

RESOLUTION NO. 4197

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

**WPM RESTAURANTS, INC.**


Easement for construction and maintenance of pedestrian walkways as described in Exhibit "A" and shown in Exhibit "B".

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

DATED THIS 10TH DAY OF NOVEMBER, 1999.

  
Mayer  
Council President

ATTEST:

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

EASEMENT FOR PEDESTRIAN WALKWAY

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 27<sup>th</sup> day of July, 1999, by and between WPM RESTAURANTS, INC, herein called Grantors, 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 grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, an easement, including the right to enter upon the real property hereinafter described, and to maintain and repair pedestrian walkways for the purpose of conveying services over, across, through, and under the lands hereinafter described, the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said pedestrian walkway. The Grantor party is the record owner of the following described real property in Linn County, State of Oregon to-wit:

That property as described as parcel one of Volume 177, Page 606 filed on the Deed Records of Linn County, Oregon

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

**Easement for construction and maintenance of pedestrian walkways as described in Exhibit "A"**

2. 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.
3. The Grantors do 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.
4. Upon performing any maintenance, the City shall return the site to original or better condition.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

\\Pwc1\PWCI C DRIVE\ADMIN\FORMS\Albany\pedwalk.doc

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

GRANTOR:

W.P.M. Restaurants, Inc.  
By: Glenn W. Westbrook

By: \_\_\_\_\_

CITY OF ALBANY:

I, Steve Bryant as City Manager of the City of Albany, Oregon, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of November, 1999.

Steve Bryant  
City Manager

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

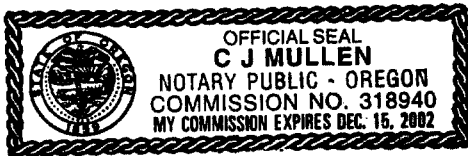
The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of July, 1999, by Glenn Westbrook president, and by \_\_\_\_\_, secretary, of \_\_\_\_\_, an Oregon corporation, on behalf of the corporation.

C. J. Mullen  
Notary Public for Oregon  
My Commission Expires: 12/15/2002

The foregoing instrument was acknowledged before me this 15 day of November, 1999.

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

Margaret Langwell  
Notary Public for Oregon  
My Commission Expires: September 2, 2000



**EXHIBIT "A"**

**The following describes a parcel lying in the Southeast 1/4 of the Southeast 1/4 of Section 5, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and more particularly described as follows:**

**Beginning at the Northwest Corner of that property described as Parcel Two in Volume 177, Page 606 filed in the Deed Records of Linn County, Oregon; thence S15°45'10"E 0.28 feet; thence along the arc of a 17.5 foot radius curve to the left ( the long chord of which bears N83°38'38"E 16.45 feet) 17.13 feet; thence N55°36'34"E 105.00 feet; thence along the arc of a 32.5 foot radius curve to the left (the chord of which bears N35°04.18"E 22.80 feet) 23.30 feet to a point on the South Line of that property described in Book 431, Page 544; thence S55°36'36"W 140.78 feet along said South Line to the point of beginning.**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 19, 1994  
ALLEN D. TEITZEL  
2680

*Expires 6-30-2000*

EXHIBIT "B" TAX LOT 200

PREPARED BY:  
PacWest ENGINEERING

TAX LOT 202

TAX LOT 201

TAX LOT 200

EXISTING LOT LINE  
S 24°05'56" E

PROPOSED EASEMENT LINE  
N 15°45'10" E -0.28'

EXISTING LOT LINE  
N 55°36'34" E

PROPOSED EASEMENT LINE  
RADIUS = 17.5'

PROPOSED EASEMENT LINE  
N 55°36'34" E -105.00'

PROPOSED EASEMENT CHORD LINE  
N 35°04'31" E -22.80'

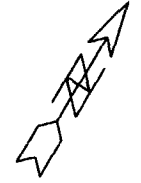
PROPOSED EASEMENT CHORD LINE  
N 83°38'38" E -16.45'

PROPOSED 6' SIDEWALK

PROPOSED NEW EASEMENT LINE  
RADIUS = 32.5'

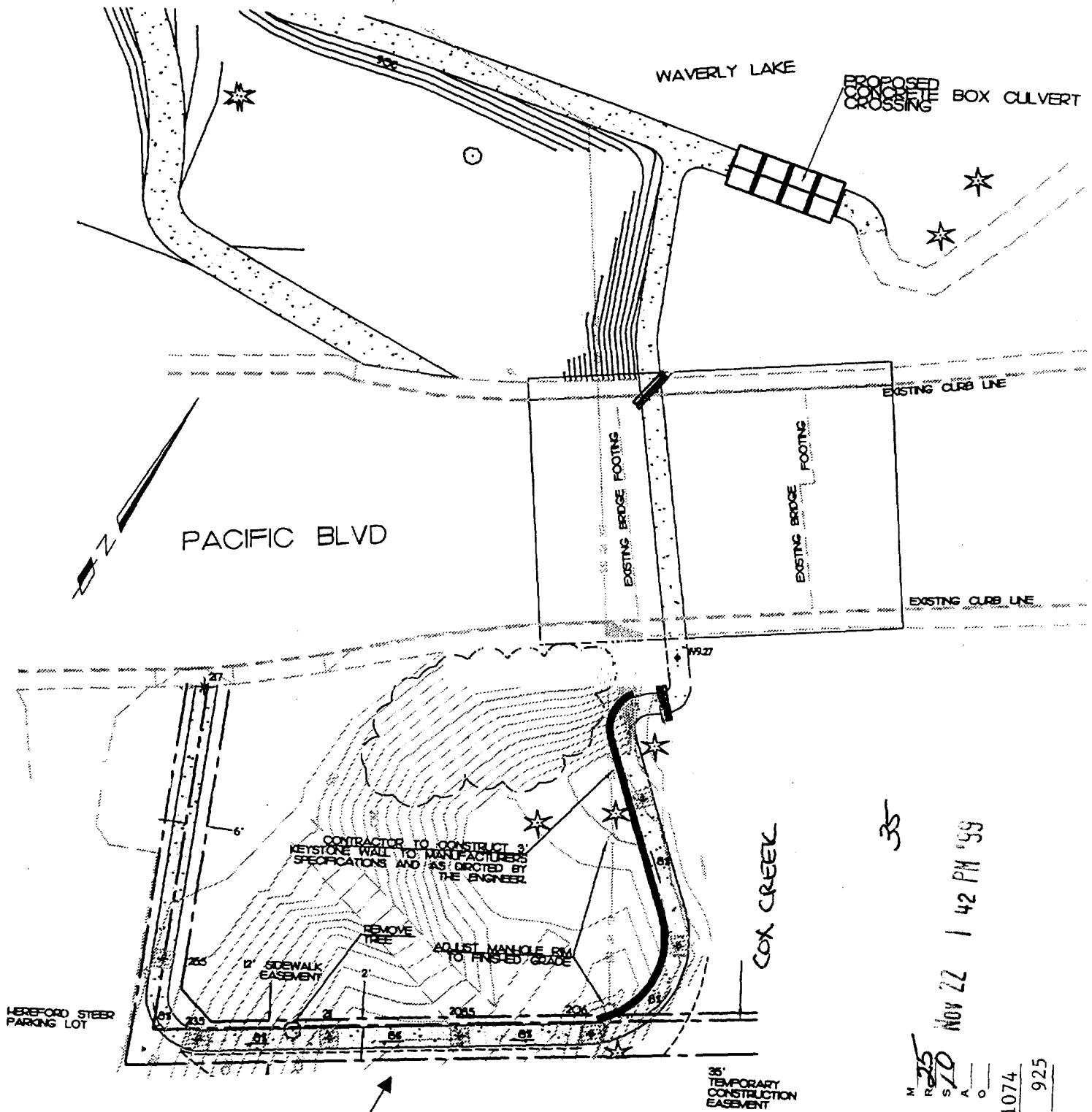
0.50'

1.50'



Scale 1" = 30'

VOL 1074 PAGE 928



35  
 NOV 22 1 42 PM '99

M 25  
 S 10  
 A 0  
 O 0  
 MF 1074  
 Linn County Clerk  
 BY PA, Deputy  
 PAGE 925

WALKWAY EASEMENT FROM  
 WPM RESTAURANTS, INC. TO CITY OF ALBANY

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

Resolution No. 4197

Recorded Document Recorder File No. 3505