

RESOLUTION NO. 4794

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION AND EASEMENTS:

Grantor

Purpose

Doug Vande Griend

Right of Way Dedication, and Public Utility,
Temporary Construction, and Slope Easements, more
particularly described in Exhibit A and as shown in
Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this dedication and these easements; and

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 12TH DAY OF FEBRUARY 2002.



Mayor

ATTEST:



City Recorder

Number 4 on agenda map for February 12, 2003.

RIGHT-OF-WAY DEDICATION
AND
PUBLIC UTILITY, TEMPORARY CONSTRUCTION, AND SLOPE EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, that **Doug Vande Griend**, hereinafter called Grantor, does dedicate to the City of Albany, a Municipal Corporation, herein called "City", for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded in M 903-970, Linn County deed records, and being more particularly described as follows:

RIGHT OF WAY DEDICATION, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B, and;

PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown as Tract 2 in attached EXHIBIT B, and,

TEMPORARY CONSTRUCTION EASEMENT, more particularly described as Tract 3 in attached EXHIBIT A and shown as Tract 3 in attached EXHIBIT B, and;

SLOPE EASEMENT, more particularly described as Tract 4 in attached EXHIBIT A and shown as Tract 4 in attached EXHIBIT B.

The Grantor covenants 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 same against all persons who may lawfully claim the same.

The deed and easements dedicated herein are in consideration of \$1,470.00, 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.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. The permanent easements described herein grant to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easements at any time that it may see fit, for construction, maintenance, evaluation and repair purposes, together with the right to excavate and refill ditches and/or trenches for the location of the said utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said utilities.
2. The temporary construction easement described herein shall expire upon completion of the City's construction project, known as ST-98-01, 53rd Avenue LID.
3. Upon performing any maintenance, the City shall return the site to original or better condition.
4. No permanent structure shall be constructed on these easements.

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

ORIGINAL
TAX LOT
1005

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

GRANTOR: DOUG VANDE GRIEND

By: [Signature]
Doug Vande Griend

Date: 1-22-2003

LENDER: PIONEER TRUST BANK, N.A.

By: [Signature]

Title: V. PRESIDENT

Date: 1-22-03

STATE OF OREGON)
County of Marion) ss.
City of Salem)

STATE OF OREGON)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 22 day of January 2003, by Doug Vande Griend, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 22 day of January 2003, by Peter Klauterman as Vice President (title) of Pioneer Trust Bank, N.A.



[Signature]
Notary Public for Oregon
My Commission Expires: 10-20-06

[Signature]
Notary Public for Oregon
My Commission Expires: 10-20-06

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 4794 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of February, 2003.

[Signature]
City Manager

ATTEST:
[Signature]
City Recorder

EXHIBIT "A"

City of Albany
Vestee: Doug Vande Griend
Tax Map No. 11S04W24DA-01005

Tract 1 (Right-of-way)

Beginning at a point on the North right-of-way line of S.W. 53 rd Avenue at its intersection with the East line of Lot 8, MARGASON TRACTS as platted and recorded in Book of Town Plats for Linn County, Oregon, which point bears South 00°44'22" East 1735.10 feet and North 89°38'00" West 485.52 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No.77 situated in Section 24, Township 11 South, Range 4 West, Willamette Meridian in Linn County, Oregon;

thence North 89°38'00" West along said right-of-way line a distance of 21.10 feet;
thence North 44°53'40" East 22.90 feet;
thence North 00°33'21" West 193.06 feet to a point on the North line of said Lot 8;
thence South 89°38'00" East along said North line, a distance of 4.55 feet to the Northeast corner thereof;
thence South 00°37'03" East along the East line of said Lot, a distance of 209.4 feet to the Point of Beginning and containing 1109.3 square feet of land, more or less.

Tract 2 (Public Utility Easement)

Beginning at the Northwest corner of Tract 1 and running thence South 00°33'21" East along the West line of said Tract 1, a distance of 190.97 feet;
thence South 89°26'39" West 5.00 feet;
thence North 00°33'21" West 191.05 feet to a point on the North line of said Lot 8;
thence South 89°38'00" East 5.00 feet to the Point of Beginning and containing 955 square feet of land, more or less.

Tract 3 (Temporary Construction Easement)

Beginning at the Southwest corner of Tract 1 and running thence North 89°38'00" West along the North right-of-way line of said S.W. 53 rd Avenue, a distance of 68.90 feet;
thence North 00°22'00" East 5.00 feet;
thence South 89°38'00" East 66.81 feet;
thence North 44°53'40" East 18.71 feet;
thence North 89°26'39" East 5.00 feet to a point of the West line of said tract 1;
thence South 00°33'21" East 2.09 feet;
thence South 44°53'40" West 22.90 feet to the Point of Beginning and containing 448.6 square feet of land, more or less.

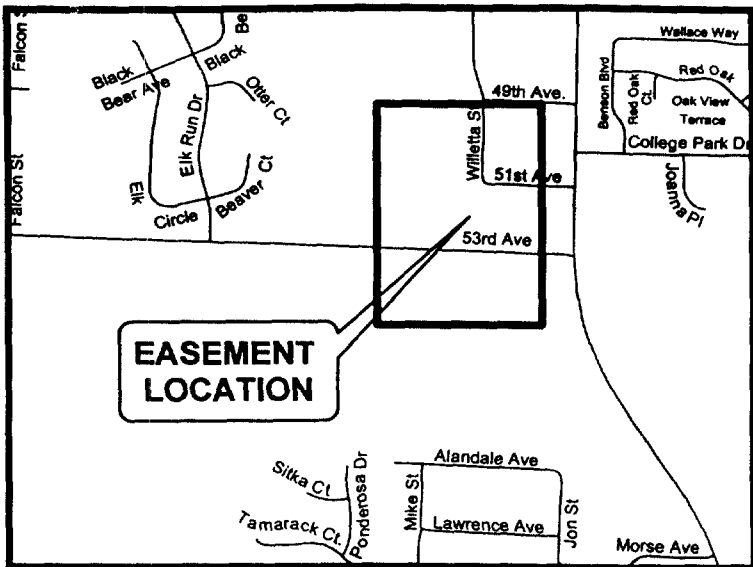
Tract 4 (Slope Easement)

Beginning at a point on the North right-of-way line of S.W. 53 rd Avenue at its intersection with the West line of Lot 10, MARGASON TRACTS as platted and recorded in Book of Town Plats for Linn County, Oregon, which point bears South 00°44'22" East 1735.10 feet and North 89°38'00" West 710.46 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No.77 situated in Section 24, Township 11 South, Range 4 West, Willamette Meridian in Linn County, Oregon;

thence North 00°33'00" West along the West line of said Lot 10, a distance of 10.00 feet;

thence South 71°17'23" East 31.77 feet to a point on said right-of-way line;

thence North 89°38'00" West along said right-of-way line, a distance of 30.00 feet to the Point of Beginning and containing 150.0 square feet of land, more or less.



Doug Vande Griend

11S-04-24DA-01005

Margason Tracts - M.F.903 pg 970

City of Albany, Linn Co., OR

Right of Way

Public Utility Easement

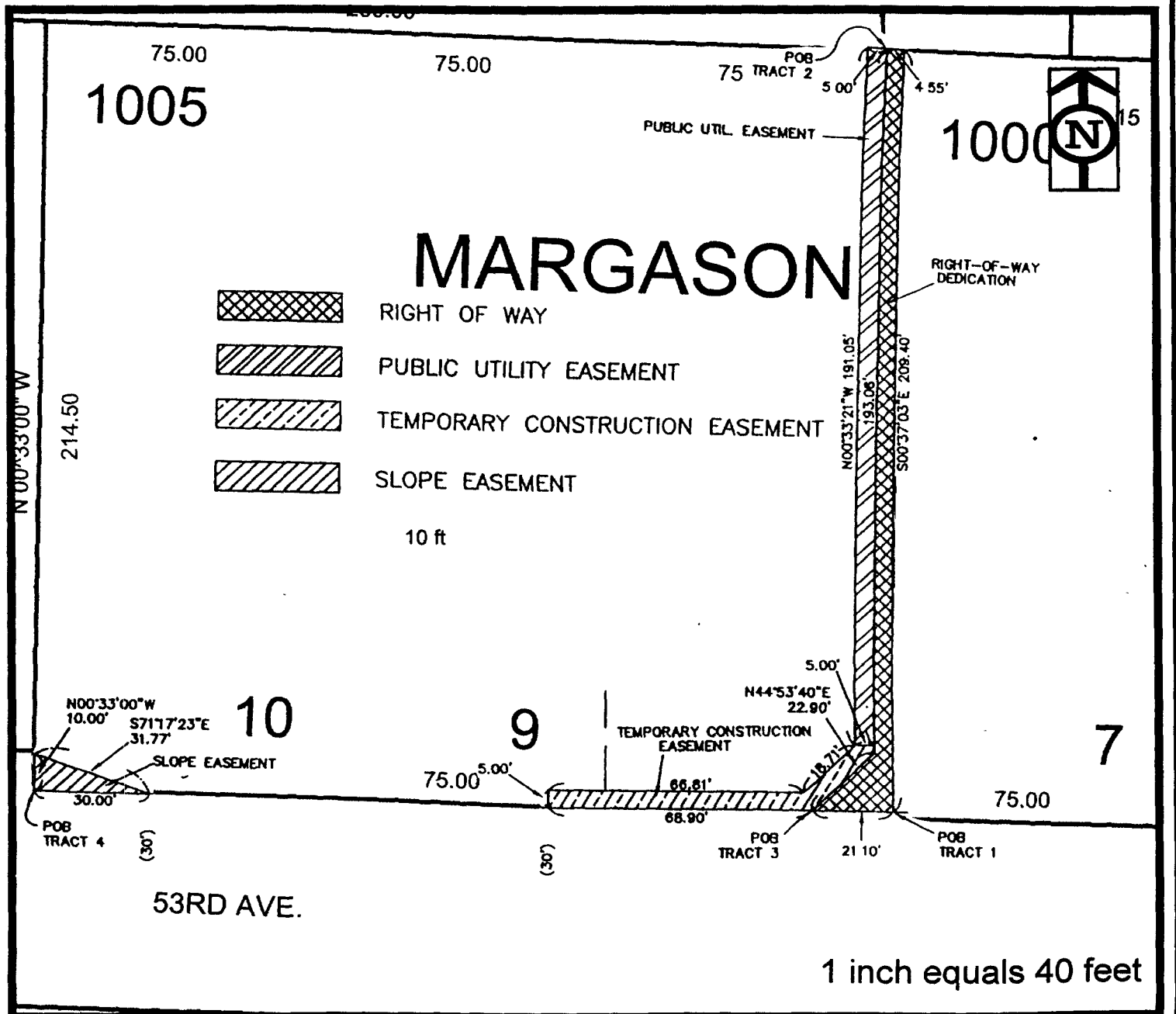
Temporary Construction and

Slope Easment

ST-98-01

53rd Ave Street Improvements

Jeff Woodward



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 *[Signature]* Deputy MF 1400
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Resolution No. 4794

Recorded Document Recorder File No. 4182