

RESOLUTION NO. 4743

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Costco Wholesale, Corporation

Purpose

A permanent public utility easement for storm as described in attached EXHIBIT A and shown on 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 THIS 14TH DAY OF AUGUST 2002.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of July, 2002, by and between Costco Wholesale, Inc., hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City." *CORPORATION*

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, 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:

A permanent public utility easement for Storm as shown on attached EXHIBIT B and described in attached EXHIBIT A.

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 on this easement.

*Return to: City of Albany Recorder  
PO Box 498  
Albany, OR 97321*

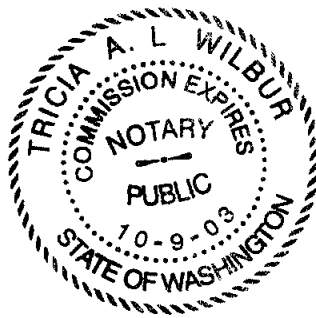
IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR: Costco Wholesale, ~~Inc.~~ CORPORATION

STATE OF ~~OREGON~~ Washington  
County of ~~Linn~~ King ) ss.  
City of ~~Albany~~ Issaquah

*[Signature]*  
Richard J. Olin, Vice President  
Assistant Secretary

The foregoing instrument was acknowledged before me this 15 day of July 2002, by Richard J. Olin, as Vice President/Assistant Secretary of Costco Wholesale, Inc. CORPORATION



*[Signature]*  
Notary Public for Oregon Washington  
My Commission Expires: 10-9-03

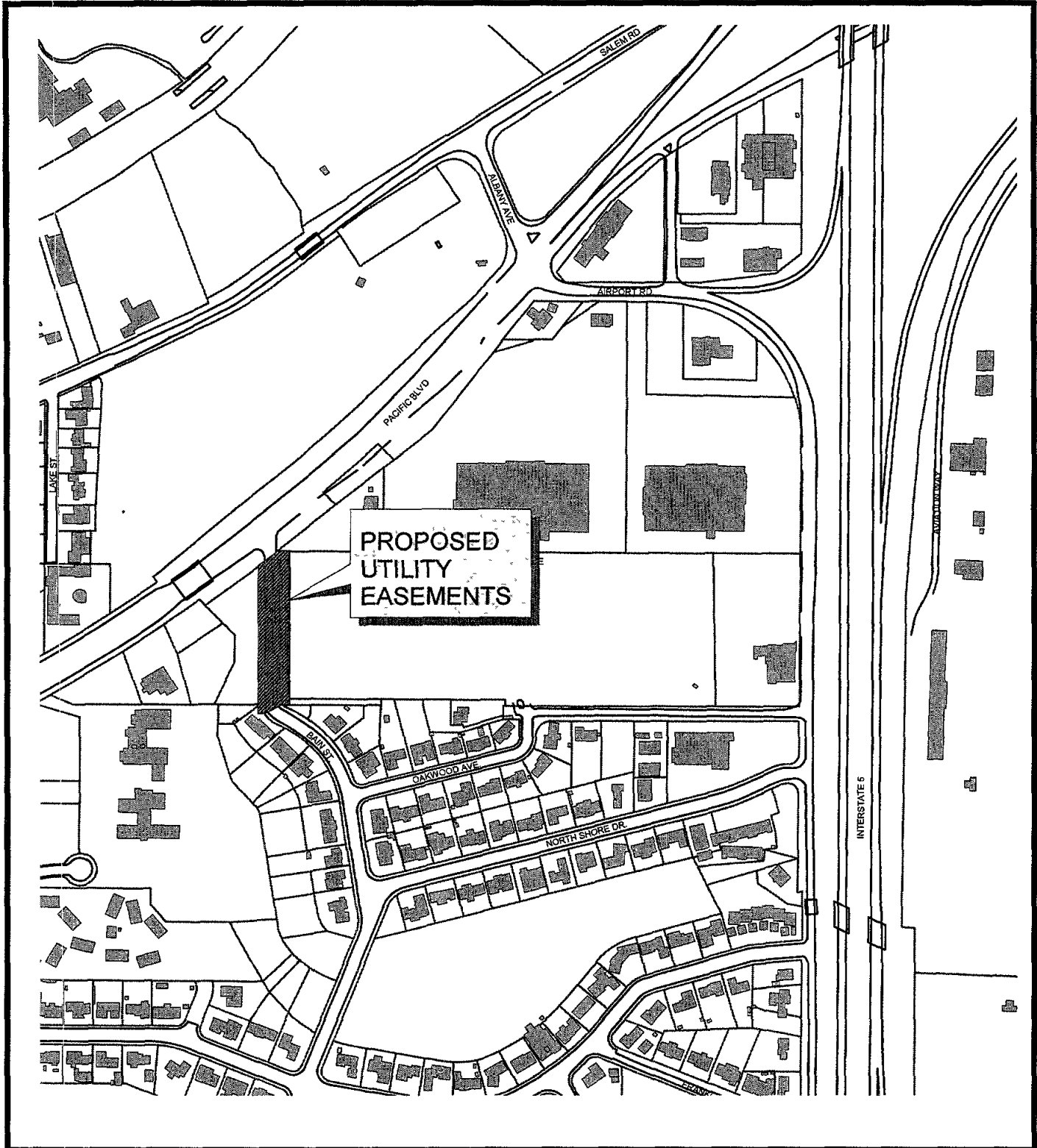
CITY OF ALBANY:

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 4743, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of August 2002.

ATTEST

*[Signature]*  
City Manager  
*[Signature]*  
City Recorder



# VICINITY MAP



COSTCO WHOLESALE CORPORATION  
SI-00-22

Dedication Deed

Gordon Steffensmeier

Engineering

angies J VAV\_PROJ\SITE\_MAP APR

July 23, 2002



## EXHIBIT "A"

COSTCO  
ALBANY, OREGON  
**PUBLIC UTILITY EASEMENT**  
JOB NO COS1400  
MAY 15, 2002  
SHEET 1 OF 3

LEGAL DESCRIPTION:

A VARIABLE WIDTH STRIP OF LAND BEING A PORTION OF THE VACATED BAIN STREET AS DESCRIBED IN DEED VOLUME BOOK 1210, PAGE 178, ALSO BEING A PORTION OF THAT TRACT DESCRIBED IN VOLUME 1149, PAGE 835, ALSO BEING A PORTION OF THAT TRACT DESCRIBED IN VOLUME 1102, PAGE 777, LINN COUNTY DEED RECORDS AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND LOCATED IN THE CITY OF ALBANY, LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 1/2 INCH IRON ROD MARKING THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF THE PLAT OF "FREEWAY ADDITION TO ALBANY", LINN COUNTY PLAT RECORDS; THENCE ALONG THE MOST NORTHERLY LINE OF SAID LOT 1 SOUTH 88°15'46" WEST, 27.69 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF BAIN STREET AS DESCRIBED IN RIGHT-OF-WAY DEDICATION DEED VOLUME 1226, PAGE 546, THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 46°39'11" (THE LONG CHORD OF WHICH BEARS NORTH 61°32'19" WEST, 36.43 FEET) AN ARC DISTANCE OF 37.46 FEET TO THE **TRUE POINT OF BEGINNING** OF THE STRIP OF LAND DESCRIBED HEREIN, THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE OF BAIN STREET NORTH 02°48'21" WEST, 96.21 FEET TO A POINT, THENCE NORTH 88°18'29" EAST, 40.14 FEET TO A POINT, THENCE NORTH 01°41'31" WEST, 15.00 FEET TO A POINT, THENCE SOUTH 88°18'29" WEST, 41.05 FEET TO A POINT; THENCE NORTH 31°50'01" WEST, 239.70 FEET TO A POINT, THENCE NORTH 43°42'46" EAST, 131.84 FEET TO A POINT, THENCE NORTH 88°18'29" EAST, 67.01 FEET TO A POINT OF CUSP IN THE SOUTHERLY RIGHT-OF-WAY LINE OF FUTURE KILLDEER AVENUE (30.00 SOUTHERLY OF THE CENTERLINE THEREOF), THENCE ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A 185.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 10°27'30" (THE LONG CHORD OF WHICH BEARS NORTH 65°16'48" WEST, 33.72 FEET) AN ARC DISTANCE OF 33.77 FEET TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 88°18'29" WEST, 36.97 FEET TO A POINT, THENCE NORTH 49°14'30" WEST, 35.68 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PACIFIC BOULEVARD (WIDTH VARIES), THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A 5418.58 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 00°08'59" (THE LONG CHORD OF WHICH BEARS SOUTH 49°31'29" WEST, 15.18 FEET) AN ARC DISTANCE OF 15.19 FEET TO A POINT OF NON-TANGENCY, THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE SOUTH 49°14'30" EAST, 33.01 FEET TO A POINT;

SHEET 2 OF 3

THENCE SOUTH 43°42'46" WEST, 138.64 FEET TO A POINT; THENCE SOUTH 31°50'01" EAST, 259.02 FEET TO A POINT, THENCE SOUTH 02°48'21" EAST, 96.92 FEET TO SAID NORTHERLY RIGHT-OF-WAY LINE OF BAIN STREET, THENCE ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 12°29'08" (THE LONG CHORD OF WHICH BEARS NORTH 88°53'31" EAST, 10.00 FEET) AN ARC DISTANCE OF 10.02 FEET TO THE POINT OF BEGINNING.

CONTAINS 8,798 SQUARE FEET, 0.202 ACRES, MORE OR LESS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
NOV. 16, 1996  
MICHAEL D. FRANK  
53854

RENEWAL: 12/31/03


EXHIBIT MAP

FOR A PUBLIC UTILITY EASEMENT  
 RETAINED BY THE CITY OF ALBANY  
 LOCATED IN THE SE 1/4 OF SECTION 5,  
 IN T 11 S, R 3 W, WILLAMETTE MERIDIAN  
 CITY OF ALBANY, LINN COUNTY, OREGON

MAY 15, 2002

CURVE TABLE					
	DELTA	RADIUS	LENGTH	CHORD	
1	46°39'11"	46.00'	37.46'	N61°32'19"W	36.43'
2	10°27'30"	185.00'	33.77'	N65°16'48"W	33.72'
3	00°08'59"	5418.58'	15.19'	S49°31'29"W	15.18'
4	12°29'09"	46.00'	10.02'	N88°53'31"E	10.00'

LEGEND:

 PROPOSED PUBLIC UTILITY  
 EASEMENT  
 8,798 SQUARE FEET  
 0.202 ACRES

SCALE 1"=60'

JOB NO. COS1400 SHEET 3 OF 3

**W R G**  
 D E S I G N I N G .

5415 SW WESTGATE DR., PORTLAND, OREGON 97221

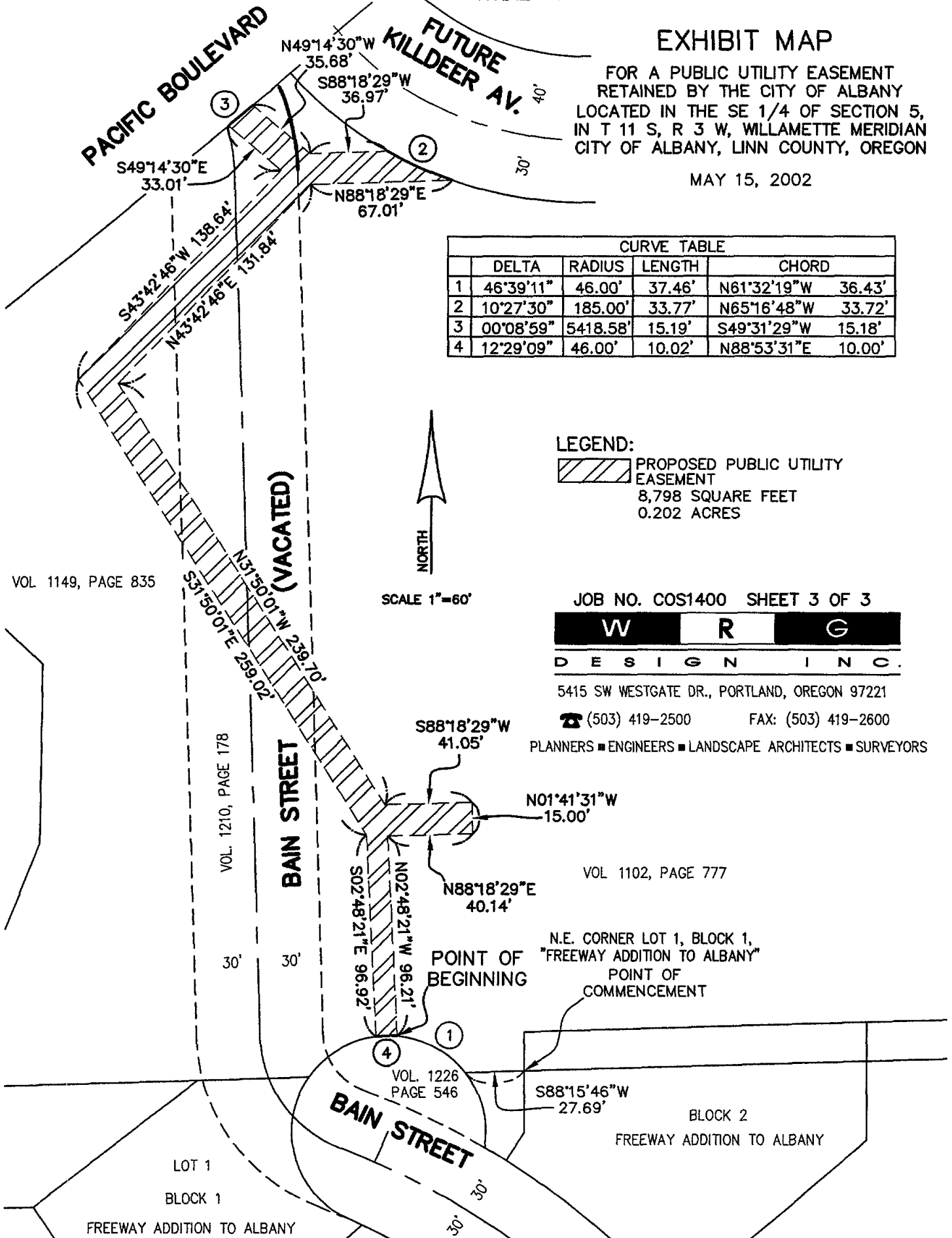
(503) 419-2500 FAX: (503) 419-2600

PLANNERS ■ ENGINEERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS

VOL 1102, PAGE 777

N.E. CORNER LOT 1, BLOCK 1,  
 "FREWAY ADDITION TO ALBANY"  
 POINT OF  
 COMMENCEMENT

POINT OF  
 BEGINNING



VOL 1149, PAGE 835

VOL 1210, PAGE 178



LOT 1

BLOCK 1

FREWAY ADDITION TO ALBANY

BAIN STREET

VOL 1226  
 PAGE 546

BLOCK 2  
 FREWAY ADDITION TO ALBANY

51

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 SD, Deputy

M  
R 30  
S 70  
A 11  
O

2002 OCT -1 P 3: 01

MF 1336

PAGE 916



Resolution No. 4743

Recorded Document Recorder File No. 4111