

RESOLUTION NO. 3361

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

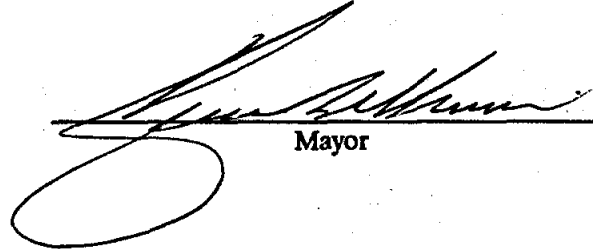
Grantor

Northwest Intermountain Development Co.

Purpose

a permanent public utility easement centered over a sanitary sewer line constructed to serve Riverview Heights First Addition (SI-92-8)

DATED this 25 day of May, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



M187448-94

Type of Document: EASEMENT for Public Utilities

Grantor: Northwest Intermountain Development Co., M-88769-77  
per Benton County Circuit Court No. CV 92-1266 Judgment Order  
(copy from Benton County attached)

Grantee: City of Albany, Oregon

Consideration: \$100.00

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

FILED

MAY 14 1993

BENTON COUNTY COURTS

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF BENTON

1 City of Albany, a municipal )  
 2 corporation, )  
 3 ) Case No. CV 92-<sup>1266</sup>0314  
 4 Plaintiff, ) **JUDGMENT ORDER**  
 5 )  
 6 v. )  
 7 Northwest Intermountain Development Co., )  
 8 a dissolved Oregon corporation; )  
 9 Boise Pacific Corporation, successor )  
 10 corporation to North Albany Land Co.; )  
 11 James E. Schram; Charles K. McCormack; )  
 12 William F. Gwinn; Frank T. Glasser; )  
 13 Jean B. Disher; Jean B. Disher, Trustee; )  
 14 Delta Land Co., an Oregon corporation; )  
 15 Clyde Rushing; and Atwood, Inc., )  
 16 Defendants. )

13 This matter comes before the Court upon the Complaint of  
 14 plaintiff, seeking condemnation of an easement across property,  
 15 the title to which is held by Northest Intermountain  
 16 Development Co. Based upon the documents contained within the  
 17 Court's file, the Court hereby finds as follows:

18 1. Summons and Complaint in the above referenced matter  
 19 were duly served on each of the defendants herein.

20 2. None of the defendants have answered and the time  
 21 therefore has expired.

22 3. The default of each of the defendants has been duly  
 23 ordered by the Court.

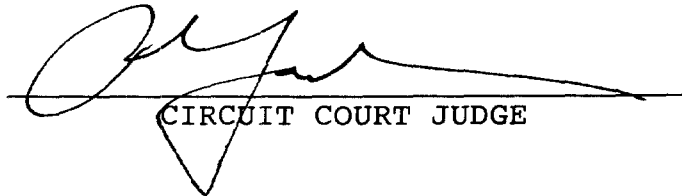
24 4. The plaintiff is entitled to a judgment of  
 25 condemnation as sought in its complaint.

26 NOW, THEREFORE, plaintiff is hereby awarded judgment as  
 follows:

LONG, DELAPOER, HEALY & McCANN, P.C.  
 ATTORNEYS AT LAW  
 425 SECOND AVENUE, SW, SUITE 201 • P.O. BOX 40  
 ALBANY, OREGON 97321-0014  
 TELEPHONE (503) 926-5504  
 FAX (503) 926-7167

1. Plaintiff is hereby granted the permanent utility easement and temporary construction easement described in Exhibit "1" attached hereto and by this reference incorporated herein.
2. The real property which is burdened by the foregoing easements is described in Exhibit "2" attached hereto and by this reference incorporated herein.
3. The fair value of the permanent utility easement and temporary construction easement granted hereby together with the damages to the real property burdened by said easements is the sum of \$100.00.
4. The person entitled to compensation for the permanent utility easement and temporary construction easement is Northwest Intermountain Development Co., a dissolved Oregon corporation, and the plaintiff is directed to pay the aforesaid sum of \$100.00 to Northwest Intermountain Development Co.
5. The Clerk of the Court is directed to return to the plaintiff the funds, in the sum of \$100.00 which were previously deposited with the Court in this proceeding to secure an Order for Immediate Possession, in order that they may be paid to Northwest Intermountain Development Co.

DATED this 13 day of May, 1993.

  
CIRCUIT COURT JUDGE

Submitted by:  
James V. B. Delapoer, OSB #76117  
Albany, Oregon  
of Attorneys for Plaintiff

EXHIBIT "1"

- I. The legal description of the easement sought to be obtained is as follows:

Permanent Utility Easement

A portion of land from that parcel of land described in M-88769 Benton County Deed Records, located in Section 36, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon, which is more particularly described as follows:

A 15-foot wide strip of land, 7.50 feet on either side of the following described centerline:

Beginning at the Northwest corner of Lot 5, Block 13, First Addition to Riverview Heights Subdivision as recorded in Plat Book 8, Page 62, Benton County Records Office; thence North 00°04'00" West 140.00 feet to the center of an existing sanitary sewer manhole and there terminating.

Containing 2,100 square feet of land, more or less.

Temporary Construction Easement

A portion of land from that Parcel of land described in M-88769 Benton County Deed Records, located in Section 36, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon, which is more particularly described as follows:

A 50-foot wide strip of land, 25-feet on either side of the following described centerline:

Beginning at the Northwest corner of Lot 5, Block 13, First Addition to Riverview Heights Subdivision as recorded in Plat Book 8, Page 62, Benton County Records Office; thence North 00°04'00" West 140.00 feet to the center of an existing sanitary sewer manhole and there terminating.

Containing 7,000 square feet of land, more or less.

Property Description

The legal description of the parcel proposed to be burdened by the subject easement, is as follows:

EXHIBIT "2"

Beginning at a 5/8 inch iron rod at the Southeast corner of Lot 8, Block 11, of the FIRST ADDITION TO RIVERVIEW HEIGHTS SUBDIVISION in Township 10 South, Range 4 West, Section 36, Willamette Meridian, Benton County, Oregon; thence North 0°04'00" West 275 feet; thence South 89°56'00" West 270 feet; thence North 0°04'00" West 281.50 feet; thence South 89°56'00" West 84.45 feet; thence South 0°04'00" East 97.91 feet; thence South 89°56'00" West 163 feet; thence South 0°04'00" East 94.00 feet; thence South 06°27'01" West 90.18 feet; thence North 62°53'16" West 108.01 feet; thence South 74°11'42" West 67.81 feet; thence North 1313 feet more or less to a 3/4 inch iron rod which is 222.35 feet South 0°08'51" East of the Reentrant Corner West line of Adkins Donation Land Claim No. 43; thence North 87°45'15" East 252.60 feet; thence North 83°06'30" East 153.60 feet; thence South 83°49'54" East 391.04 feet; thence North 44°38'30" East 156.00 feet; thence South 30°07' East 423.26 feet; thence South 25°38'30" East 377.52 feet; thence South 27°59'28" East 309.42 feet; thence South 43°01' East 280.61 feet; thence South 3°29' West 990 feet more or less to a 3/4 inch iron pipe; thence West 844.00 feet, more or less; thence North 660 feet to the point of beginning.

EXCEPTING THEREFROM: Commencing at a 1/2" iron pipe set at the interior corner of the West line of the Gallatin Adkins Donation Land Claim #43; thence South 0°08'51" East 222.35 feet; thence North 87°45'15" East 252.60 feet; thence North 83°06'10" East 153.60 feet; thence South 83°49'54" East 391.04 feet to the point of beginning, said point marked by a 5/8" iron rod with aluminum cap as shown on county survey No. 4487 on file at the Benton County Surveyor's Office, said point being also a point on the Southerly line of Parcel IV of that property conveyed to Young & Morgan Timber Company by deed M-90352 of Benton County Deed Records; thence South 0°43'51" East 84.02 feet; thence South 44°15'39" East 363.51 feet; thence North 37°06'50" East 111.72 feet to a 5/8" iron rod with aluminum cap as shown on said survey, said point being a point on said Southerly line; thence North 30°07'00" West, along said Southerly line 423.26 feet to a 5/8" iron rod with aluminum cap as shown on said survey, thence South 44°45'34" West, along said Southerly line 156.02 feet to the point of beginning.

NOTE: The original "Exhibit 2" is illegible. I have typed what I believe is a copy of said "Exhibit 2" FOR RECORDING PURPOSES ONLY. Any scrivener errors contained herein are merely that. It is not my intent to alter the original legal description. My comments are within brackets []. J. Kovalik, Engin. Tech II, City of Albany, Oregon. *7/18/94*

EXHIBIT "2"

Beginning at a 5/8 inch iron rod at the Southeast corner of Lot 8, Block 11, of the FIRST ADDITION TO RIVERVIEW HEIGHTS SUBDIVISION in Township 10 South, Range 4 West, Section 36, Willamette Meridian, Benton County, Oregon; thence North 0° 04' 00" West 275 feet; thence South 89° 56' 00" West 270 feet; thence North 0° 04' 00" West 281.50 feet; thence South 89° 56' 00" West 84.45 feet; thence South 0° 04' 00" East 97.91 feet; thence South 89° 56' 00" West 163 feet; thence South 0° 04' 00" East 94.00 feet; thence South 06° 27' 01" West 90.18 feet; thence North 62° 53' 16" West 108.01 feet; thence South 74° 11' 42" West 67.81 feet; thence North 1313 feet more or less to a 3/4 inch iron rod which is 222.35 feet South 0° 08' 51" East of the Reentrant Corner West Line of Adkins Donation Land Claim No. 43; thence North 87° 45' 15" East 252.60 feet; thence North 83° 06' 30" East 153.60 feet; thence South 83° 49' 54" East 391.04 feet; thence North 44° 38' 30" East 156.00 feet; thence South 30° 07' East 423.26 feet; thence South 25° 38' 30" East 377.52 feet; thence South 27° 59' 28" East 309.42 feet; thence South 43° 01' East 280.61 feet; thence South 3° 29' West 990 feet more or less to a 3/4 inch iron pipe; thence West 844.00 feet, more or less; thence North 660 feet to the point of beginning. [Assessor Map 10-4-36, Tax Lots #400 and #402, 9/7/90 rev.]

EXCEPTING THEREFROM: Commencing at a 1/2" iron pipe set at the interior corner of the West line of the Gallatin Adkins Donation Land Claim #43; thence South 0° 08' 51" East 222.35 feet; thence North 87° 45' 15" East 252.60 feet; thence North 83° 06' 30" East 153.60 feet; thence South 83° 49' 54" East 391.04 feet to the point of beginning, said point marked by a 5/8" iron rod with aluminum cap as shown on county survey No. 4487 on file at the Benton County Surveyor's Office, said point being also a point on the Southerly line of Parcel IV of that property conveyed to Young & Morgan Timber Company by deed M-90352 of Benton County Deed Records; thence South 0° 43' 51" East 84.02 feet; thence South 44° 15' 39" East 363.51 feet; thence North 37° 06' 50" East 111.72 feet to a 5/8" iron rod with aluminum cap as shown on said survey, said point being a point on said Southerly line; thence North 30° 07' 00" West, along said Southerly line 423.26 feet to a 5/8" iron rod with aluminum cap as shown on said survey, thence South 44° 45' 34" West, along said Southerly line 156.02 feet to the point of beginning. [Assessor Map 10-4-36, Tax Lot #402, 9/7/90 rev.]

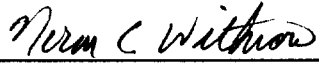
CITY OF ALBANY:

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 3361 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of June, 1994.

  
\_\_\_\_\_  
City Manager

ATTEST:

  
\_\_\_\_\_  
City Recorder - Deputy

STATE OF OREGON } ss. **177250**  
County of Benton }


I hereby certify that the within instrument was received for record.

'94 JUL 22 PM 1 15

AND ASSIGNED No **187448** 1994

In the microfilm records of said county Witness My Hand and Seal of County Affixed

DANIEL G. BURK  
Director of Records & Elections

45- By  Deputy



Resolution No. 3361

Recorded Document Recorder File No. 2475