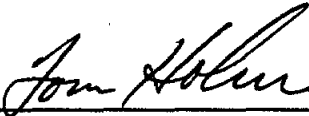


BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following deed and easements:

<u>Grantor</u>	<u>Purpose</u>
Albany General Hospital	1. Deed Dedication: Portions of property north and south of W. 5th Ave., and east of Umatilla St., for street and utility right-of-way purposes , to create a cul-de-sac at the end of 5th Ave. after the vacation of portions of Umatilla St. and W. 5th Ave.
Albany General Hospital	2. Easement: A forty-foot wide, and a 3-foot wide public utility easement over portions of Block 40, City of Albany, Linn County, Oregon.
Albany General Hospital	3. Easement: A forty-foot wide, a 7-foot wide, and two 3-foot wide public utility easements over portions of Block 40, City of Albany, Linn County, Oregon.

DATED this 13th day of January , 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that ALBANY GENERAL HOSPITAL, an Oregon corporation, hereinafter referred to as the Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows, and as shown on the attached map labeled, "Exhibit 'A':

**NORTHERLY PARCEL**

A PORTION OF THAT PARCEL RECORDED IN VOLUME 308, PAGE 573, LINN COUNTY DEED RECORDS, MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at a point on a line parallel to and 66.00 feet northerly from the North line of Block 40, City of Albany, Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, said beginning point being the intersection of said parallel line and a 43.00 foot radius curve. The center of said 43.00 foot radius curve is on a line parallel to the North line of said Block 40 and 312.71 feet westerly along this second parallel line from a point on the northeasterly extension of the East line of said Block 40, said point being 33.00 feet northerly from the Northeast corner of said Block 40. The beginning point is 43.00 feet from said center point of curve and at a deflection angle of  $50^{\circ} 07' 29''$  right from the aforementioned line described as being 33.00 feet northerly from and parallel to the North line of said Block 40; running thence along the arc of the 43.00 foot radius curve to the right an arc distance of 51.94 feet (central angle =  $69^{\circ} 12' 27''$ ) to a 5/8 inch iron rod; thence along a 35.00 foot radius curve to the left an arc distance of 17.92 feet (central angle =  $29^{\circ} 19' 56''$ ) to a 5/8 inch iron rod located on that line described as being 66.00 feet northerly from and parallel to the North line of said Block 40; thence along said parallel line a distance of 65.78 feet to the Point of Beginning. Parcel of land contains 0.009 acres, more or less.

**SOUTHERLY PARCEL**

A PORTION OF THAT PARCEL RECORDED IN VOLUME 186, PAGE 891, LINN COUNTY DEED RECORDS, MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at a point on the North line of Block 40, City of Albany, Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, said beginning point being the intersection of the North line of said Block 40 and a 43.00 foot radius curve. The center of said 43.00 foot radius curve is on a line parallel to the North line of said Block 40 and 312.71 feet westerly along said parallel line from a point on the northerly extension of the East line of said Block 40, said point being 33.00 feet northerly from the Northeast corner of said Block 40. The beginning point is 43.00 feet from said center point of curve and at a deflection angle of  $50^{\circ} 07' 29''$  left from the aforementioned line described as being 33.00 feet northerly from and parallel to the North line of said Block 40; running thence along the arc of the 43.00 foot radius curve to the left an arc distance of 51.94 feet (central angle =  $69^{\circ} 12' 27''$ ) to a PK nail in the concrete parking lot; thence along a 35.00 foot radius curve to the right an arc distance of 17.92 feet (central angle =  $29^{\circ} 19' 56''$ ) to a 5/8 inch iron

rod located on the North line of said Block 40 at a distance of 274.50 feet westerly from the Northeast corner of said Block 40; thence along the North line of said Block 40 a distance of 65.78 feet to the Point of Beginning. Parcel of land contains 0.009 acres, more or less.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements of record, and will warrant and defend the same against all persons who may lawfully claim the same.

True, actual, and total compensation to be paid by the City to the Grantors, in exchange for the dedication of street and utility right-of-way herein described and granted is: The approval of VC-01-86, Vacation of Portions of 5th and Umatilla Streets.

IN WITNESS WHEREOF, the Grantor has hereunto affixed his/her/their signature this 7<sup>th</sup> day of January, 1988

Albany General Hospital

By: Richard J. DeLano  
Richard J. DeLano, President and CEO

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

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

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, 1988, by Richard J. DeLano, representing the Hospital Facility Authority and Albany General Hospital, an Oregon corporation, as President and CEO, on behalf of the corporation.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2747 hereby accept on behalf of the City of Albany, t<sup>h</sup> above easement pursuant to the terms thereof this 14<sup>th</sup> day of January, 1988.



Danny A. Jones  
Notary Public for Oregon  
My Commission Expires: 4/22/91

CITY OF ALBANY, OREGON  
William B. Barrons  
City Manager

W. B. Barrons  
City Recorder

- MH ○ - MANHOLE
- - FOUND MONUMENT OF RECORD
- - SET 3/8" IRON ROD, LENGTH AS NOTED, W/ PLASTIC CAP STAMPED: "K:D ENGR. L.S. 1236"

PARENTHESES INDICATE RECORD INFORMATION

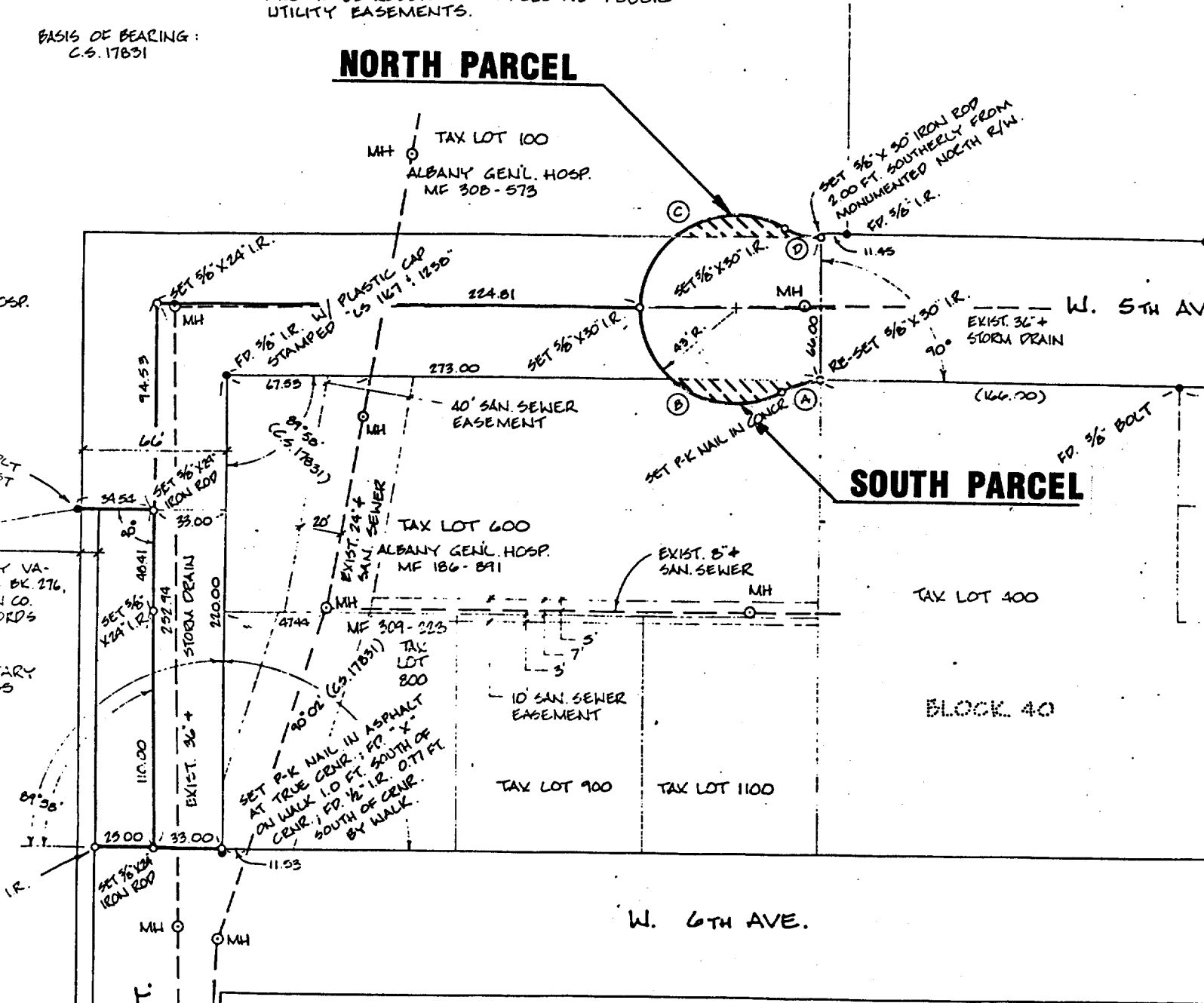
NOTE: THE ENTIRE VACATED RIGHTS OF WAY ARE TO BE RESERVED IN FULL AS PUBLIC UTILITY EASEMENTS.

THE PURPOSE OF THIS IS UMATILLA ST., TO CREATE UTILITY EASEMENTS WITH THE LINES OF BLOCK 40 AT RECORD 66 FT. SINCE PRETATIONS. THE CUL-DE-SAC DESCRIBED IN LINN CO. MAP AS PER CITY OF ALBANY NP-250 EDM, 200' STEEL

BASIS OF BEARING: C.S. 17831

**NORTH PARCEL**

**SOUTH PARCEL**



CURVE DATA

	(A)	(B)	(C)	(D)
CENTRAL ANGLE	29°19'56"	69°12'27"	67°12'27"	29°19'56"
RADIUS	35.00	43.00	43.00	35.00
ARC LENGTH	17.92	51.94	51.94	17.92
TANGENT	9.16	29.67	29.67	9.16
CHORD BEARING	N.A.	N.A.	N.A.	N.A.
CHORD LENGTH	17.72	48.84	48.84	17.72

**EXHIBIT 'A'**

12/30/87

ENTERED JAN 29 1988

STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records:

Volume: MF 463 Page: 544

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER  
Linn County Clerk

By *[Signature]*, Deputy

*City of Albany*

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7<sup>th</sup> day of January, 1987 by and between ALBANY GENERAL HOSPITAL, an Oregon corporation, 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, 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 consist of: PORTIONS OF BLOCK 40 IN THE CITY OF ALBANY, SECTION 12, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, MORE FULLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED "EXHIBIT 'A'":

TAX LOT 800. AS RECORDED IN LINN COUNTY DEED RECORDS VOLUME 309. PAGE 223

A 40 foot wide strip of land of even width lying between the South line of Block 40, City of Albany, Linn County, Oregon, and a line 110 feet southerly from and parallel to the North line of said Block 40, said strip also being bounded on the West by the West line of said Block 40, said strip being centered on a line which is described as follows: beginning at a point which is on a line parallel to and 110.00 feet south of the North line of Block 40, said point being 47.44 feet Easterly from the West line of said Block 40; running thence in a Southerly direction to a point on the South line of said Block 40 and 11.53 feet Easterly from the Southwest corner of said Block 40.

ALSO: A 3-foot wide strip of land lying parallel, adjacent, and south of the north property line; and lying between the East boundary and a point 67.77 feet easterly from the West boundary (said West boundary being also the West boundary of Block 40, City of Albany, Linn County, Oregon) of the following described parcel:

Beginning at the Southwest corner of Block 40, City of Albany, Linn County, Oregon, running thence in an Easterly direction along the South line of said block a distance of 108 feet; running thence Northerly and parallel with the Western boundary line of said block a distance of 110 feet; thence Westerly and parallel with the South boundary line of said

block a distance of 108 feet to the West line of said Block; thence Southerly along the West line of said block to the point of beginning.

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 true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
  - a. The approval of VC-01-86, Vacation of Portions of 5th and Umatilla Streets.
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. The Grantors and the City acknowledge that, as of the date of Grantor signature on this easement document, a structure exists on the public utilities easement described herein. The existing structure is located on the public utility easement as shown on the attached EXHIBIT A. Neither additional permanent structures nor additions to the existing structure may be constructed on the public utilities easement. If the existing structure is removed from its location shown in EXHIBIT A, no permanent structure may be reconstructed in its place.
7. When, in the City's opinion, it is necessary to reconstruct those public utilities that are located in that portion of the easement described herein that is under the existing structure shown in EXHIBIT A, the City shall notify the property owner in writing of the need for the major reconstruction and the time which will be allowed for said reconstruction. Major reconstruction shall mean replacement or realignment of any or all of the public utilities on the grantor's property that are located in that portion of the easement described herein that is under the existing structure shown in EXHIBIT A. Routine maintenance such as cleaning, root removal, and grouting of the public utilities is not intended to be included as part of major reconstruction and such activities shall continue to be performed by the City. Upon receipt of notification, and within the time allowed, the property owner shall, at his own expense, accomplish such reconstruction as the City has deemed necessary. If, in the opinion of the City, work is not begun in a timely manner or a situation exists which requires immediate reconstruction, the City may, using its own work force or a contractor hired by the City, reconstruct portions or all of the public utilities. The costs for such reconstruction, including labor, materials, equipment costs, and administrative costs, shall be a debt due the City and a lien upon the property and may be recovered by civil action in the name of the City

against the property owner. The property owner, at the property owner's cost shall enter, defend, and indemnify the City and its employees, and hold them harmless from and against all claims of liability of any type to any person, arising out of or in connection with reconstruction of existing public utilities.

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

Albany General Hospital

By Richard J. DeLano  
Richard J. DeLano, President and CEO

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

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

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, 1988, by Richard J. DeLano, representing the Hospital Facility Authority and Albany General Hospital, an Oregon corporation, as President and CEO, on behalf of the corporation.

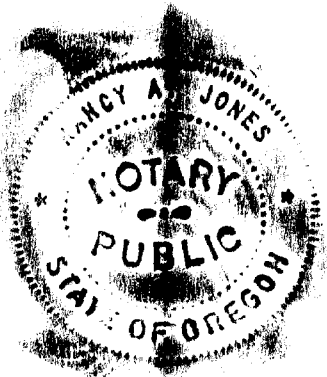
I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2747 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 14<sup>th</sup> day of January, 1988.

CITY OF ALBANY, OREGON

William Barrons  
City Manager

Dancy A. Jones  
Notary Public for Oregon  
My Commission Expires: 4/22/91

[Signature]  
City Recorder



UMATILLA ST.

BLOCK 40  
CITY OF ALBANY

3' SAN. SEWER  
EASEMENT

EXIST. 8" S.S.

EXIST. 24" S.S.

67.77'

47.44'

M.H.

P/L

40' SAN. SEWER  
EASEMENT

T.L. 800

EXIST. BLDG.  
(35' x 109')

110'

16.5'

P/L

11.53'

108'

6TH AVE.

M.H.

EXHIBIT 'A'

12/30/87

CITY OF ALBANY  
ENGINEERING/UTILITIES DIVISION  
SCALE: 1" = 30'

ENTERED JAN 29 1988

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER  
Linn County Clerk

STATE OF OREGON  
County of Linn

I hereby certify that the attached was  
received and duly recorded by me in  
Linn County records:

Volume: MF 463 Page: 536

By *[Signature]*, Deputy

*City of Albany*

20°



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of January, 1987 by and between ALBANY GENERAL HOSPITAL, an Oregon corporation, 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, 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 consist of: PORTIONS OF BLOCK 40 IN THE CITY OF ALBANY, SECTION 12, TOWNSHIP 11 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, MORE FULLY DESCRIBED AS FOLLOWS AND AS SHOWN ON THE ATTACHED MAP LABELED "EXHIBIT 'A'":

**TAX LOT 600. AS RECORDED IN LINN COUNTY DEED RECORDS VOLUME 186. PAGE 891**

A 40 foot wide strip of land of even width lying between north line of Block 40, City of Albany, Linn County, Oregon, and a line 110 feet southerly from and parallel to said North line, said strip being centered on a line which is described as follows: beginning at a point on the North line of Block 40, City of Albany, Linn County, Oregon, and 67.53 feet Easterly from the Northwest corner of said Block 40; running thence in a Southerly direction to a point on a line parallel to and 110.00 feet South of the North line of said Block 40, said point being 47.44 feet Easterly from the West line of said Block 40.

ALSO: A 7-foot wide strip of land lying parallel, adjacent, and north of the south property line; and lying between the East boundary and a point 67.77 feet easterly from the West boundary (said West boundary being also the West boundary of Block 40, City of Albany, Linn County, Oregon) of the following described parcel:

Beginning at the Northwest corner of Block 40 in the City of Albany, Linn County, Oregon; thence Easterly on the North boundary of said Block, 273 feet; thence Southerly parallel with the West boundary of said Block, 110 feet to the centerline of said Block; thence Westerly parallel with the North boundary of said Block, 273 feet to the West boundary of said Block; thence Northerly along the West boundary of said Block, 110 feet to the place of beginning.

TAX LOT 900. AS RECORDED IN LINN COUNTY DEED RECORDS VOLUME 235. PAGE 452.  
PARCEL V

The most northerly 3 feet of the following described parcel:

Part of Block 40, City of Albany, Linn County, Oregon, more particularly described as: Beginning at a point on the South line of Block 40, City of Albany, which is 108 feet east from the Southwest corner of said Block 40; thence North parallel with the West line of the said Block 40, 110 feet; thence East parallel with the South line of the said Block 40, 85 feet; thence South parallel with the West line of the said Block 40, 110 feet to the South line thereof; thence West along the said South line of the said Block 40, 85 feet to the place of beginning.

TAX LOT 1100. AS RECORDED IN LINN COUNTY DEED RECORDS VOLUME 235. PAGE 452.  
PARCEL VI

The most northerly 3 feet of the following described parcel:

The East 80 feet of the West 273 feet of the South half of Block 40, City of Albany, County of Linn, State of 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 true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
  - a. The approval of VC-01-86. Vacation of Portions of 5th and Umatilla Streets.
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.

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

Albany General Hospital

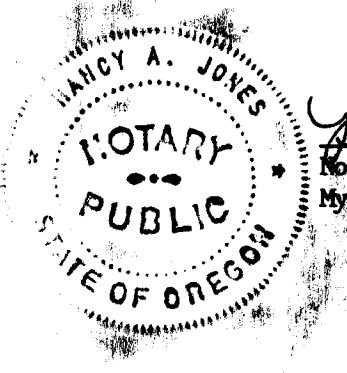
By: Richard J. DeLano  
Richard J. DeLano, President and CEO

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

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

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, 1988, by Richard J. DeLano, representing the Hospital Facility Authority and Albany General Hospital, an Oregon corporation, as President and CEO, on behalf of the corporation.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2771 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 14<sup>th</sup> day of January, 1988.



Nancy A. Jones  
Notary Public for Oregon  
My Commission Expires: 4/22/91

CITY OF ALBANY, OREGON  
William B. Barrons  
City Manager

W. J. Colclough  
City Recorder

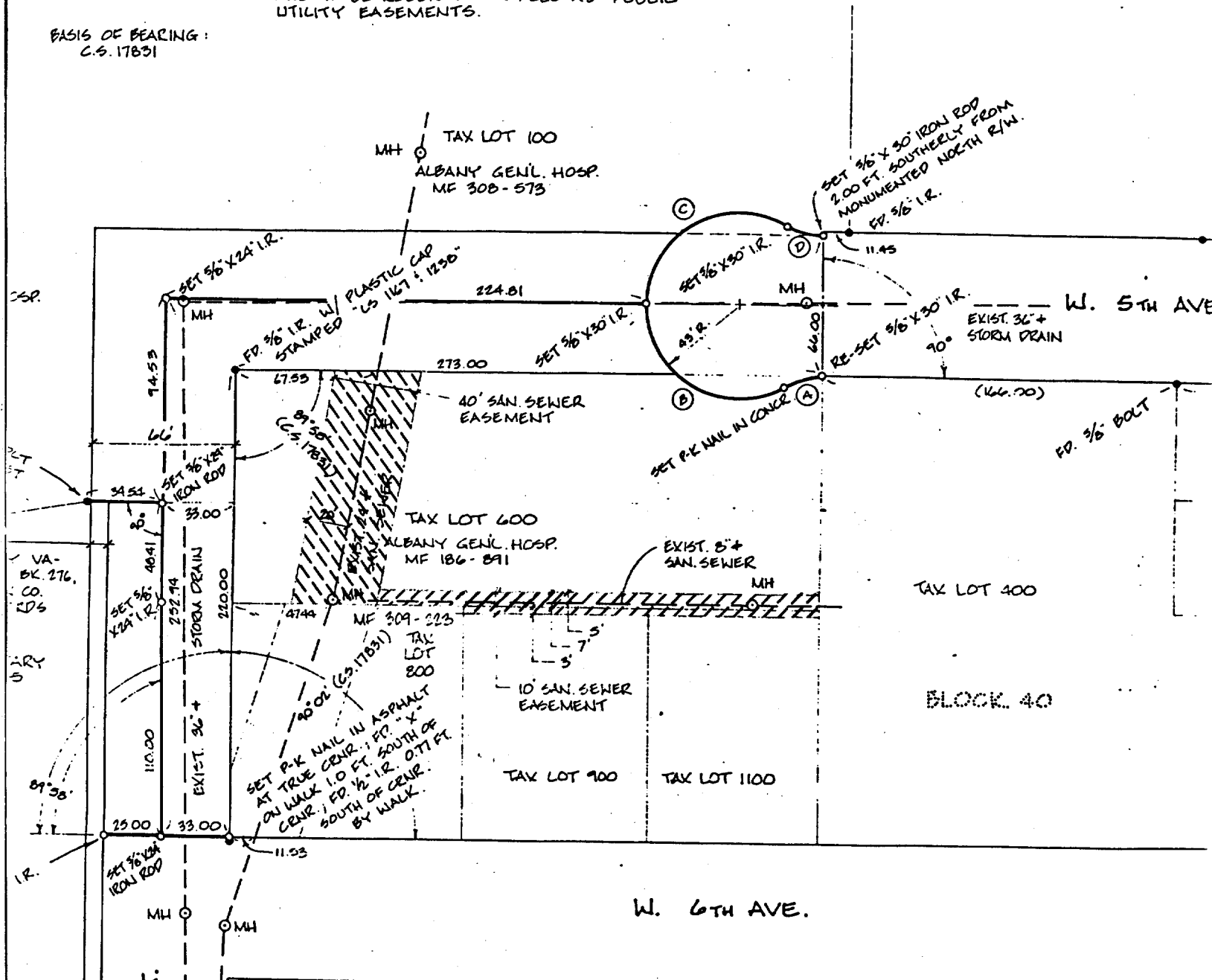
- MH ○ - MANHOLE
- - FOUND MONUMENT OF RECORD
- - SET 3/8" IRON ROD, LENGTH AS NOTED, W/ PLASTIC CAP STAMPED: "K & D ENGR. L.S. 123B"

PARENTHESES INDICATE RECORD INFORMATION

NOTE: THE ENTIRE VACATED RIGHTS OF WAY ARE TO BE RESERVED IN FULL AS PUBLIC UTILITY EASEMENTS.

THE PURPOSE OF THIS UMATILLA ST., TO CREATE UTILITY EASEMENTS WITH THE LINES OF BLOCK 40 AT RECORD 66 FT. SINCE PRETATIONS. THE CUL. DE DESCRIBED IN LINN CO. MAP AS PER CITY OF ALBANY NP-250 EDM, 200' STEEL

BASIS OF BEARING: C.S. 17831



CURVE DATA

	(A)	(B)	(C)	(D)
CENTRAL ANGLE	29° 19' 56"	69° 12' 27"	69° 12' 27"	29° 19' 56"
RADIUS	35.00	43.00	43.00	35.00
ARC LENGTH	17.92	51.74	51.74	17.92
TANGENT	9.16	29.67	29.67	9.16
CHORD BEARING	N.A.	N.A.	N.A.	N.A.
CHORD LENGTH	17.72	48.84	48.84	17.72

EXHIBIT 'A'

12/30/87

ENTERED JAN 29 1988

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER  
Linn County Clerk

STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records:

By  Deputy  
City of Albany

Resolution No. 2747

Recorded Document Recorder File No. 0694