

RESOLUTION NO. 4562

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

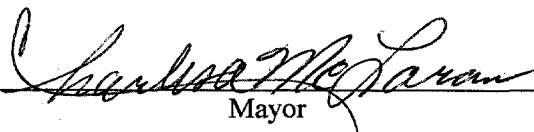
ALBANY PROPERTIES, LTD

Purpose

A permanent sidewalk easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 9TH DAY OF JANUARY, 2002.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 7<sup>th</sup> day of December 2001, by and between **ALBANY PROPERTIES, LTD**, herein 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, easement and right-of-way, including the right to enter upon the real property hereinafter described, and to install, maintain, operate, and repair public sidewalk improvements on the lands hereinafter described, together with the right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sidewalk.

This agreement is subject to the following terms and conditions:

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

A permanent public sidewalk easement 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 Grantor 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 structure or other obstruction shall be constructed by Grantor on this easement.

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

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

GRANTORS: ALBANY PROPERTIES, LTD

CITY OF ALBANY:

*Charles Mihayo Managing*  
*Gen. Part. & Legal Partner*

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

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4562, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of January 2002.

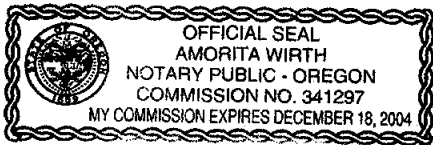
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of December 2001 by Charles Mihayo as representative of Albany Properties Ltd

*Steve Bryant*  
\_\_\_\_\_  
City Manager

ATTEST:

*Amorita Wirth*  
\_\_\_\_\_  
Notary Public for OREGON  
My Commission Expires: Dec. 18, 2004

*Ken Thompson*  
\_\_\_\_\_  
City Recorder





Engineering

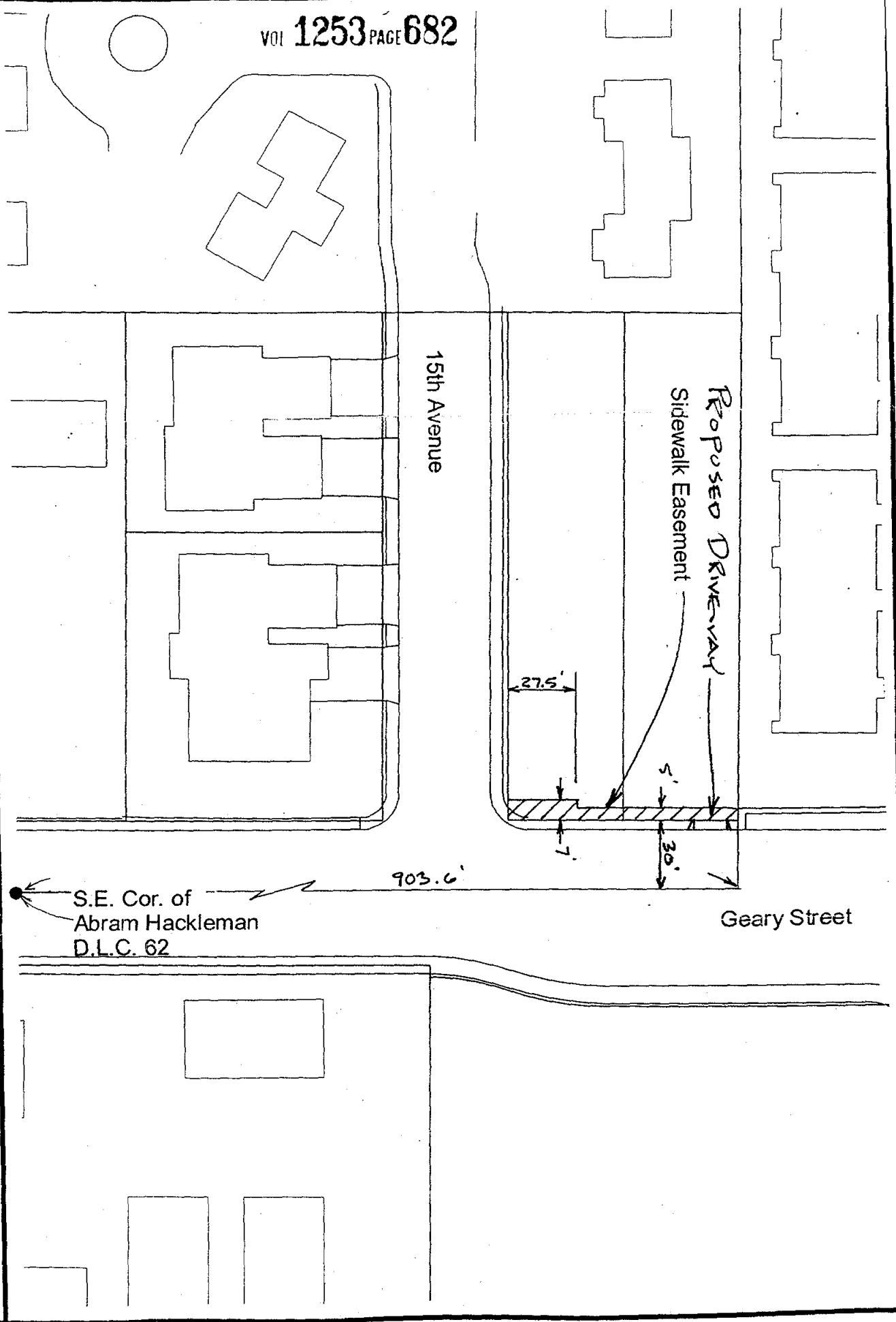
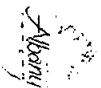
Ron Irish

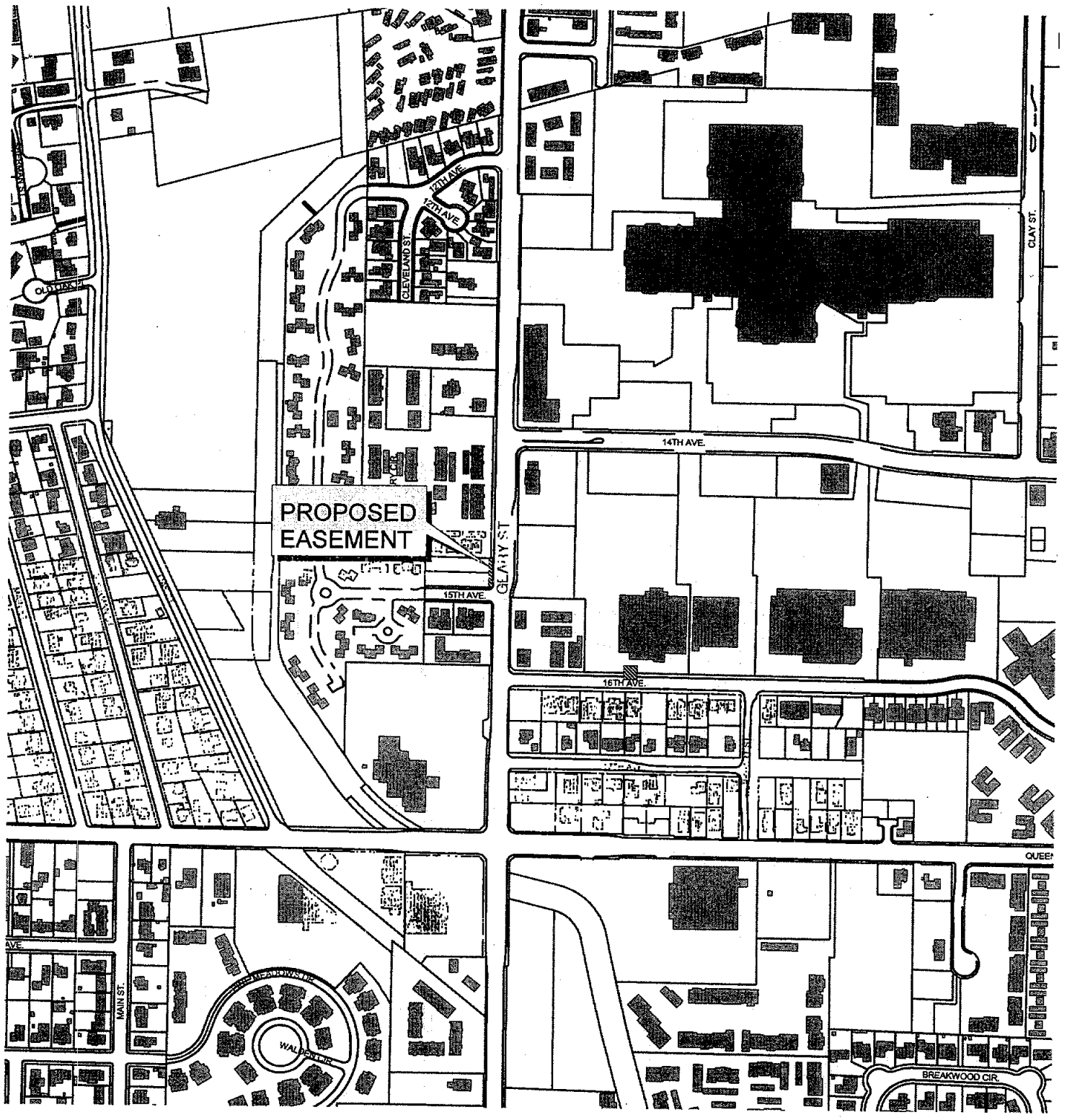
Aug 24, 2001

# Exhibit B

0 100 Feet

The City of Albany's Electronic Records, OpenView, and other documents have been prepared from the information provided to the City of Albany. The information provided is generally believed to be accurate, but the City of Albany does not warrant the accuracy, completeness, or timeliness of the information. The information is provided "as is" and the user assumes all responsibility for its use. The City of Albany is not liable for any damages, including consequential damages, arising from the use of this information. The information is provided for your reference only and should not be used as a substitute for professional advice.





# VICINITY MAP

100 0 100 Feet



Albany Properties, LTD

Ron Irish

angles J:AVV\_PROJSITE\_MAP.APR

Engineering

December 17, 2001

SIDEWALK EASEMENT

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



EXHIBIT A

A permanent public sidewalk easement across the east end of Lot 2, Block 1, EASTERN ADDITION TO OAK GROVE ACRES, Linn County, Oregon, as shown on the attached map labeled "Exhibit B" and further described below.

Beginning at a point which is 903.6 feet North 0° 29' West and 30.00 feet South 89° 50' West from the from the Southeast corner of Abram Hackleman Donation Land Claim No. 62 in Section 8, Township 11 South, Range 3 West Willamette Meridian, Linn County, Oregon; said point also being the northeast corner of Lot 2, Block 1 of the EASTERN ADDITION TO OAK GROVE ACRES; and running thence 5.0 feet South 89° 50' West; thence 65.00 feet South 0° 29' East; thence 2.00 feet North 89° 50' West; thence 27.5 feet South 0° 29' East; Thence 7.00 feet North 89° 50' East, thence 92.5 feet North 0° 29' West along the West right-of-way line of Geary Street to the point of beginning.

Containing 0.012 acres of land, more or less.

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 SR, Deputy

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A 11  
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Resolution No. 4562

Recorded Document Recorder File 4004