

RESOLUTION NO. 6360

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

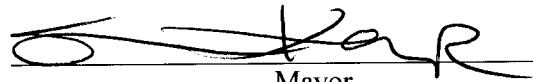
Glorietta Bay, LLC

Purpose

A variable-width sidewalk easement along North Albany Road required for the construction of street improvements as part of ST-13-03, North Albany Road Rehabilitation.

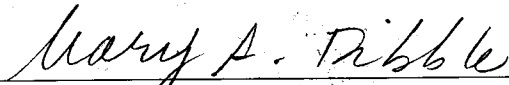
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2014.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 23rd day of September, 2014, by and between Glorietta Bay, 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 variable width sidewalk easement on the east side of North Albany Road, as part of ST-13-03, North Albany Road 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.

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

GRANTOR:

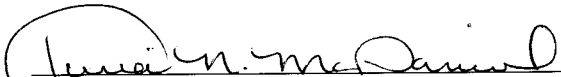
Glorietta Bay, LLC



Scott Lepman, Managing Member

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

The foregoing instrument was acknowledged before me this 23rd day of September, 2014, by Scott Lepman, Managing Member, as a representative of Glorietta Bay, LLC, as his voluntary act and deed.



Notary Public for Oregon
My Commission Expires: July 17, 2015




CITY OF ALBANY:

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

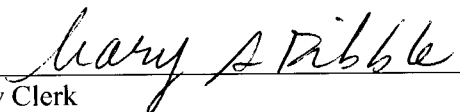
I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6360, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of October 2014.





City Manager

ATTEST:



City Clerk

EXHIBIT "A"

Legal Description

North Albany Road Easement

A portion of that property conveyed by deed to Glorietta Bay, LLC an Oregon Limited Liability Company (hereinafter referred to as "Glorietta Bay Tract") recorded in Microfilm No. M-240247-98 in the Benton County, Oregon Deed Records that is more particularly described as follows:

Beginning at a 5/8 inch rod at the most westerly southwest corner of said Glorietta Bay Tract; thence North 03°48'08" West, along the west line of said Glorietta Bay Tract, 130.80 feet; thence South 05°22'03" East 134.28 feet to a point on the south line of said Glorietta Bay Tract; thence North 50°42'09" West 5.02 feet to the POINT OF BEGINNING.

February 14, 2014

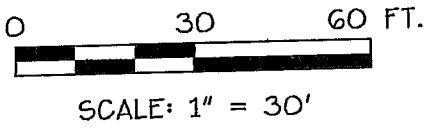
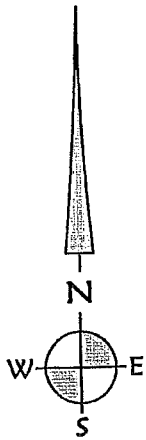
EXHIBIT "A"

NORTH ALBANY ROAD EASEMENT

(12-116) JJC:ls

File Ref: z:/projects/2012/12-116/surveying/documents/lepman.doc

EXHIBIT "B"
FEBRUARY 18, 2014



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

Renewal: 12/31/15

NORTH ALBANY ROAD

N03°48'08"W 130.80'

S05°22'03"E 134.28'

Easement

P.O.B.

N50°42'09"W
5.02'

GLORIETTA BAY, LLC
(N-240247-98)

PUBLIC ROAD

K & D

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

Date: 2/18/2014

Time: 11:53

Scale: 1=30

File: dwg\2012\12-116\12-116_lepman.dwg (Briancpu54)

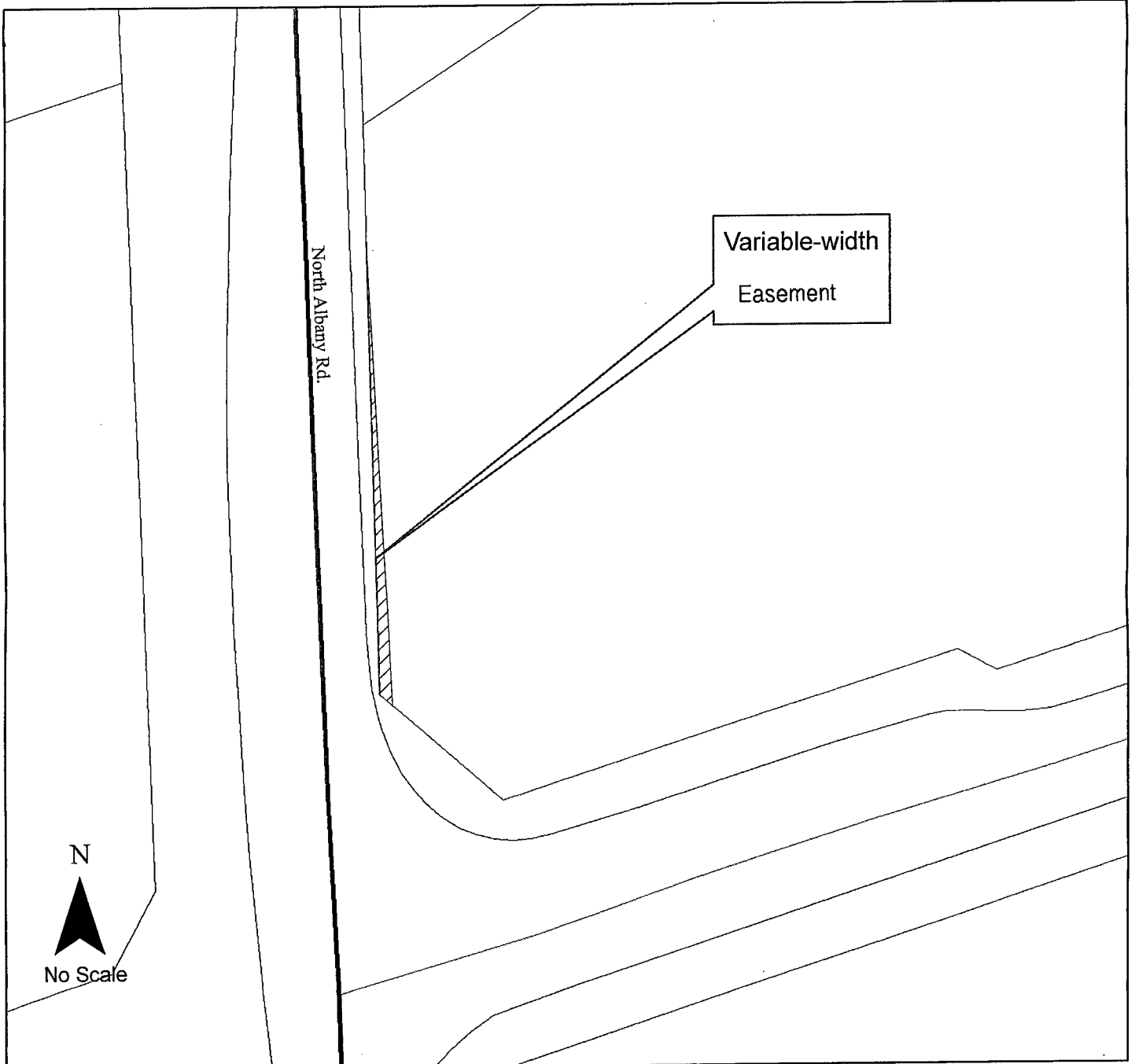
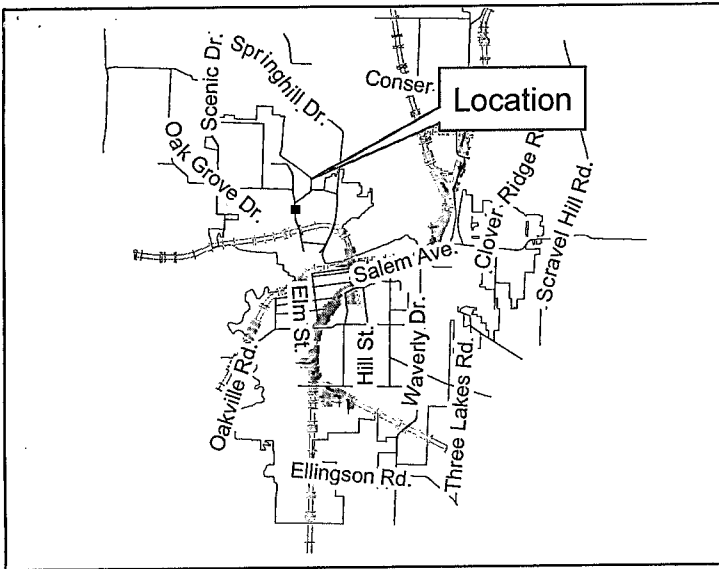
EXHIBIT C

10S04W36DD00600

A variable-width Easement
along North Albany Road required
for the construction of street improvements
as part of ST-13-03, North Albany Road
Rehabilitation



Geographic Information Services




**INVOICING: Charge to City of Albany,
Attn: Mary Dibble, PO Box 490, Albany, OR, 97321**

**RECORDING RECIEPT: Email to
mary.dibble@cityofalbany.net**

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

BENTON COUNTY, OREGON **2014-524348**
DE-EAS **10/15/2014 01:52:03 PM**
Cnt=1 Stn=9 PF
\$30.00 \$11.00 \$22.00 \$10.00 \$20.00 **\$93.00**



00289151201405243480060064

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



AFTER RECORDING RETURN TO:

City of Albany Recorder _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

Glorietta Bay, LLC

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

Easement for public sidewalk

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

Glorietta Bay, 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. 6210