

RESOLUTION NO. 4744

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Costco Wholesale, Corporation

Purpose

A permanent public utility easement for water 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 15th 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 15.0 foot permanent public utility easement for Water 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 Records
PO Box 490
Albany, OR 97321

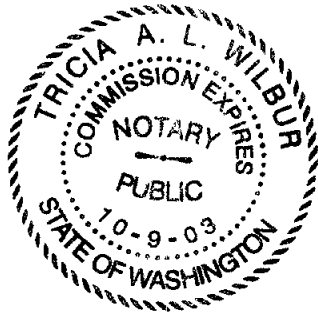
IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR: Costco Wholesale, Inc. CORPORATION

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

pc 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



Tricia A. L. Wilbur
Notary Public for Oregon)
My Commission Expires: 10-9-03

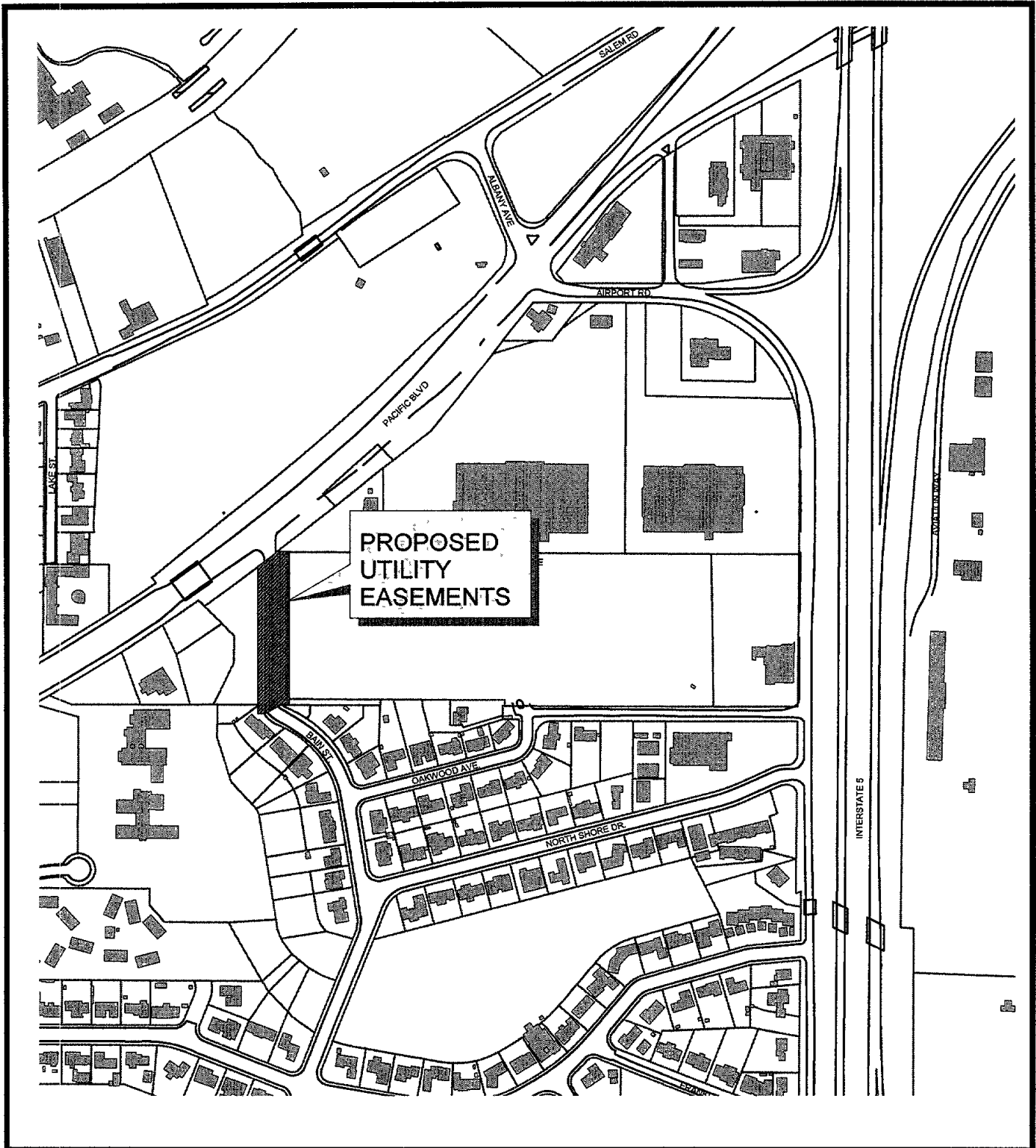
CITY OF ALBANY:

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 4744, 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:

Steve Bryant
City Manager
Ken Thompson
City Recorder



VICINITY MAP

	COSTCO WHOLESALE CORPORATION SI-00-22		Dedication Deed	
	Gordon Steffensmeier	Engineering		
	angles J W\ PROJ\SITE_MAP APR	July 23, 2002	PAGE 1 OF 1	

EXHIBIT "A"

COSTCO
ALBANY, OREGON
15' PUBLIC UTILITY EASEMENT
JOB NO COS1400
MAY 15, 2002
SHEET 1 OF 2

LEGAL DESCRIPTION

A 15 00 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 1, BLOCK 1 OF THE PLAT OF "FREEWAY ADDITION TO PORTLAND", 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 SAID 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 AND THE **TRUE POINT OF BEGINNING** OF THE STRIP OF LAND DESCRIBED HEREIN; 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 18°27'47" (THE LONG CHORD OF WHICH BEARS SOUTH 28°58'50" EAST, 14 76 FEET) AN ARC DISTANCE OF 14 82 FEET TO A POINT; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE OF BAIN STREET NORTH 01°41'31" WEST, 149 26 FEET TO A POINT, THENCE NORTH 43°18'29" EAST, 97.74 FEET TO A POINT, THENCE NORTH 01°41'31" WEST, 211 59 FEET TO A POINT 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 SOUTH 88°18'29" WEST, 2 78 FEET TO A POINT OF TANGENT CURVE, THENCE ALONG THE ARC OF A 185.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 03°47'16" (THE LONG CHORD OF WHICH BEARS NORTH 89°47'53" WEST, 12 23 FEET) AN ARC DISTANCE OF 12 23 FEET TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 01°41'31" EAST, 205.78 FEET TO A POINT, THENCE SOUTH 43°18'29" WEST, 97 74 FEET TO A POINT; THENCE SOUTH 01°41'31" EAST, 133 81 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 SOUTHWEST, THROUGH A CENTRAL ANGLE OF 14°49'21" (THE LONG CHORD OF WHICH BEARS SOUTH 45°37'24" EAST, 11 87 FEET) AN ARC DISTANCE OF 11 90 FEET TO THE POINT OF BEGINNING.

CONTAINS 6,684 SQUARE FEET, 0 153 ACRES, MORE OR LESS

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
NOV. 16, 1998
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

LEGEND:

 PROPOSED PUBLIC UTILITY
 EASEMENT
 6,684 SQUARE FEET
 0.153 ACRES

VOL. 1102, PAGE 777

JOB NO. COS1400 SHEET 2 OF 2

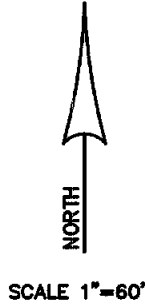
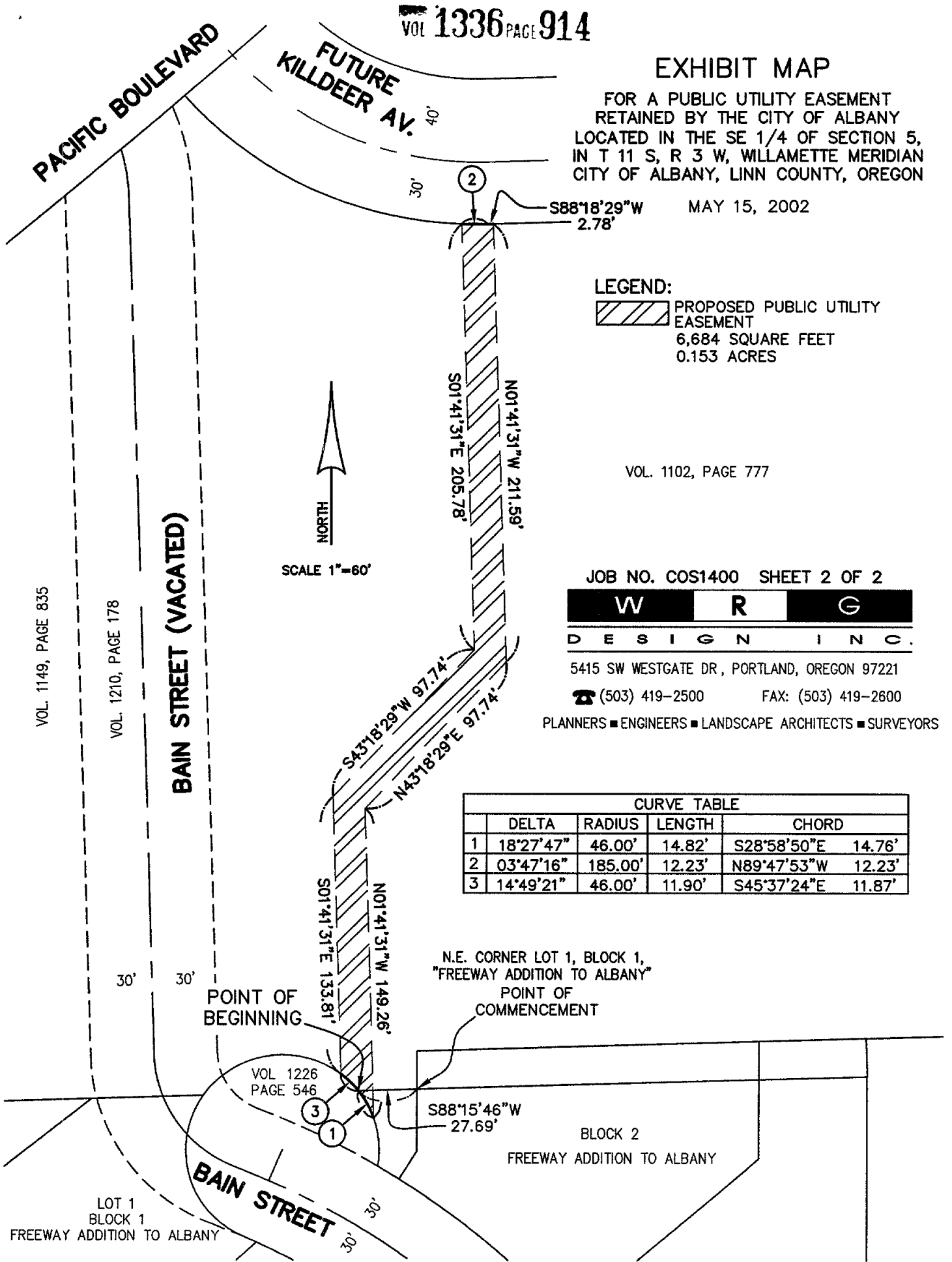
W R G
D E S I G N I N G

5415 SW WESTGATE DR, PORTLAND, OREGON 97221

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

PLANNERS ■ ENGINEERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS

CURVE TABLE				
	DELTA	RADIUS	LENGTH	CHORD
1	18°27'47"	46.00'	14.82'	S28°58'50"E 14.76'
2	03°47'16"	185.00'	12.23'	N89°47'53"W 12.23'
3	14°49'21"	46.00'	11.90'	S45°37'24"E 11.87'



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

VOL 1226
 PAGE 546

S88°15'46"W
 27.69'

BLOCK 2
 FREWAY ADDITION TO ALBANY

LOT 1
 BLOCK 1
 FREWAY ADDITION TO ALBANY

VOL. 1149, PAGE 835

VOL. 1210, PAGE 178

BAIN STREET (VACATED)

BAIN STREET

FUTURE
 KILLDEER AV.

PACIFIC BOULEVARD

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

MF 1336

By ij, Deputy PAGE 910

M
R 25
S 10
A 11
O

2002 OCT -1 P 3:01

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Resolution No. 4744

Recorded Document Recorder File No. 4112