



RESOLUTION NO. 7037

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

South Albany Community Church

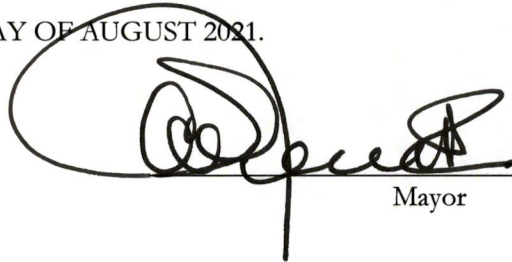
Purpose

Accepting a 5-foot wide Public Sidewalk easement, as part ST-21-01, 24th Avenue Rehabilitation.

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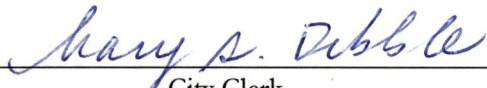
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 11TH DAY OF AUGUST 2021.



Mayor

ATTEST:



City Clerk



EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 21 day of July, 2021, by and between South Albany Community Church, 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 a public sidewalk for the purpose of pedestrian access and sidewalks over, across, through, and under 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 five-foot wide sidewalk easement on the west side of Geary Steet, as part of ST-21-01, 24th Avenue Rehabilitation.

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 \$2,000.00, 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.
7. The City shall remove existing fences along 24th Avenue and Geary Street as part of the construction of the new sidewalk.

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

Keith Wardlaw
Keith Wardlaw, President of the Trustees Committee

STATE OF OREGON
County of Linn

The instrument was acknowledged before me this 21 day
of July, 2021, by
Keith Wardlaw, as President,
of The Trustees Committee



Lisa Marie Kanaski
Notary Public for Oregon
My Commission Expires: August 27 2022

CITY OF ALBANY:

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

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2021.

City Manager

ATTEST:

City Clerk

EXHIBIT A
Legal Description

PERMANENT PUBLIC SIDEWALK EASEMENT

A permanent public sidewalk easement across that property conveyed to South Albany Community Church (hereinafter referred to as "Church Property"), described in 2011 1700, Linn County Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

Beginning at a 5/8-inch rod at the northeast corner of said Church Property, said point being the POINT OF BEGINNING; thence South 1°36'00" East 150.00 feet along the east line of said Church Property to the southeast corner of said Church Property; thence South 89°05'00" West 5.00 feet along the south line of said Church Property; thence North 1°36'00" West 150.00 feet to the north line of said Church Property; thence North 89°05'00" East 5.00 feet along the north line of said Church Property to the POINT OF BEGINNING.



EXHIBIT B
PUBLIC SIDEWALK EASEMENT
SOUTH ALBANY COMMUNITY CHURCH

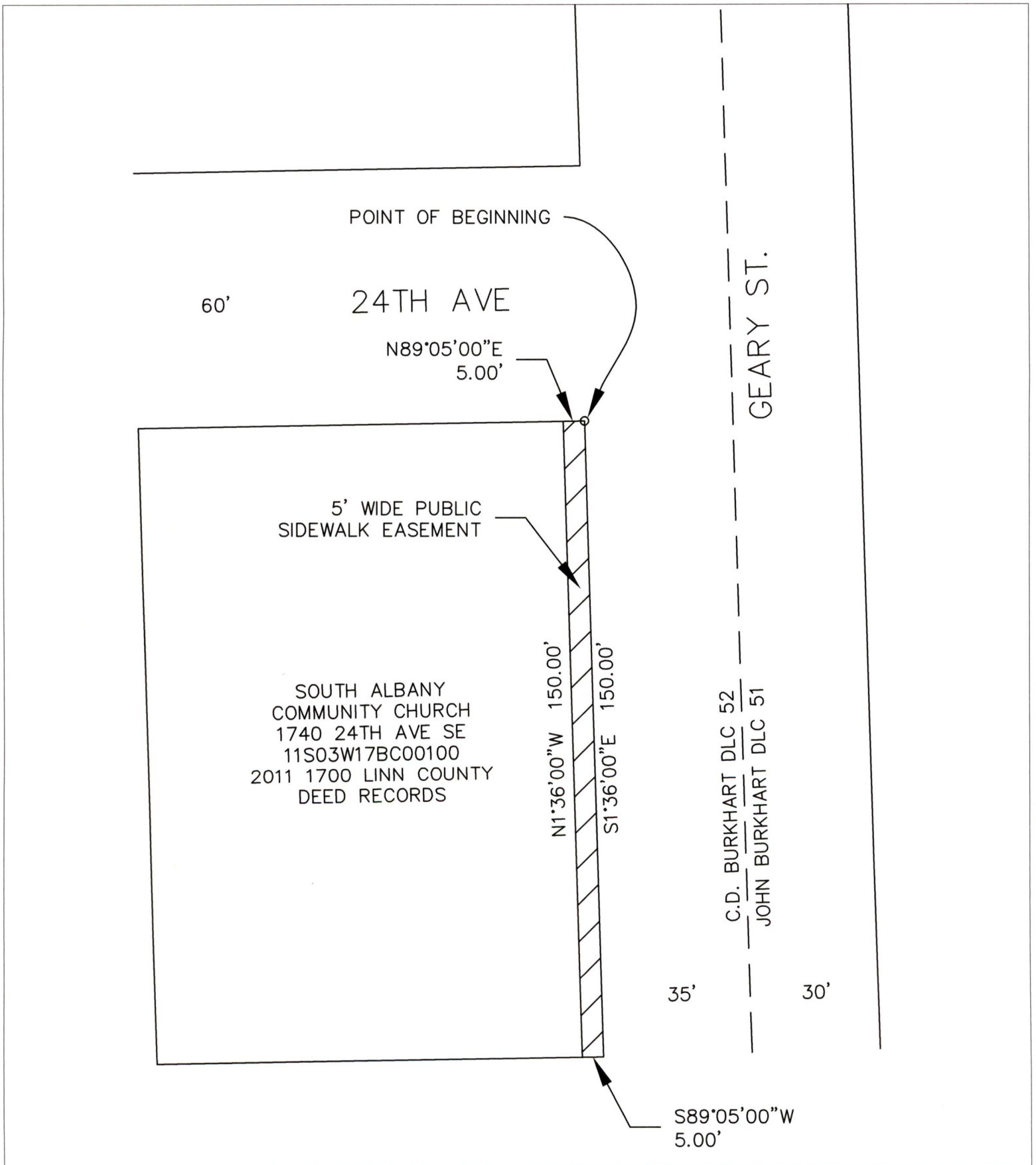
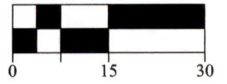
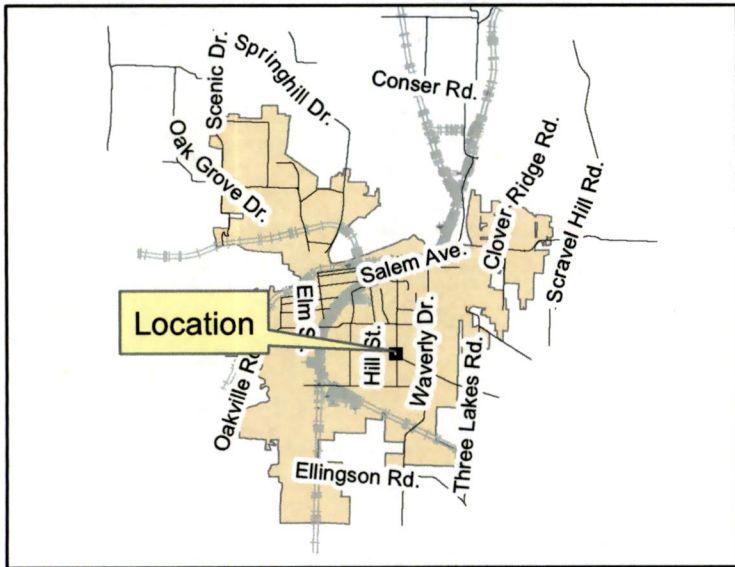


EXHIBIT C

11S03W17BC- 00100

A 5 foot wide Public Sidewalk easement, as part of ST-21-01, 24th Avenue Rehabilitation



Geographic Information Services

