



RESOLUTION NO. 7241

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A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Willamette River View Holdings II, LLC

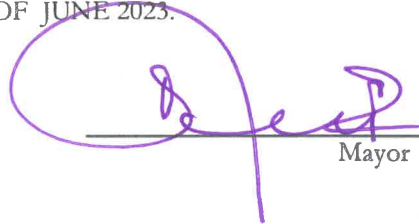
Purpose

An 11 foot wide Public Access easement as part of SP-01-19, The Banks apartments development.

11S03W05BD00300

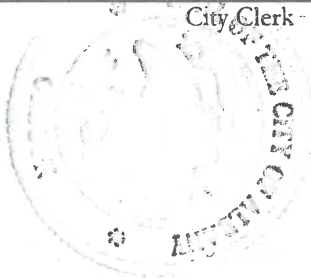
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF JUNE 2023.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## PUBLIC ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 31<sup>st</sup> day of May, 2023, by and between Willamette River View Holdings II, 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 and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair a public pedestrian/bicycle path 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 path 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:  
  
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.

*Patrick Morley*

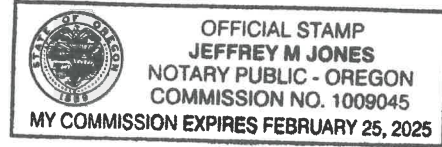
**Robyn Morley**  
*Patrick*

**Member of Willamette River View Holdings, LLC**

STATE OF OREGON  
County of Linn

The instrument was acknowledged before me this 31<sup>st</sup> day  
of May, 2023, by  
*Patrick* Robyn Morley, member, on behalf of Willamette River View  
Holdings II, LLC.

*Jeffrey M. Jones*  
Notary Public for Oregon  
My Commission Expires: 2/25/25



**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 7241, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15<sup>th</sup> day of June 2023.

\_\_\_\_\_  
City Manager

ATTEST:

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



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #5805

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Public Access Easement

A portion of Parcel 1 of the Partition Plat No. 2020-003, recorded as CS 26773, Linn County Survey Records, located in the West One-Half of Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, and being more particularly described as follows:

Commencing at the southwest corner of said Parcel, also being on the east right-of-way line of Geary Street (30.00 feet from centerline); thence along the westerly line of said Parcel 1 the following three (3) courses: North 00°52'27" East 289.56 feet, North 89°07'33" West 30.00 feet, North 00°52'27" East 12.52 feet to the Point of Beginning; thence continuing along said westerly line, North 00°52'27" East 19.82 feet; thence leaving said westerly line on a non-tangent curve to the right (Radial Bearing of South 53°19'56" East) with a Radius of 125.00 feet, a Delta of 24°46'52", a Length of 54.06 feet, and a Chord of North 49°03'30" East 53.64 feet; thence North 61°26'56" East 105.92 feet; thence North 64°11'38" East 20.59 feet; thence North 57°00'16" East 212.20 feet; thence North 56°37'50" East 62.99 feet; thence North 77°46'58" East 141.22 feet; thence South 75°01'32" East 81.69 feet; thence South 62°40'58" East 26.63 feet to the westerly line of Partition Plat 2009-010, recorded as CS 25005, Linn County Survey Records; thence along said westerly line, South 00°49'53" West 12.29 feet; thence leaving said westerly line, North 62°40'58" West 30.92 feet; thence North 75°01'32" West 77.84 feet; thence South 77°46'58" West 136.50 feet; thence South 56°37'50" West 60.97 feet; thence South 57°00'16" West 212.93 feet; thence South 64°11'38" West 21.02 feet; thence South 61°26'56" West 105.66 feet; thence along a curve to the left with a Radius of 114.00 feet, a Delta of 27°17'18", a Length of 54.29 feet, and a Chord of South 47°48'17" West 53.78 feet; thence South 34°09'38" West 11.10 feet to the Point of Beginning.

The above described tract of land contains 7,790 square feet, more or less.

The Basis of Bearings for this description is based on said Partition Plat No. 2020-003.

5/17/2023

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Benjamin R Huff*

OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS

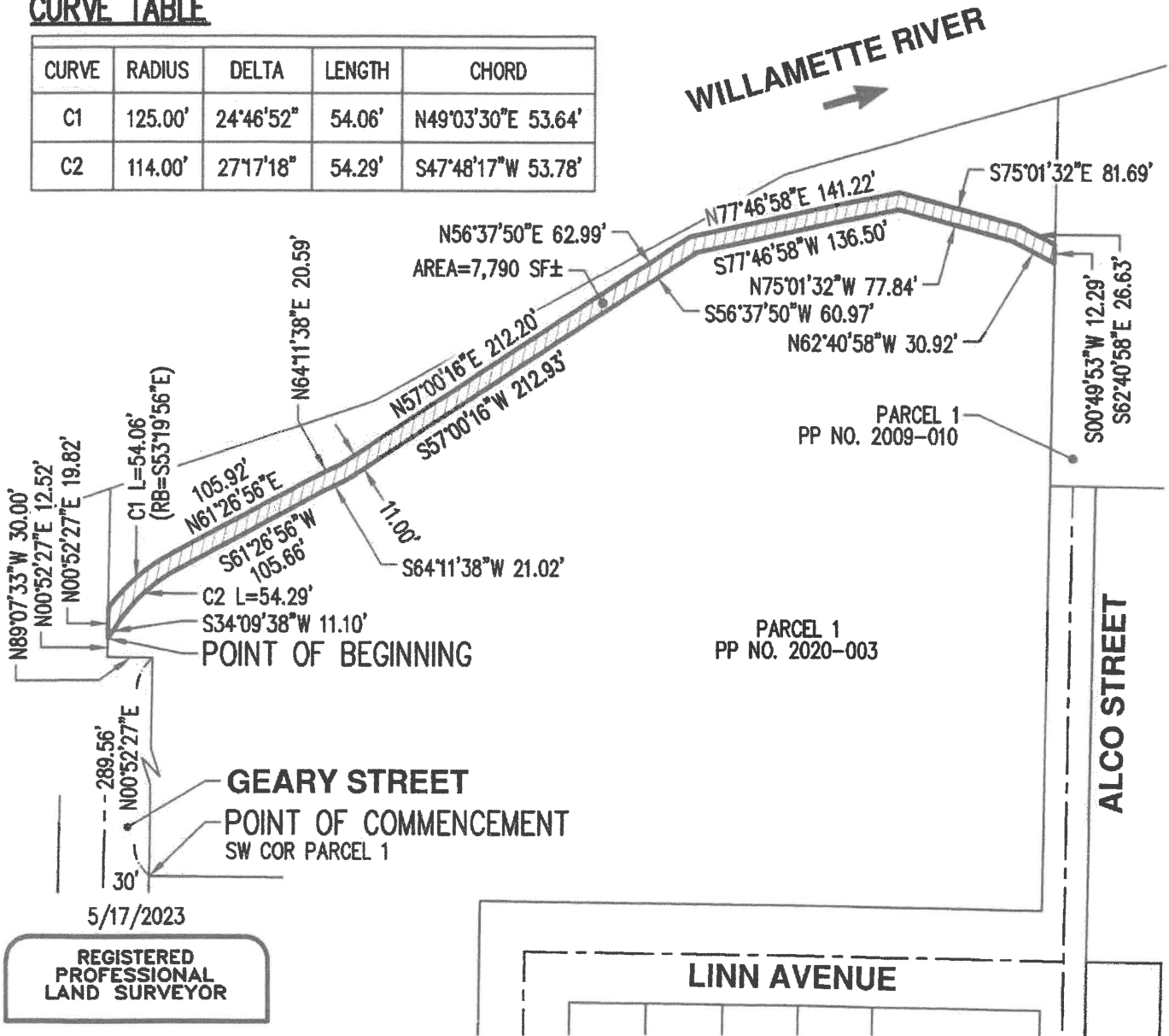
RENEWS: 6/30/23

# EXHIBIT B

A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 2020-003,  
 LOCATED IN THE WEST 1/2 OF SECTION 5,  
 TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,  
 CITY OF ALBANY, LINN COUNTY, OREGON

## CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	125.00'	24°46'52"	54.06'	N49°03'30"E 53.64'
C2	114.00'	27°17'18"	54.29'	S47°48'17"W 53.78'



AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 503.563.6151 WWW.AKS-ENG.COM



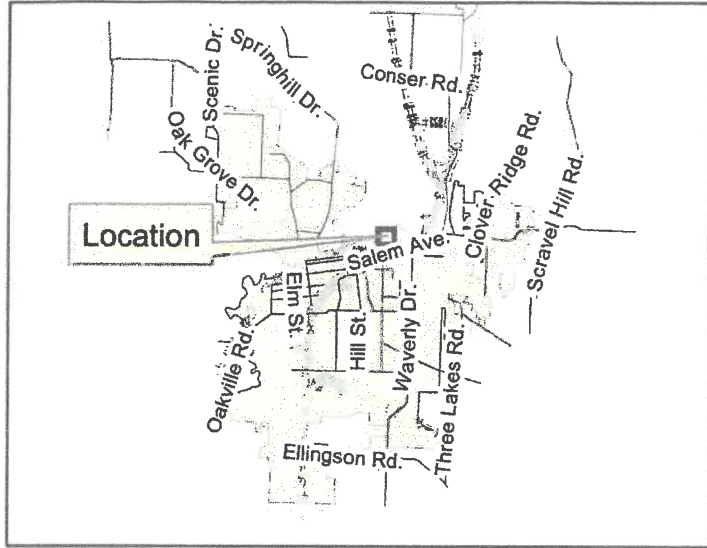
PUBLIC ACCESS EASEMENT

TL 11S03W05BD 00300  
 DRWN: WCB CHKD: BRH  
 AKS JOB: 5805  
 EXHIBIT B

# EXHIBIT C

11S03W05BD00300

An 11 foot wide Public Access Easement as part of The Banks apartments development, SP-01-19



Geographic Information Services

