

RESOLUTION NO. 5131

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Prestige Care, Inc.

Public Utility Easement

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

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 11TH DAY OF MAY 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18th day of March, 2005, by and between Prestige Care, Inc., hereinafter called Grantor, 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 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 sanitary sewer 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 sanitary sewer and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sanitary sewer.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

See attached Legal Description labeled Exhibit A, attached Vicinity Map labeled Exhibit B, and attached Easement Map labeled Exhibit C.
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
P.O. Box 490, Albany, OR 97321

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

GRANTOR:

Prestige Care, Inc.

By [Signature]
Title V.P. FINANCES

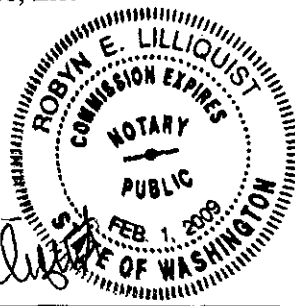
By [Signature]
Title President

WASHINGTON
STATE OF OREGON)
County of CLARK) ss.
City of VANCOUVER)

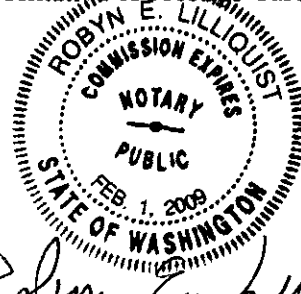
WASHINGTON
STATE OF OREGON)
County of Clark) ss.
City of Vancouver)

The instrument was acknowledged before me this 19th day of MARCH, 2005, by: GREG WILCKEY, VP of Finance as a representative of Prestige Care, Inc.

The instrument was acknowledged before me this 18th day of MARCH, 2005, by: Harold Delamater, President as a representative of Prestige Care, Inc.



Robyn E. Lillquist
Notary Public for Oregon WASHINGTON
My Commission Expires: 2-1-2009



Robyn E. Lillquist
Notary Public for Oregon
My Commission Expires: 2-1-2009

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 5131 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this day of 11th of May, 2005.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder Clerk

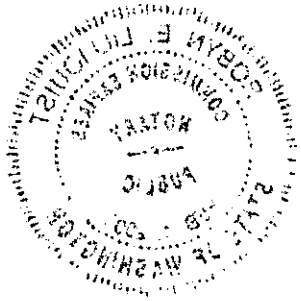


EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public sanitary sewer easement across that property conveyed to Prestige Care, Inc., described in Volume 1166, Page 110, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached Vicinity Map labeled "EXHIBIT B" and Easement Map labeled "EXHIBIT C".

Beginning at a brass washer at the southeast corner of Block 40, City of Albany, in the northeast quarter of Section 12, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; thence along the South line of said Block South $80^{\circ}54'59''$ West 274.13 feet to a $5/8''$ iron rod; thence North $09^{\circ}06'27''$ West 110.00 feet to the POINT OF BEGINNING; thence a 20.00 foot wide sanitary sewer easement centered on the line North $80^{\circ}54'59''$ East 80 feet.

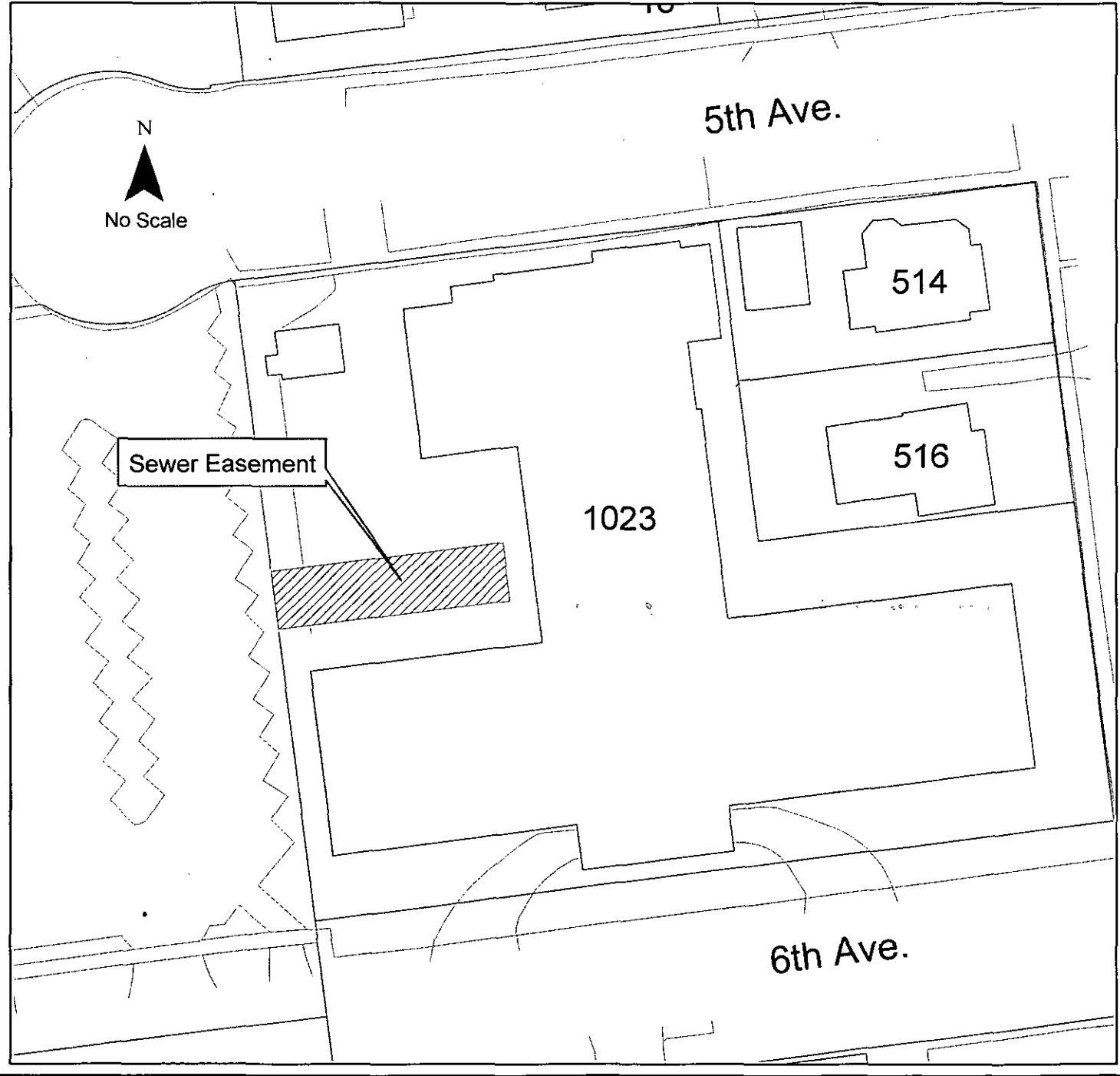
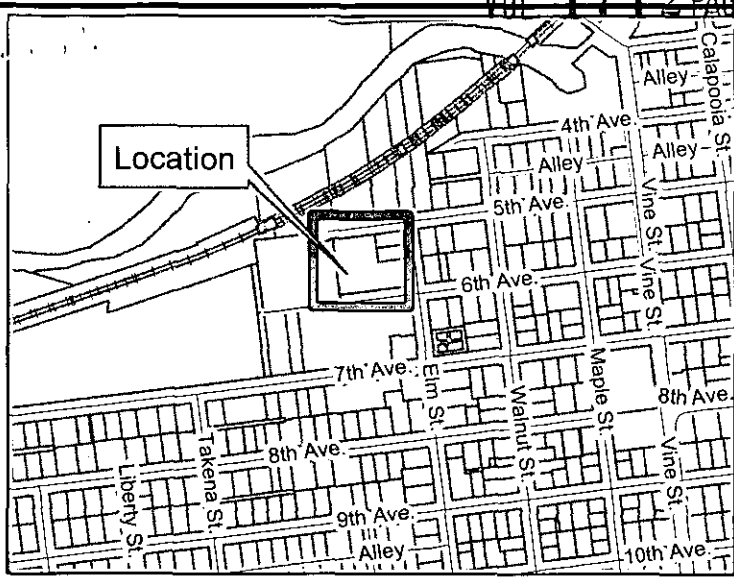
EXHIBIT B

**SS-05-02 Albany General Hospital
Parking Lot Sewer
11S04W12AB00400**

A public sewer easement from the
western edge of the property



Geographic Information Services



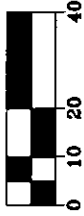
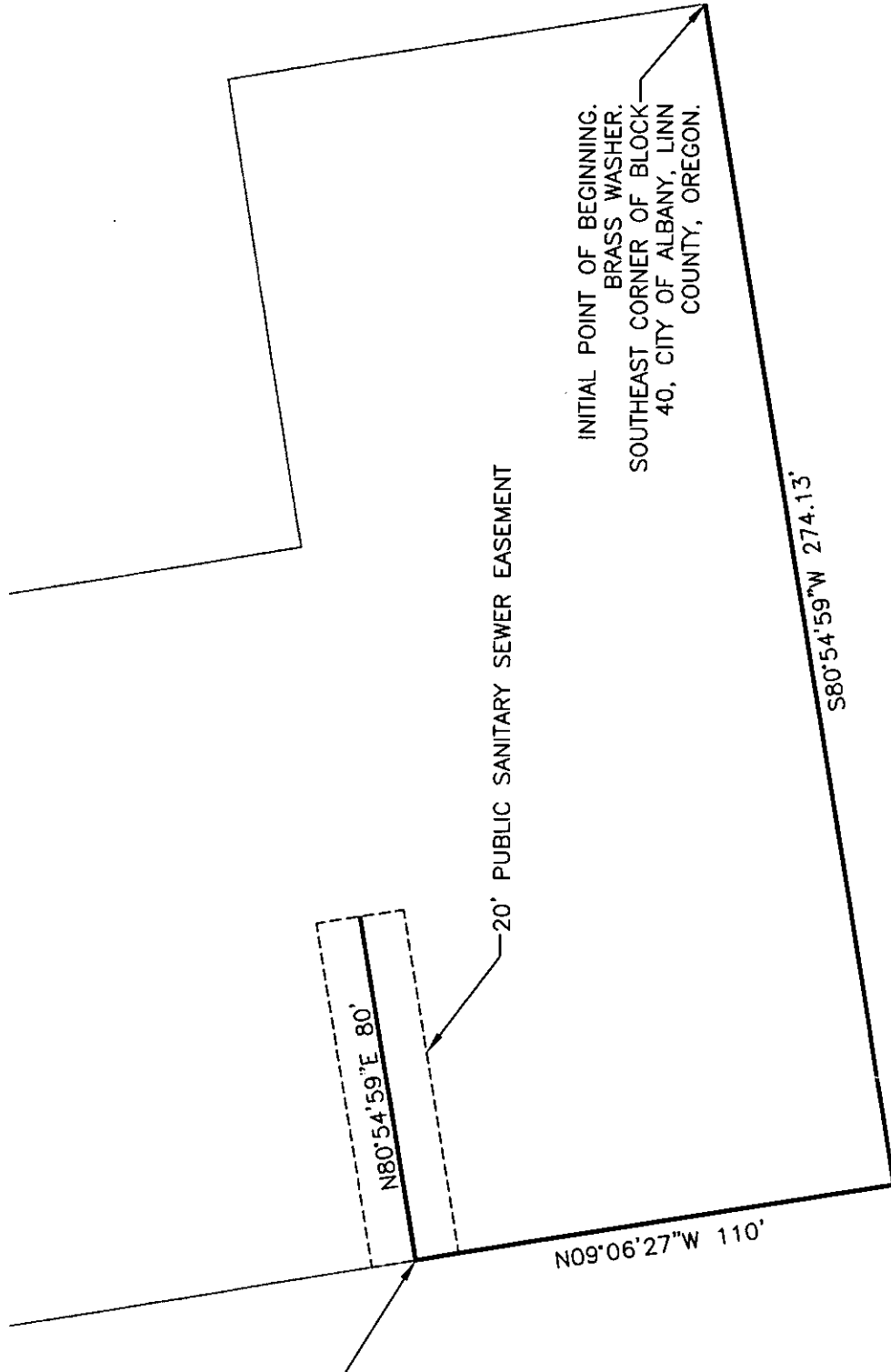


EXHIBIT C
SS-05-02, ALBANY GENERAL HOSPITAL PARKING LOT SEWER
PUBLIC SANITARY SEWER EASEMENT
T11S R4W SEC 12AB TL 400
1023 6TH AVENUE SW



POINT OF BEGINNING

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 PAGE 381

MAY 18 2005

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Resolution No. 5131

Recorded Document Recorder File 4561