

RESOLUTION NO. 6316

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Hayden Homes, LLC

Purpose

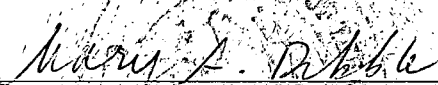
A 5-foot by 4.5-foot triangular pedestrian ramp sidewalk easement on the northeast corner of Hill Street and Tudor Place, as part of the Plum Tree Estates subdivision project.

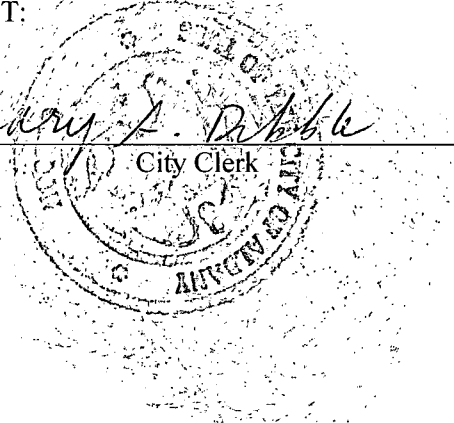
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 9TH DAY OF APRIL, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



## EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 24<sup>th</sup> day of March, 2014, by and between **Hayden Homes, 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, including the right to enter upon the real property hereinafter described, and to construct, maintain, and repair a public sidewalk for the purpose of providing pedestrian access and sidewalks over, across, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk and the further 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 5-foot by 4.5-foot triangular pedestrian ramp sidewalk easement on the northeast corner of Hill Street and Tudor Place, as part of the Plum Tree Estates subdivision project.

See legal description on attached Exhibit A and maps on attached Exhibit B and 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.

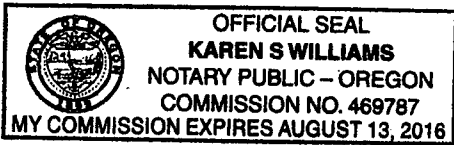
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

[Signature]  
Travis Mills

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

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of March, 2014, by, Travis Mills (Title) Senior Project Manager on behalf of Hayden Homes, LLC, as his/her voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 8-13-16

CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6316, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of April 2014.



[Signature]  
City Manager

ATTEST:

[Signature]  
City Clerk

## **Exhibit A**

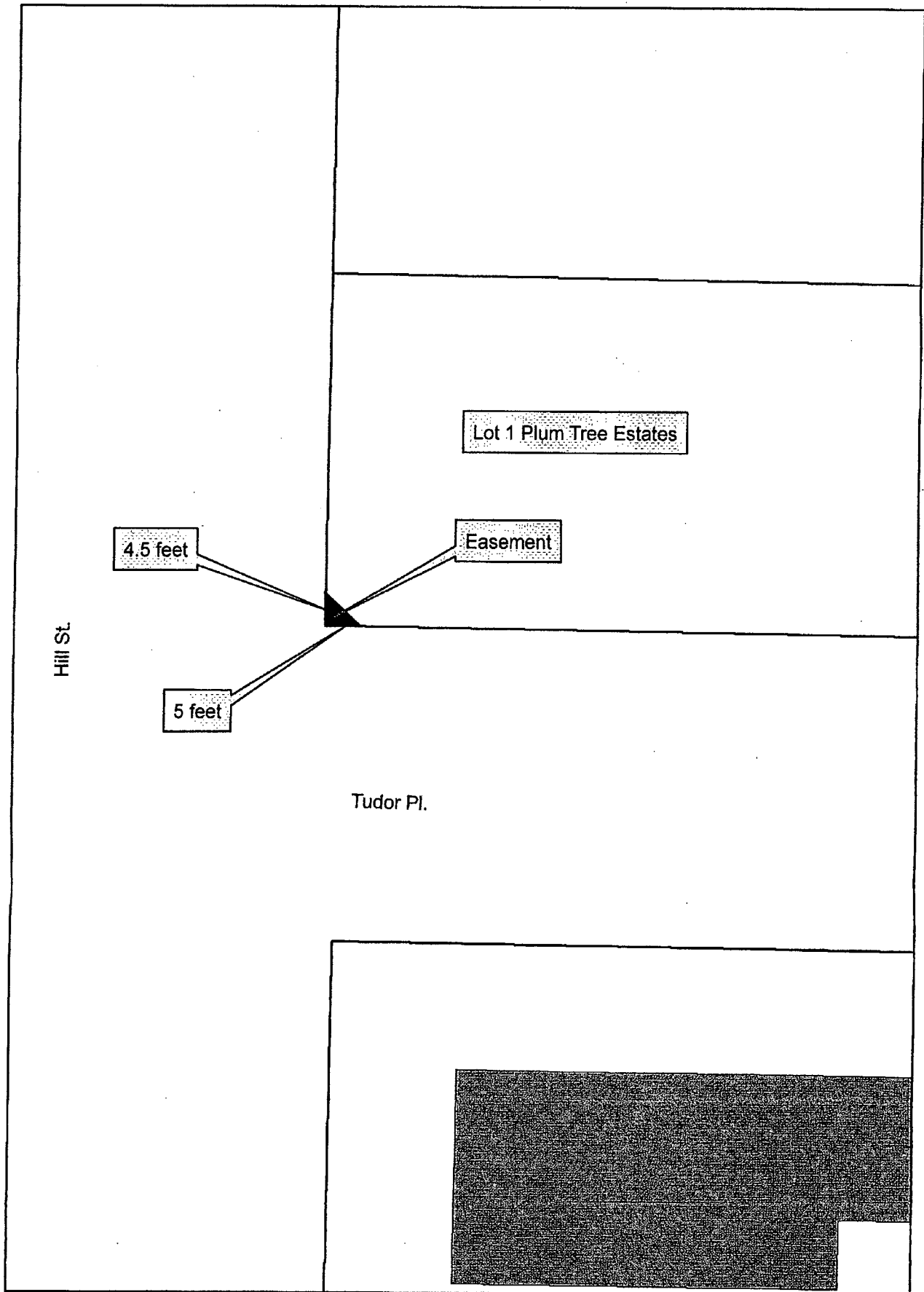
### **Legal Description for pedestrian ramp sidewalk easement**

A 5 foot by 4.5 foot triangular sidewalk easement lying over the southwest corner of Lot 1, Plum Tree Estates, in the SW 1/4 Section 18, T11South, R3West, Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows;

Beginning at a point on the west property line of Lot 1, Plum Tree Estates, said point being  $N01^{\circ}16'30''W$  4.5 feet from the southwest corner of Lot 1; thence  $S01^{\circ}16'30''E$  4.5 feet to the southwest corner of Lot 1; thence  $N88^{\circ}56'31''E$  5.0 feet along the south property line of Lot 1; thence  $N49^{\circ}10'05''W$  6.74 feet to the point of beginning. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

The bearings used in this easement were based on Linn County, Oregon, County Survey Number 25640.

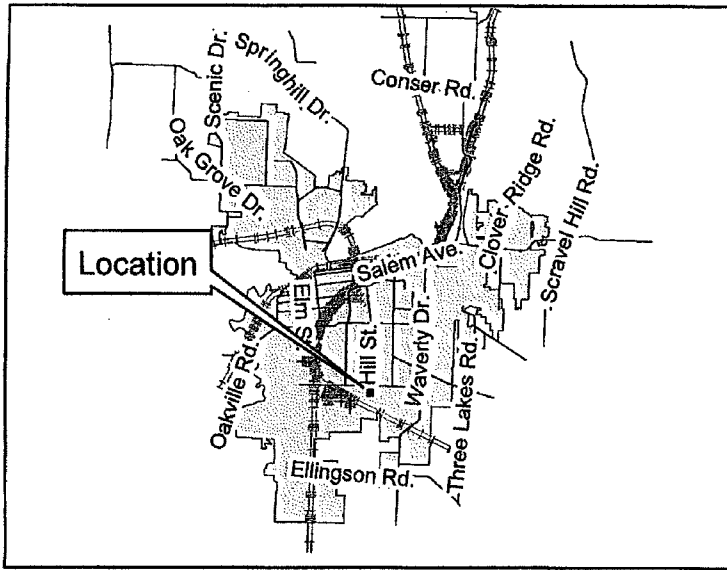
# Exhibit B - Map of Pedestrian Ramp Sidewalk Easement



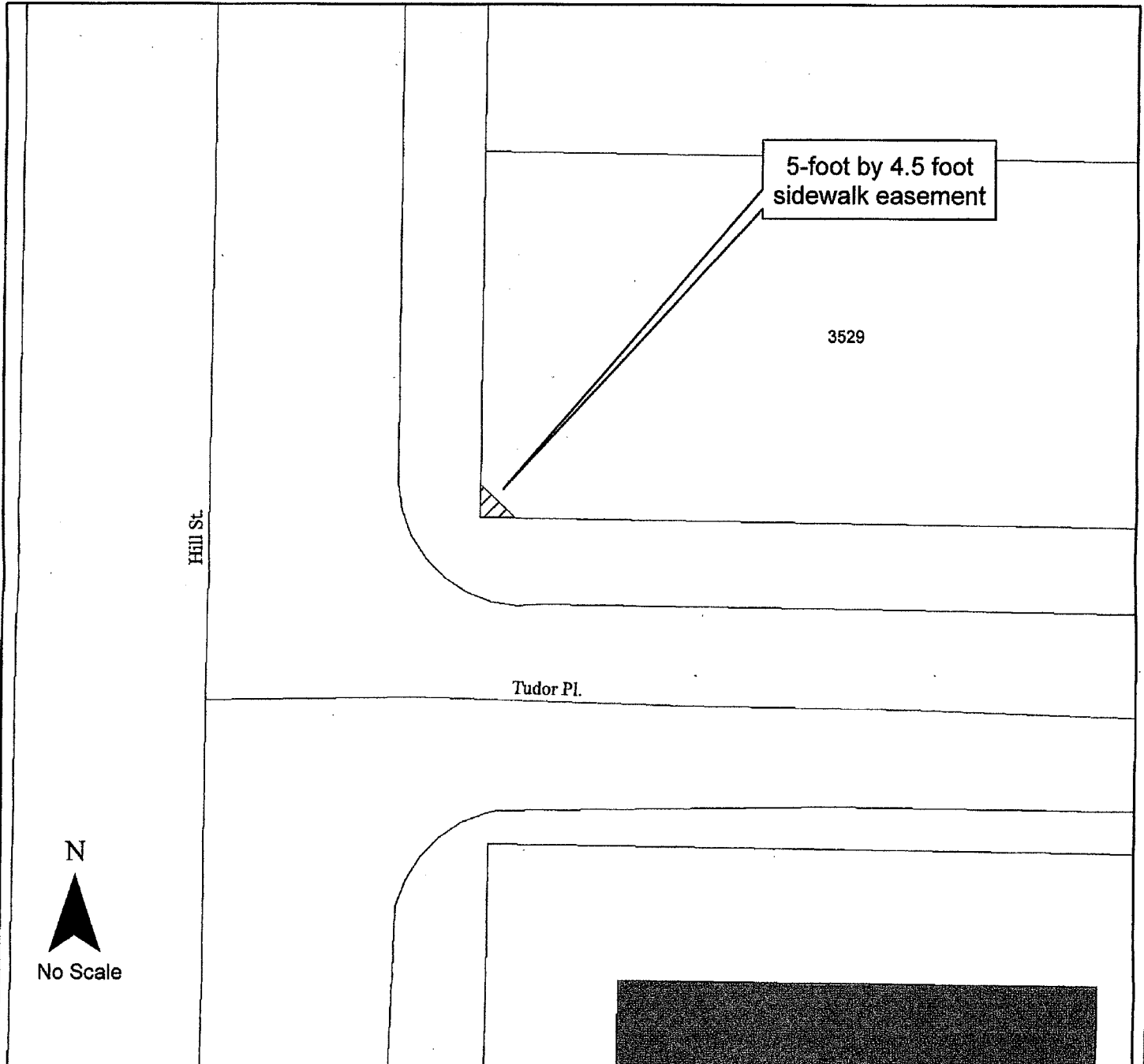
# EXHIBIT C

11S03W18DD00400

A 5-foot by 4.5-foot triangular pedestrian ramp sidewalk easement on the northeast corner of Hill Street and Tudor Place, as part of the Plum Tree Estates subdivision project.




Geographic Information Services




**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2014-04181**  
E-EAS  
Cnt=1 Str=44 COUNTER 04/14/2014 01:57:00 PM  
\$30.00 \$11.00 \$20.00 \$19.00 \$10.00 **\$90.00**



00223013201400041810060065

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

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Hayden Homes, LLC

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

Easement

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

Hayden Homes, 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

Res. No. 6316