

RESOLUTION NO. 5354

A RESOLUTION DECLARING A NECESSITY THAT THE CITY ACQUIRES CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ALBANY, LINN COUNTY, OREGON, FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY.

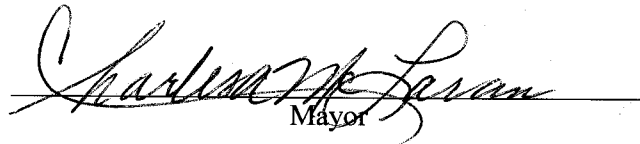
WHEREAS, the City is attempting to negotiate a private purchase from the owners of real property as described in the attached legal descriptions, which by this reference are incorporated herein as Exhibits 1, 2, 3, and 4; and

WHEREAS, the property in question is necessary for the purpose of acquiring public right-of-way to allow construction of a bridge.

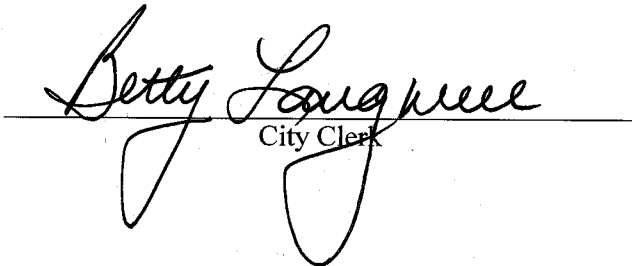
NOW, THEREFORE, BE IT RESOLVED that the City of Albany be and are hereby authorized to continue to negotiate an agreement with the owners and other persons of interest in the real property described in Exhibits 1, 2, 3, and 4, located in the city of Albany, Linn County, Oregon; and in the event that no satisfactory agreement can be reached, then the City of Albany be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire said real property and interest therein may be taken immediately. The subject property is necessary for creation of a public right-of-way, and the proposed use is located in a manner which will be most compatible with the greatest public good and the least private injury; and

BE IT FURTHER RESOLVED that immediate possession of the property is necessary and in the public interest.

DATED AND EFFECTIVE THIS 13<sup>TH</sup> DAY OF DECEMBER 2006.

  
Mayor

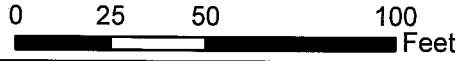
ATTEST:

  
City Clerk



# BR-06-01, 2ND AVENUE CROSSING OF PERIWINKLE CREEK

## Attachment 1



# EXHIBIT 1

## EXHIBIT A

2nd Avenue Crossing of Periwinkle Creek  
October 18, 2006  
Page 1 of 2

City Project No. BR-06-01  
Map & Tax Lot No. 11 3W 5CC-5900  
File No. 005

### PARCEL 1 (Right-Of-Way Dedication)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Warranty Deed to RBC and Company, an Oregon Partnership, as described in MF Volume 1157, Page 485, recorded February 26, 2001, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying southerly and easterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
14+46.18		14+52.22	33.00 in a straight line to 64.63
14+52.22		14+96.92	64.63 in a straight line to 57.49

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

Bearings based on C.S. 24272 filed on April 6, 2006, Linn County, Oregon.

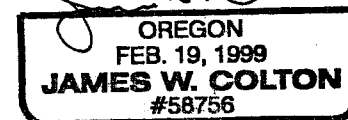
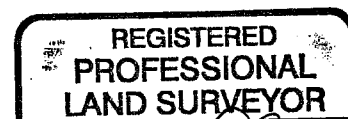
The parcel of land contains 398 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue, being more particularly described as follows:

Beginning at a point on the retraced centerline of S.E. Second Avenue Station 10+00.00 as recorded under Survey Number C.S. 24272, Linn County Survey Records, said point bears N 07°05'29" W, 33.00 feet from a found 3/4" iron bolt at the southwest corner of Hackelmans 4th addition to Albany, Oregon, Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;

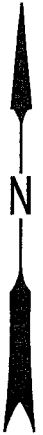
Thence N 82°54'31" E, 700.00 feet to Station 17+00.00 POT and the terminus of this retraced centerline.

(CONTINUED ON PAGE 2)



RENEWAL DATE: 12/31/07

S.E. HARRISON STREET



P.P. 2004-57  
PARCEL 1

MF VOL. 1157 - 485

PERIWINKLE  
CREEK

MF VOL

14+52.22  
14+46.18

14+96.92  
14+94.02

006

Right of Way  
Dedication  
1,072 ft<sup>2</sup>±

15+00

005

398 ft<sup>2</sup>±  
Right of Way  
Dedication

Temporary Construction Access

447 ft<sup>2</sup>±

57.49'  
34.44'

S.E. SECOND AVENUE

BASIS OF BEARINGS PER COUNTY SURVEY NO. 24272,  
LINN COUNTY SURVEYOR'S OFFICE

CITY OF ALBANY

SECTION BR-06-01, 2ND AVENUE CROSSING OF PERIWINKLE CREEK

DRG. NO. FILE 005 KEY NO. N/A

HIGHWAY N/A

COUNTY LINN COUNTY

SCALE: 1"=20'

DATE: OCTOBER 18, 2006

SCALE 1" = 20'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEB. 19, 1999  
JAMES W. COLTON  
\*58756

RENEWAL DATE: DEC. 31, 2007  
SIGNED: 10/18/06



Corporate Office: 920 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-6089  
2225 MISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1285  
1335 POPLAR DRIVE MEDFORD, OREGON 97504-5207



# CITY OF ALBANY

## Temporary Construction Access Agreement

I (We), RBC and Company, an Oregon Partnership, hereinafter referred to as "Grantor(s)" do hereby grant the **City of Albany**, its employees, agents, and contractors, the right and license to go upon the real property described below for the following purpose:

**Project Name /Number:** BR-06-01, 2<sup>ND</sup> AVENUE CROSSING OF PERIWINKLE CREEK

**Property Address:** 1505 2nd Ave. S.E., Albany, OR 97321

**Assessor's Map No.** 11-3W-5CC **Tax Lot(s):** 05900

**Limits of Access Area** (example: front/ side etc.): **ENTIRE PROPERTY**

**Purpose:** In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry construction access to the City, its representatives, and to the Contractor, for access to, upon, and over our property for the construction of a 5:1 slope to match the improvements to the existing property. Limits of work are shown on the attached Exhibit B. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.

The City shall restore, within reason, the premises of the Grantor, and any building or improvements disturbed by the City, to a condition as near as practicable as they were prior to any such installation or work.

Grantor hereby represents and warrants that they are the owners of said real property or otherwise have the right to grant this permit.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

# EXHIBIT 2

## EXHIBIT A

2nd Avenue Crossing of Periwinkle Creek  
October 18, 2006  
Page 1 of 2

City Project No. BR-06-01  
Map & Tax Lot No. 11 3W 5CC-5801  
File No. 006

### PARCEL 1 (Right-Of-Way Dedication)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Bargain and Sale Deed to W. Frank and Betty J. Hammel, as described in MF Volume 199, Page 685, recorded May 12, 1978, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying southerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line
14+52.22		14+96.92	64.63 in a straight line to 57.49
14+96.92		14+94.02	57.49 in a straight line to 34.44
14+94.02		16+00.00	34.44 in a straight line to 34.73

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

Bearings based on C.S. 24272 filed on April 6, 2006, Linn County, Oregon.

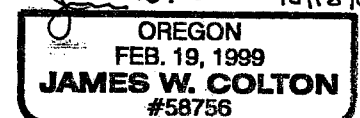
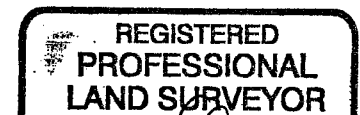
The parcel of land contains 1,072 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue, being more particularly described as follows:

Beginning at a point on the retraced centerline of S.E. Second Avenue Station 10+00.00 as recorded under Survey Number C.S. 24272, Linn County Survey Records, said point bears N 07°05'29" W, 33.00 feet from a found 3/4" iron bolt at the southwest corner of Hackelmans 4th addition to Albany, Oregon, Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;

Thence N 82°54'31" E, 700.00 feet to Station 17+00.00 POT and the terminus of this retraced centerline.

(CONTINUED ON PAGE 2)



RENEWAL DATE: 12/31/07

# HACKLEMANS 4TH ADDITION EXHIBIT "B"

PAGE 2 OF 2

CLEVELAND STREET



PERIWINKLE CREEK

MF VOL. 199 - 685

Temporary Construction Access

14+52.22  
14+46.18

14+96.92  
14+94.02

16+00.00

14+29.25

005  
7

006

Right of Way Dedication  
① 1,072 ft<sup>2</sup>±

15+00

6

5

② 1,500 ft<sup>2</sup>±

40.91'

① 398 ft<sup>2</sup>±  
Right of Way Dedication

57.49'  
34.44'

34.73'

S.E. SECOND AVENUE

N82°54'31"E

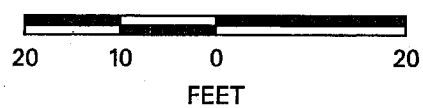
BASIS OF BEARINGS PER COUNTY SURVEY NO. 24272,  
LINN COUNTY SURVEYOR'S OFFICE

CITY OF ALBANY

SECTION	BR-06-01, 2ND AVENUE CROSSING OF PERIWINKLE CREEK		
DRG. NO.	FILE 006	KEY NO.	N/A
HIGHWAY	N/A		
COUNTY	LINN COUNTY		

SCALE : 1"=20'      DATE : OCTOBER 18, 2006

SCALE 1" = 20'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEB. 19, 1999  
JAMES W. COLTON  
#58756

RENEWAL DATE: DEC. 31, 2007  
SIGNED: 10/18/06



Corporate Offices: 920 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-6069  
2235 MISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1295  
1335 POPLAR DRIVE MEDFORD, OREGON 97504-5207



# CITY OF ALBANY

## Temporary Construction Access Agreement

I (We), W. Frank and Betty J. Hammel, hereinafter referred to as "Grantor(s)" do hereby grant the **City of Albany**, its employees, agents, and contractors, the right and license to go upon the real property described below for the following purpose:

**Project Name /Number:** BR-06-01, 2<sup>ND</sup> AVENUE CROSSING OF PERIWINKLE CREEK

**Property Address:** 116 Cleveland Street S.E., Albany, OR 97321

**Assessor's Map No.** 11-3W-5CC **Tax Lot(s):** 05801

**Limits of Access Area (example: front/ side etc.):** **ENTIRE PROPERTY**

**Purpose:** In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry construction access to the City, its representatives, and to the Contractor, for access to, upon, and over our property for the construction of a 5:1 slope to match the improvements to the existing property. Limits of work are shown on the attached Exhibit B. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.

The City shall restore, within reason, the premises of the Grantor, and any building or improvements disturbed by the City, to a condition as near as practicable as they were prior to any such installation or work.

Grantor hereby represents and warrants that they are the owners of said real property or otherwise have the right to grant this permit.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_



# EXHIBIT 3

## EXHIBIT A

2nd Avenue Crossing of Periwinkle Creek  
October 18, 2006  
Page 1 of 2

City Project No. BR-06-01  
Map & Tax Lot No. 11 3W 5CC-8500  
File No. 002

### PARCEL 1 (Right-Of-Way Dedication)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Bargain and Sale Deed to Paul S. and Patricia D. Hightower, as described in MF Volume 1488, Page 123, recorded September 16, 2003, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

Station	to	Station	Width on Southerly Side of Center Line
14+31.67		14+66.67	59.18 in a straight line to 69.06
14+66.67		14+77.80	69.06 in a straight line to 30.28

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

Bearings based on C.S. 24272 filed on April 6, 2006, Linn County, Oregon.

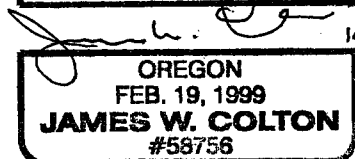
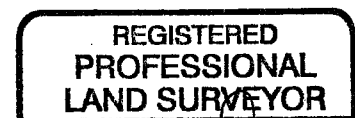
The parcel of land contains 1,114 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue, being more particularly described as follows:

Beginning at a point on the retraced centerline of S.E. Second Avenue Station 10+00.00 as recorded under Survey Number C.S. 24272, Linn County Survey Records, said point bears N 07°05'29" W, 33.00 feet from a found 3/4" iron bolt at the southwest corner of Hackelmans 4th addition to Albany, Oregon, Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;

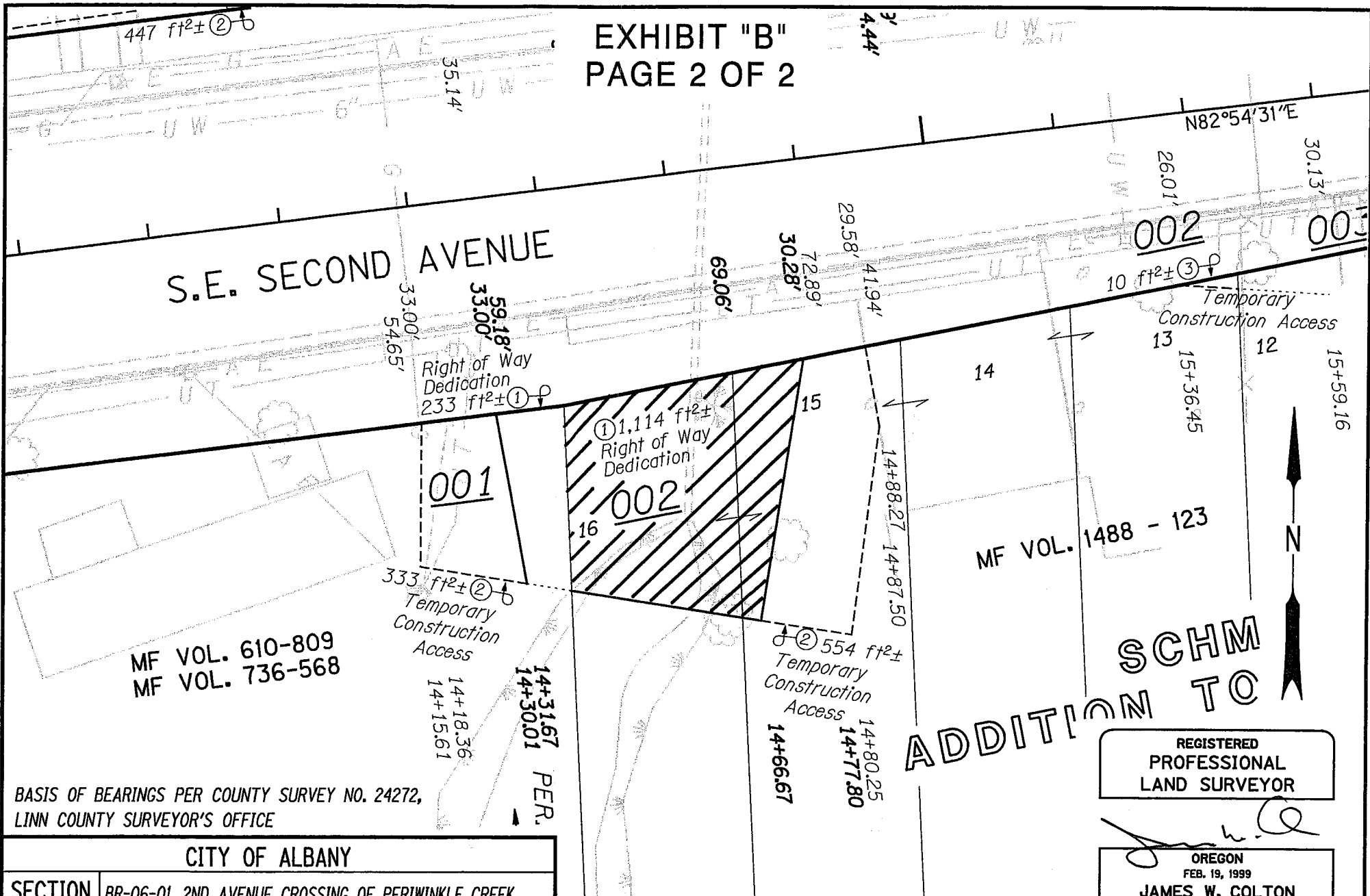
Thence N 82°54'31" E, 700.00 feet to Station 17+00.00 and the terminus of this retraced centerline.

(CONTINUED ON PAGE 2)



RENEWAL DATE: 12/31/07

EXHIBIT "B"  
PAGE 2 OF 2



MF VOL. 610-809  
MF VOL. 736-568

MF VOL. 1488 - 123

BASIS OF BEARINGS PER COUNTY SURVEY NO. 24272,  
LINN COUNTY SURVEYOR'S OFFICE

SCHM  
ADDITION TO

CITY OF ALBANY			
SECTION	BR-06-01, 2ND AVENUE CROSSING OF PERIWINKLE CREEK		
DRG. NO.	FILE 002	KEY NO.	N/A
HIGHWAY	N/A		
COUNTY	LINN COUNTY		
SCALE :	1"=20'		
DATE :	OCTOBER 18, 2006		

SCALE 1" = 20'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEB. 19, 1999  
JAMES W. COLTON  
\*58756

RENEWAL DATE: DEC. 31, 2007  
SIGNED: *[Signature]*



Corporate Office: 820 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-6089  
2235 MISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1285  
1335 POPLAR DRIVE MEDFORD, OREGON 97504-2007



# CITY OF ALBANY

## Temporary Construction Access Agreement

I (We), Paul S. and Patricia D. Hightower, hereinafter referred to as "Grantor(s)" do hereby grant the **City of Albany**, its employees, agents, and contractors, the right and license to go upon the real property described below for the following purpose:

**Project Name /Number:** BR-06-01, 2<sup>ND</sup> AVENUE CROSSING OF PERIWINKLE CREEK

**Property Address:** 1520 2nd Ave. S.E., Albany, OR 97321

**Assessor's Map No.** 11-3W-5CC **Tax Lot(s):** 08500

**Limits of Access Area (example: front/ side etc.):** **ENTIRE PROPERTY**

**Purpose:** In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry construction access to the City, its representatives, and to the Contractor, for access to, upon, and over our property for the construction of a 5:1 slope to match the improvements to the existing property. Limits of work are shown on the attached Exhibit B. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.

The City shall restore, within reason, the premises of the Grantor, and any building or improvements disturbed by the City, to a condition as near as practicable as they were prior to any such installation or work.

Grantor hereby represents and warrants that they are the owners of said real property or otherwise have the right to grant this permit.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

# EXHIBIT 4

## EXHIBIT A

2nd Avenue Crossing of Periwinkle Creek  
October 18, 2006  
Page 1 of 2

City Project No. BR-06-01  
Map & Tax Lot No. 11 3W 5CC-4500  
File No. 001

### PARCEL 1 (Right-Of-Way Dedication)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Warranty Deed to Stuart Smith as described in MF Volume 610, Page 809, recorded August 26, 1992, and Land Sale Contract to Larry T. Mathews, as described in MF Volume 736, Page 568, recorded February 17, 1995, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly and easterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

Station	to	Station	Width on Southerly Side of Center Line
14+30.01		14+31.67	33.00 in a straight line to 59.18
14+31.67		14+66.67	59.18 in a straight line to 69.06

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

Bearings based on C.S. 24272 filed on April 6, 2006, Linn County, Oregon.

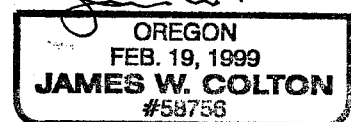
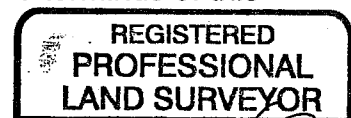
The parcel of land contains 233 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue, being more particularly described as follows:

Beginning at a point on the retraced centerline of S.E. Second Avenue Station 10+00.00 as recorded under Survey Number C.S. 24272, Linn County Survey Records, said point bears N 07°05'29" W, 33.00 feet from a found 3/4" iron bolt at the southwest corner of Hackelmans 4th addition to Albany, Oregon, Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;

Thence N 82°54'31" E, 700.00 feet to Station 17+00.00 POT and the terminus of this retraced centerline.

(CONTINUED ON PAGE 2)

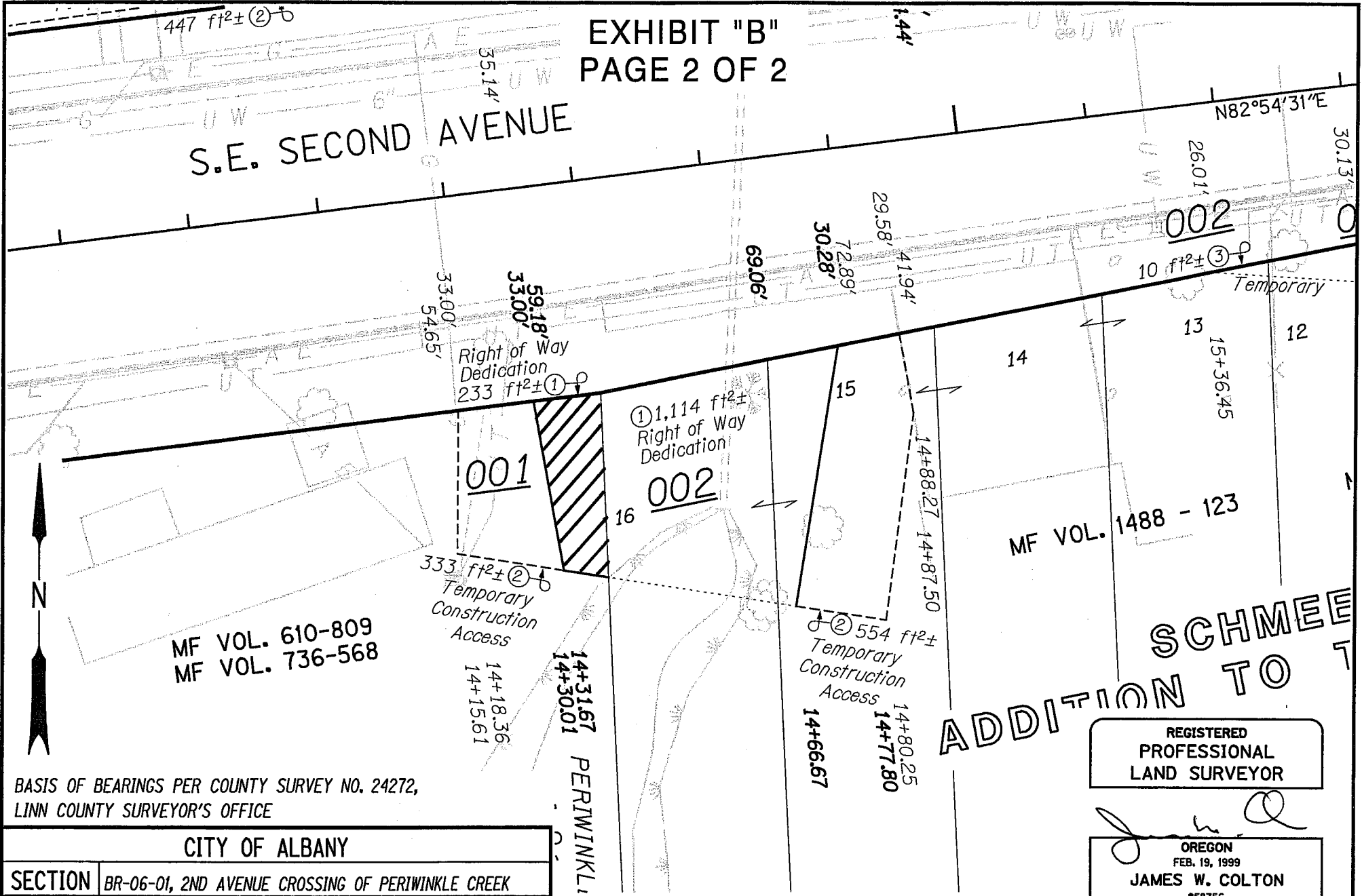


RENEWAL DATE: 12/31/07

10/18/06

EXHIBIT "B"  
PAGE 2 OF 2

S.E. SECOND AVENUE



MF VOL. 610-809  
MF VOL. 736-568

MF VOL. 1488 - 123

SCHMEE  
ADDITION TO

BASIS OF BEARINGS PER COUNTY SURVEY NO. 24272,  
LINN COUNTY SURVEYOR'S OFFICE

CITY OF ALBANY

SECTION	BR-06-01, 2ND AVENUE CROSSING OF PERIWINKLE CREEK		
DRG. NO.	FILE 001	KEY NO.	N/A
HIGHWAY	N/A		
COUNTY	LINN COUNTY		
SCALE :	1"=20'		
DATE :	OCTOBER 18, 2006		

SCALE 1" = 20'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*James W. Colton*  
OREGON  
FEB. 19, 1999  
JAMES W. COLTON  
#58756

RENEWAL DATE: DEC. 31, 2007  
SIGNED: 10/12/06

CONSULTING ENGINEERS  
www.cbec.com  
Corporate Office: 920 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-6089  
2235 MISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1295  
1335 POPLAR DRIVE MEDFORD, OREGON 97504-5207



# CITY OF ALBANY

## Temporary Construction Access Agreement

I (We), Stuart Smith and Larry T. Mathews, hereinafter referred to as "Grantor(s)" do hereby grant the **City of Albany**, its employees, agents, and contractors, the right and license to go upon the real property described below for the following purpose:

**Project Name /Number:** BR-06-01, 2<sup>ND</sup> AVENUE CROSSING OF PERIWINKLE CREEK  
**Property Address:** 1415 Salem Ave. S.E., Albany, OR 97321  
**Assessor's Map No.** 11-3W-5CC **Tax Lot(s):** 04500

**Limits of Access Area** (example: front/ side etc.): **ENTIRE PROPERTY**

**Purpose:** In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry construction access to the City, its representatives, and to the Contractor, for access to, upon, and over our property for the construction of a 5:1 slope to match the improvements to the existing property. Limits of work are shown on the attached Exhibit B. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.

The City shall restore, within reason, the premises of the Grantor, and any building or improvements disturbed by the City, to a condition as near as practicable as they were prior to any such installation or work.

Grantor hereby represents and warrants that they are the owners of said real property or otherwise have the right to grant this permit.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_