

RESOLUTION NO. 5228

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Attrell Properties LLC	Five foot wide public sidewalk easement adjacent to Geary Street

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 8TH DAY OF FEBRUARY 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES

THIS AGREEMENT, made and entered into this 23 day of Jan, 2006, by and between Attrell Properties LLC, 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 and sidewalks for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to construct a public sidewalk, excavate and refill ditches and/or trenches for the location of the said public utilities and sidewalks and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities and sidewalks.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:
Five foot wide public sidewalk easement adjacent to Geary Street as described on attached Exhibit A and as shown on the attached map labeled Exhibit B.
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:

Attrell Properties, LLC

[Signature]
Clifford Attrell, Pres.
Title

Arizona
STATE OF OREGON)
County of Yuma) ss.
City of Yuma)

The instrument was acknowledged before me this 23 day of Jan, 2006 by Clifford Attrell, Title President, as a representative of Attrell Properties, LLC.

~~[Signature]
City Manager
Title~~

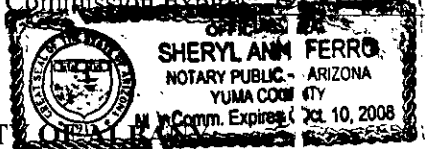
~~STATE OF OREGON)
County of _____) ss.
City of _____)~~

~~The instrument was acknowledged before me this ___ day of _____, 2005, by _____, Title _____, as a representative of Attrell Properties, LLC.~~

Notary Public for ~~Oregon~~ Arizona
My Commission Expires: ~~October 10, 2008~~

Sherl Ann Ferro

Notary Public for ~~Oregon~~ Arizona
My Commission Expires: ~~October 10, 2008~~



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

~~Notary Public for Oregon
My Commission Expires: _____~~

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5228 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of February, 2006.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

EXHIBIT A

PERMANENT UTILITY AND SIDEWALK EASEMENT

Legal Description for Attrell Properties, LLC-to-City of Albany sidewalk and utility easement:

Beginning at the northeast corner of Lot 1, Block 1 of Derringer Subdivision, lying in the Northwest one-quarter of Section 8, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North $72^{\circ}17'18''$ East 5.2 feet along the south property line of that property conveyed to Attrell Properties, LLC, by a deed recorded in Linn County Microfilm Deed Records 1635, page 48, to the west right-of-way line of Geary Street; thence north along the west right-of-way line of Geary Street 245 feet to Northeast corner of said Attrell Property; thence South $79^{\circ}05'00''$ West 5.1 feet along the north property line of said Attrell property to a point 5.0 feet west of the Geary Street right-of-way; thence South 245 feet along a line lying parallel with and 5.0 feet west of the Geary Street right-of-way to the point of beginning.

As shown on the attached map labeled Exhibit B.

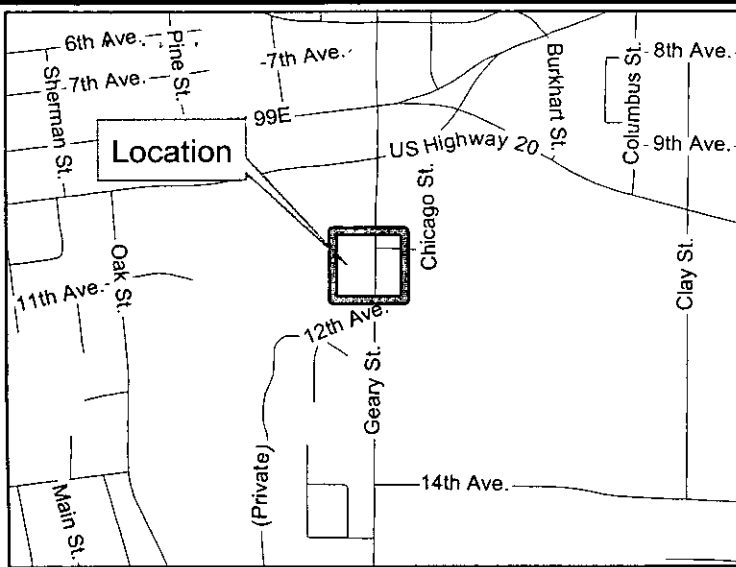


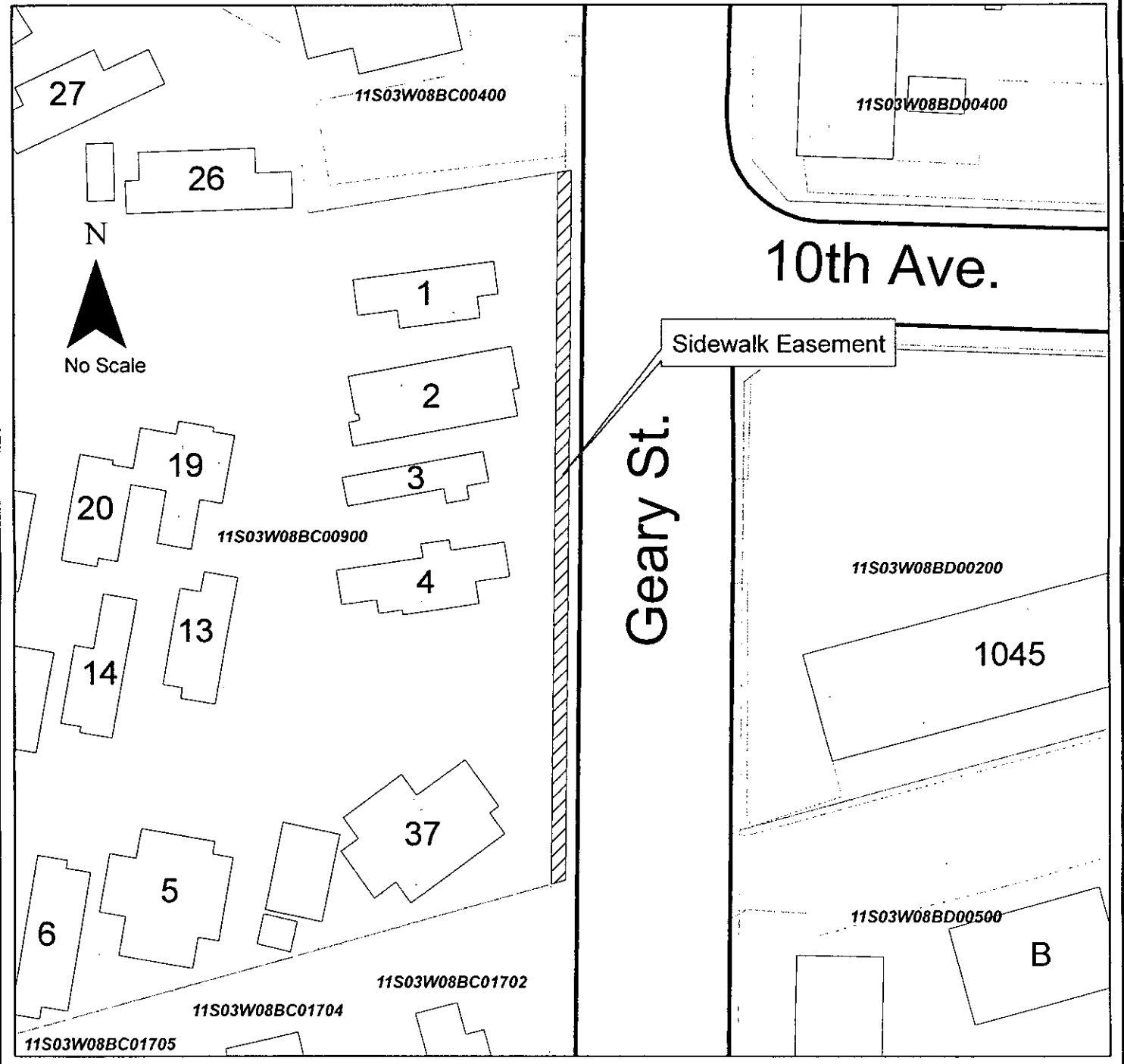
EXHIBIT B

**1010 Geary St. SE
11S03W08BC00900
Attrell Properties, LLC**

Geary Street Sidewalk Easement



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

Reserved for Recording Label

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Address above.

LINN COUNTY, OREGON **2006-03942**
E-RD
Cnt=2 Stn=1 COUNTER **02/17/2006 02:28:17 PM**
\$25.00 \$5.00 \$11.00 \$10.00 **\$51.00**

00004416200600039420050051

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



1. Name/Title of Transaction - by ORS 205.234 (a)

Easement for Public Sidewalk and Utilities

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Attrell Properties LLC

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Resolution No. 5228

Recorded Document Recorder File 4727