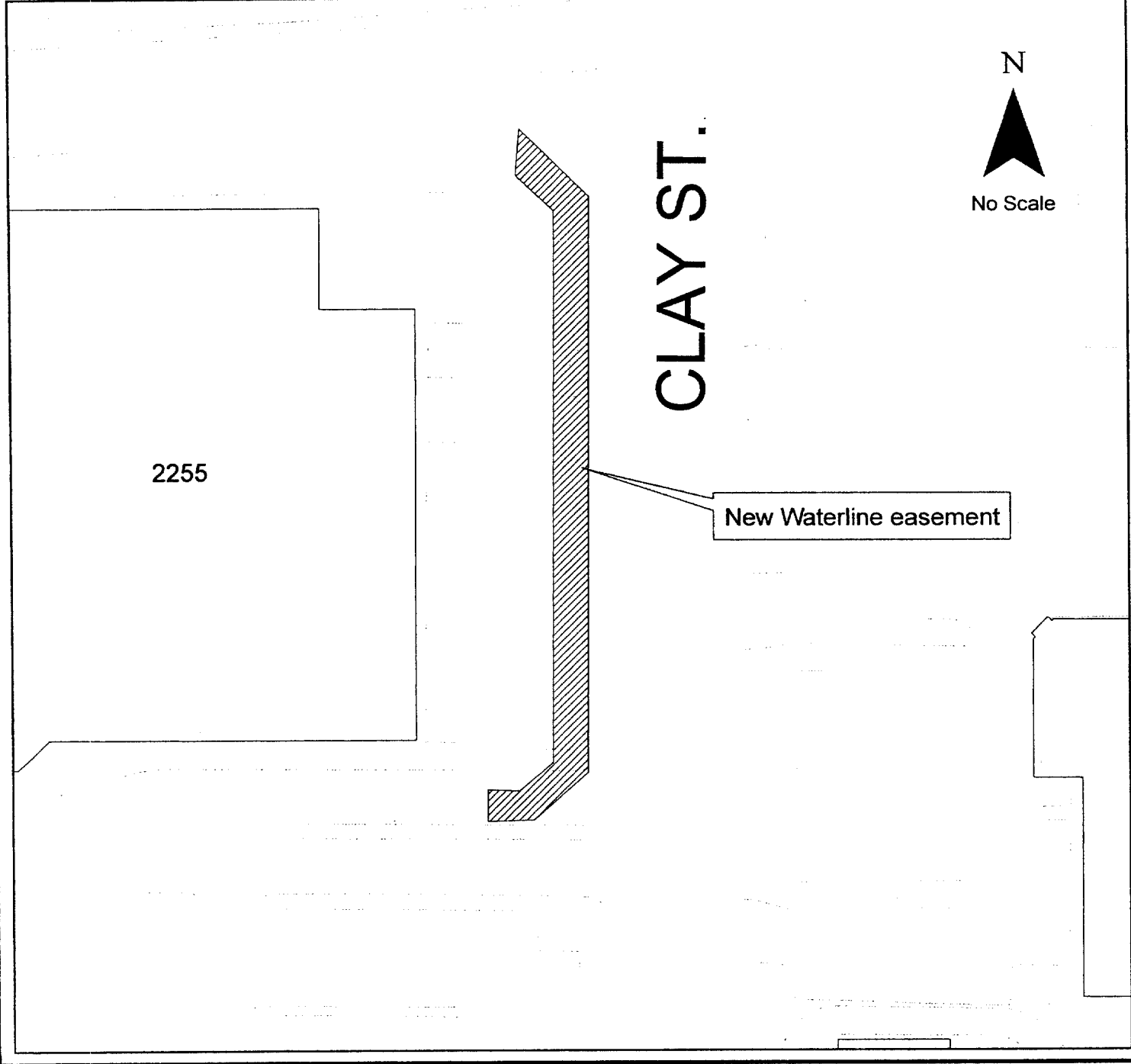


EXHIBIT A

Water Line Easement Area A:

That part of Lot 11 of the Heritage Mall subdivision, City of Albany, Linn County, Oregon, being described as follows; commencing at the southeast corner of said Lot 11 of the Heritage Mall; thence N 01°52'43" W 261.65 feet; thence S 88°19'10" W 30.13 feet to the point of beginning; thence S 88°19'10" W 23.04 feet; thence N 01°40'51" W 15.00 feet; thence N 88°20'27" E 16.77 feet; thence N 43°00'08" E 19.62 feet; thence N 01°52'43" W 251.04 feet; thence N 46°58'44" W 23.88 feet; thence N 01°40'48" W 21.10 feet; thence S 46°58'44" E 44.95 feet; thence S 01°52'43" E 263.46 feet; thence S 43°00'08" W 32.07 feet to the point of beginning and containing 5061.10 square feet or 0.1162 acres, more or less.

ALSO

Water Line Easement Area B:

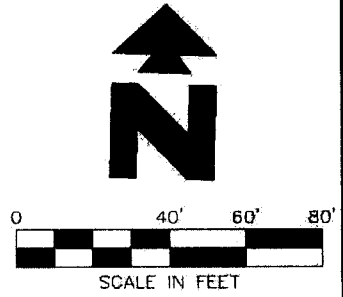
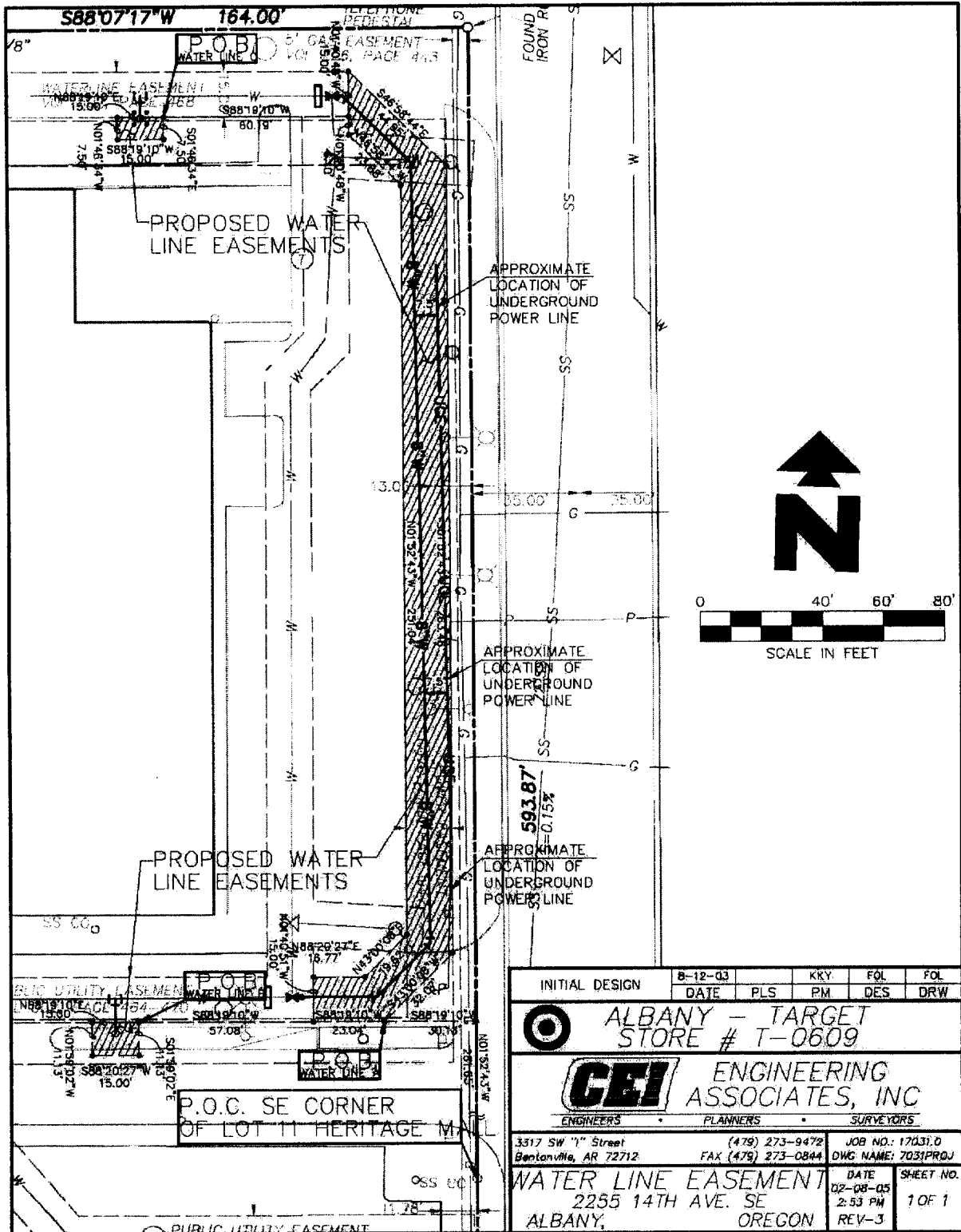
That part of Lot 11 of the Heritage Mall subdivision, City of Albany, Linn County, Oregon, being described as follows; commencing at the southeast corner of said Lot 11 of the Heritage Mall; thence N 01°52'43" W 261.65 feet; thence S 88°19'10" W 110.25 feet to the point of beginning; thence S 01°59'02" E 11.13 feet; thence S 88°20'27" W 15.00 feet; thence N 01°59'02" W 11.13 feet; thence N 88°19'10" E 15.00 feet to the point of beginning and containing 166.84 square feet or 0.0038 acres, more or less.

ALSO

Water Line Easement Area C:

That part of Lot 11 of the Heritage Mall subdivision, City of Albany, Linn County, Oregon, being described as follows; commencing at the southeast corner of said Lot 11 of the Heritage Mall; thence N 01°52'43" W 261.65 feet; thence S 88°19'10" W 53.17; thence N 01°40'51" W 15.00 feet; thence N 88°20'27" E 16.77 feet; thence N 43°00'08" E 19.62 feet; thence N 01°52'43" W 251.04 feet; thence N 46°58'44" W 23.88 feet; thence N 01°40'48" W 6.10 feet; thence S 88°19'10" W 60.19 feet; to the point of beginning; thence S 01°46'34" E 7.50 feet; thence S 88°19'10" W 15.00 feet; thence N 01°46'34" W 7.50 feet; thence N 88°19'10" E 15.00 feet to the point of beginning and containing 112.50 square feet or 0.0026 acres, more or less.

EXHIBIT B



INITIAL DESIGN	8-12-03	KRY.	FOL	FOL
DATE	PLS	PM	DES	DRW
ALBANY - TARGET STORE # T-0609				
ENGINEERING ASSOCIATES, INC ENGINEERS • PLANNERS • SURVEYORS				
3317 SW "1" Street Bentonville, AR 72712		(479) 273-9472 FAX (479) 273-0844	JOB NO.: 17031.0 DWG NAME: 7031PROJ	
WATER LINE EASEMENT			DATE	SHEET NO.
2255 14TH AVE. SE			02-08-05	1 OF 1
ALBANY, OREGON			2:53 PM	
			REV-3	

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

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By Deputy PAGE MF 1701 492

Resolution No. 5111

Recorded Document Recorder File 4535