

RESOLUTION NO. 3813

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Conser Homes, Inc.

Purpose


Two 2-foot wide permanent sidewalk easements, Tract I and Tract II, across that property located in the northeast quarter and southeast quarter of Section 35, Township 10 South, Range 4 West of the Willamette Meridian.

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

DATED THIS 9TH DAY OF JULY 1997.


Mayor

ATTEST:



City Recorder

SIDEWALK EASEMENT

THIS AGREEMENT, made and entered into this 8 day of MAY, 1997, by and between Conser Homes, Inc., herein called Grantors, 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 grantors have this day bargained and sold and by these presents do 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 for the purpose of conveying public utilities services 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 utilities and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

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

TRACT I

A 2-foot wide permanent sidewalk easement across that property located in the northeast quarter and southeast quarter of Section 35, Township 10 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, 1-foot on either side of a centerline; more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a point, said point being North 82° 54' 24" East 321.92-feet of a 5/8-inch iron rod with 2-inch diameter aluminum cap stamped "Albany GPS 93608" CCR #6; thence North 0° 05' 16" West 280.54-feet to the true point of beginning; thence 148.76-feet in an Easterly direction, parallel and adjacent to a line running South 89° 55' 00" West; thence extending to intersect the right-of-way line located in the southwest intersection of NW Oak Grove Way and White Cliff Drive.

TRACT II

A 2-foot wide permanent sidewalk easement across that property located in the northeast quarter and southeast quarter of Section 35, Township 10 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, 1-foot on either side of a centerline; more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a point, said point being North 82° 54' 24" East 321.92-feet of a 5/8-inch iron rod with 2-inch diameter aluminum cap stamped "Albany GPS 93608" CCR #6; thence North 0° 05' 16" West 332.54-feet to the true point of beginning; thence 148.87-feet in an Easterly direction, parallel and adjacent to a line running South 89° 55' 00" West; thence extending to intersect the right-of-way line located in the northwest intersection of NW Oak Grove Way and White Cliff Drive.

- 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.

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P.O. Box 490, Albany, OR 97321

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 Grantors do 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 Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

Conser Homes, Inc.

By: *James F. Conser*
President

By: *Mary Kay Conser*

Title: *Sec - Treas*

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

The foregoing instrument was acknowledged before me this 8 day of May, 1997, by Jim Conser, president, and by *Mary Kay Conser*, of Conser Homes, Inc., an Oregon corporation, on behalf of the corporation.

Pamela R. Baaske
Notary Public for Oregon
My Commission Expires: 2-25-2001

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3813 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of July, 1997.

Steve Bryant
City Manager

ATTEST:

Pamela R. Baaske
City Recorder





94-14

94-14

FD 5/8" IR W/YPC MARKED

⑦ "LS 501"

(N 0°05'16" W 60.00)

S 89°56'56" W 159.92

12.15

3.75

N 89°57'59" E

LOT 20

12,872 SQ FT

TRACT II

80.70

25.00

25.00

25.00

102.96

45

281.54

168.58

91.50.0 N

91.50.0 N

168.58

281.54

91.50.0 N

168.58

281.54

91.50.0 N

168.58

281.54

S 89°55'00" W 148.87

S 89°55'00" W 181.82

S 89°55'00" W 148.76

S 89°55'00" W 142.15

S 89°41'17" W 178.54

S 89°41'17" W 335.41

(S 89°41'17" W 335.42)

11.00

N 89°39'44" E 12

TRACT "B" 1376 S

N 89°39'44" E 12

LOT 26

11,229 SQ FT

N 89°47'30" E 12

N.W. OAK GROVE WAY (R/W = 60')

N.W. OAK GROVE WAY R/W = 50'

FD 2 7/8" BRASS CAP
IN MONUMENT BOX STAMPED
"CEN. SEC. 35 T.10S. R.4W."
CORNER RESTORATION #3255

FD 5/8" IR W/YPC MARKED

⑦ "LS 501"

N 71°44' E 0.06

TRACT I

LOT 21
16,171 SQ FT

LOT 22
15,634 SQ FT

LOT 23
12,565 SQ FT

LOT 24
10,271 SQ FT

PARCEL 3 439.56

PARTITION PLAT 94-14

1 FOOT WIDE NO
ACCESS EASEMENT
DEDICATED TO THE
CITY OF ALBANY

FD 5/8" IR IN MONUMENT
BOX WITH 2" DIA. ALUMINUM
CAP STAMPED "ALBANY GPS
93608" CCR#6 ⑦

FD 5/8" IR W/YPC MARKED

⑦ "LS 501" ⑦

(S 89°41'17" W 141.38)

INITIAL POINT

N 82°54'24" E 321.92

N.W. GIBSON HILL ROAD (R/W = 60')

COUNTY ROAD NO. 14400

N.W. SCENIC DRIVE

WHITECLIFF DRIVE

EXHIBIT A

LOT 27
11,115 SQ FT

LOT 26
11,229 SQ FT

LOT 24
10,271 SQ FT

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STATE OF OREGON }
County of Benton } SS. **225059**

I hereby certify that the within instrument
was received for record.

'97 AUG 4 PM 1 30

AND ASSIGNED **M N^o 232644** 1997

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

NEIL B. RICHARDSON

Acting Director Of Records & Elections

By



Deputy

25
15675

Resolution No. 3813

Recorded Document Recorder File No. 2986