

RESOLUTION NO. 5282

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Mary L. Hartley

Purpose

Five-foot wide sidewalk and utility easement on the west side of Geary Street to allow for the installation of a public sidewalk and utilities.

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 14TH DAY OF JUNE 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR CITY OF ALBANY PUBLIC SIDEWALK AND UTILITIES

THIS AGREEMENT, made and entered into this 21st day of April, 2006, by and between **Mary L. Hartley**, 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 utility 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 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.

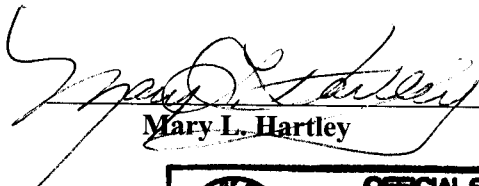
This agreement is subject to the following terms and conditions:

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

A permanent public utility and sidewalk easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.
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.
7. The sidewalk and utility easement area remains the property of the grantor. The driveway will remain in its existing location for the 2006 Geary Street sidewalk infill project. The property owner will not be assessed any costs for this sidewalk infill project.


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

GRANTOR: Mary L. Hartley



Mary L. Hartley





Notary Public for Oregon
My Commission Expires: 9/9/2008

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by **Mary L. Hartley** as her voluntary act and deed.

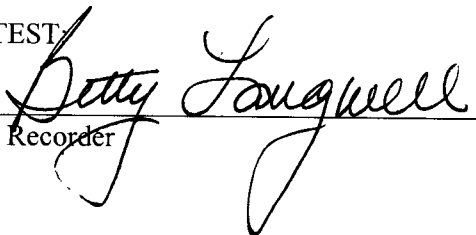
CITY OF ALBANY:

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 5282, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of June 2005.



City Manager

ATTEST


City Recorder

Exhibit A

Legal Description for Hartley-to-City of Albany sidewalk and utility easement:

Beginning at the southeast corner of Lot 6, Block 2 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 $89^{\circ}17'30''$ East 5.0 feet along the north property line of that property conveyed to Mary L. Hartley by a deed recorded in Linn County Microfilm Deed Records 1165, page 965, to the west right-of-way line of Geary Street; thence south along the west right-of-way line of Geary Street 115 feet to Southeast corner of said Hartley property; thence West 5.0 feet along the south property line of said Hartley property to a point 5.0 feet west of the Geary Street right-of-way; thence North 115 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.

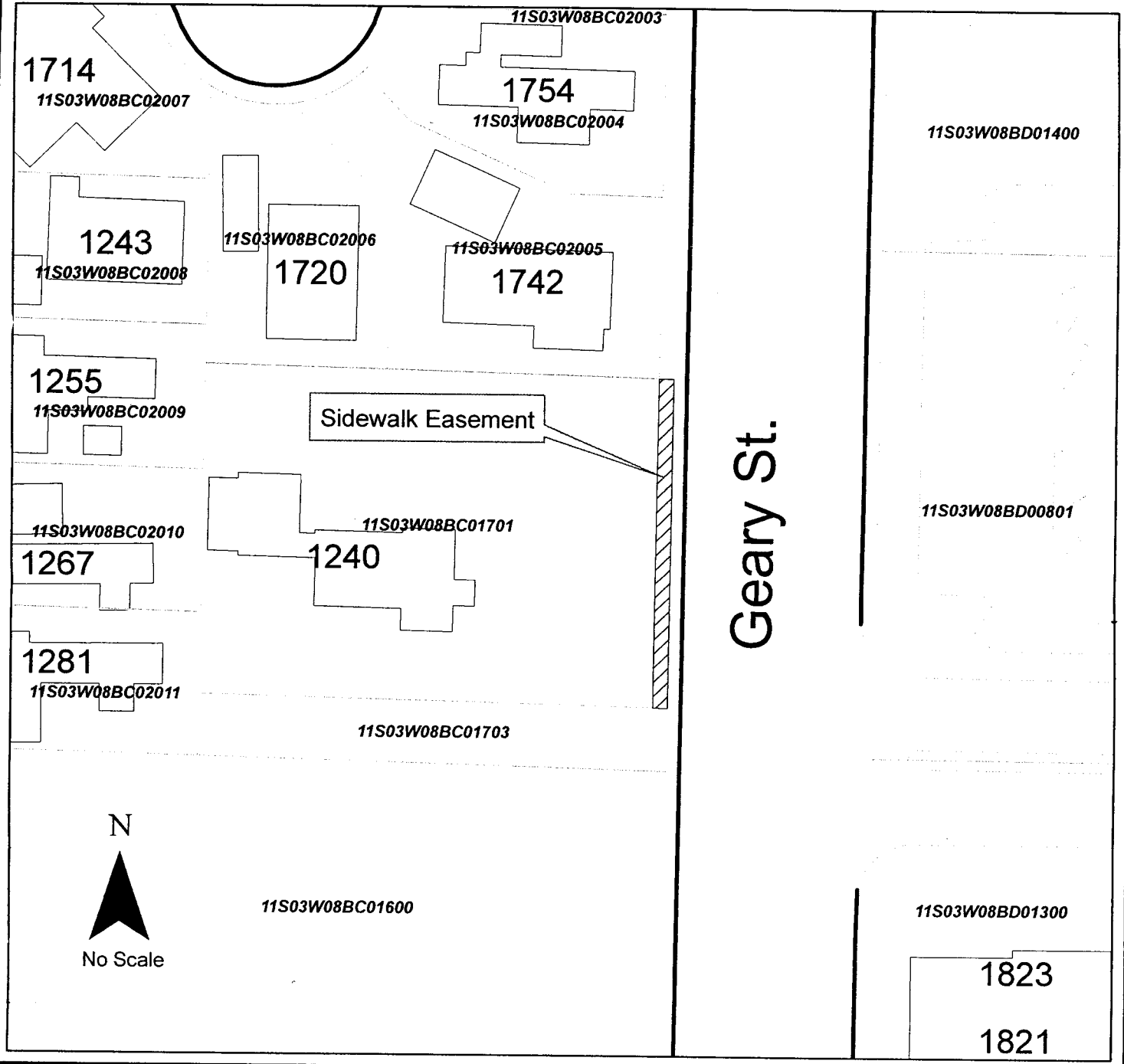
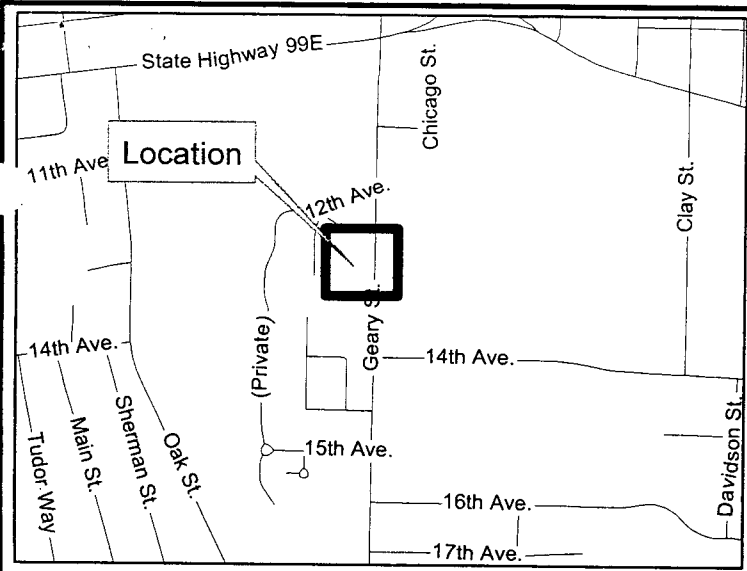
EXHIBIT B

1240 Geary St. SE
11S03W08BC01701
Mary Hartley

Geary Street Sidewalk Easement



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-08140**
E-PAU
Cnt=2 Stn=1 A. ZURCHER **04/02/2007 01:17:38 PM**
\$30.00 \$5.00 \$11.00 \$10.00 **\$56.00**



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 Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

NA

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

EASEMENT FOR CITY OF ALBANY PUBLIC SIDEWALK AND UTILITIES

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

Mary L. Hartley

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

Please note that this
Easement includes two
(2) issues:

1. Public sidewalks
2. Public utilities

Betty Lawrence
City Clerk

Resolution No. 5282

Recorded Document Recorder File No. 4888