

RESOLUTION NO. 3948

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Willamette Seed and Grain Company, Inc.

Purpose

A 10-foot wide easement for a bike and pedestrian walkway.

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

DATED THIS 13TH DAY OF MAY 13, 1998.



Mayor

ATTEST:



City Recorder

K:\COUNCIL\WILLEAS.RES

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22nd day of April, 1998, by and between Willamette Seed and Grain Company, Inc., herein 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 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:

A 10-foot wide easement for Bike Path and Pedestrian Walkway purposes located in that Willamette Seed and Grain Company, Inc. Tract as described by deed recorded in Volume MF 136, Page 873, of the Linn County Deed Records on June 14, 19976, the centerline of which is more particularly described as follows:

Beginning at a point on the westerly line of Block 108 of "HACKELMAN'S ADDITION TO THE CITY OF ALBANY," a subdivision of record in Linn County, Oregon, which point being North 08°15'00" West 142.57 from the southwest corner of said Block 108; thence North 81°03'58" East 19.26 feet; thence along the arc of a 15-foot radius curve to the left (chord bears North 58°33'58" East 11.48 feet) a distance of 11.78 feet; thence North 36°03'58" East 10.36 feet; thence along the arc of a 15-foot radius curve to the right (chord bears North 57°52'56" East 11.85 feet) a distance of 12.19 feet; then North 81°09'25" East 33.43 feet; thence along the arc of a 25-foot radius curve to the left (chord bears North 65°23'18" East 13.59 feet) a distance of 13.76 feet; thence North 49°37'11" East 19.92 feet; thence along the arc of a 15-foot radius curve to the right (chord bears North 63°05'50" East 6.99 feet) a distance of 7.06 feet; then North 76°34'30" East 49.38 feet; thence North 81°18'48" East 98.45 feet to a point on the easterly line of said Block 108 that is North 08°15'00" West 181.73 feet from a 1/2-inch rod at the southeasterly corner of said Block 108.

The westerly line of said Block 108 is the westerly terminus of the herein described easement. The easterly line of said Block 108 is the easterly terminus of the herein line of said Block 108 as shown on County Survey No. 19645 as filed in the office of the Linn County Surveyor.

See description in Exhibit A, Bike Path & Pedestrian Easement, and map identified as Exhibit B.

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 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. A permanent structure may be constructed on this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

WILLAMETTE SEED AND GRAIN COMPANY, INC.

By: *Robert R. Lowry*
 President

By: *Thomas H. Burns*
 Secretary

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 3940 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of May, 1998.

Steve Bryant
 City Manager

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

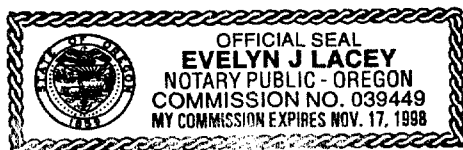
ATTEST:

The foregoing instrument was acknowledged before me this 4th day of May, 1998, by Robert R. Lowry, President, and by Thomas H. Burns, Secretary, of Willamette Seed and Grain Company, Inc., an Oregon corporation, on behalf of the corporation.

W. J. Lacey
 City Recorder

Evelyn J. Lacey
 Notary Public for Oregon
 My Commission Expires: 11/17/98

File: K:\CONTRACT\WILLSEED.EAS



K & D ENGINEERING, Inc.

*Engineers • Planners • Surveyors***EXHIBIT "A"****BIKE PATH & PEDESTRIAN EASEMENT**

A 10-foot wide easement for Bike Path and Pedestrian Walkway purposes located in that Willamette Seed and Grain Company, Inc. Tract as described by deed recorded in Volume MF 136, Page 873 of the Linn County Deed Records on June 14, 1976, the centerline of which is more particularly described as follows:

Beginning at a point on the westerly line of Block 108 of "HACKLEMAN'S ADDITION TO THE CITY OF ALBANY", a subdivision of record in Linn County, Oregon, which point being North 08°15'00" West 142.57 from the southwest corner of said Block 108; thence North 81°03'58" East 19.26 feet; thence along the arc of a 15 foot radius curve to the left (chord bears North 58°33'58' East 11.48 feet) a distance of 11.78 feet; thence North 36°03'58" East 10.36 feet; thence along the arc of a 15 foot radius curve to the right (chord bears North 57°52'56" East 11.85 feet) a distance of 12.19' feet; thence North 81°09'25" East 33.43 feet; thence along the arc of a 25 foot radius curve to the left (chord bears North 65°23'18" East 13.59 feet) a distance of 13.76 feet; thence North 49°37'11" East 19.92 feet; thence along the arc of a 15 foot radius curve to the right (chord bears North 63°05'50" East 6.99 feet) a distance of 7.06 feet; thence North 76°34'30" East 49.38 feet; thence North 81°18'48" East 98.45 feet to a point on the easterly line of said Block 108 that is North 08°15'00" West 181.73 feet from a 1/2-inch rod at the southeasterly corner of said Block 108.

The westerly line of said Block 108 is the westerly terminus of the herein described easement. The easterly line of said Block 108 is the easterly terminus of the herein described easement. The Basis of Bearings of the herein described easement is the southerly line of said Block 108 as shown on County Survey No. 19645 as filed in the office of the Linn County Surveyor.

March 31, 1998
 BIKE AND PEDESTRIAN
 EASEMENT
 (JRB:nm) 94-255-A
 File: nm\legal\94255-a.desc.doc

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jack R. Burrell

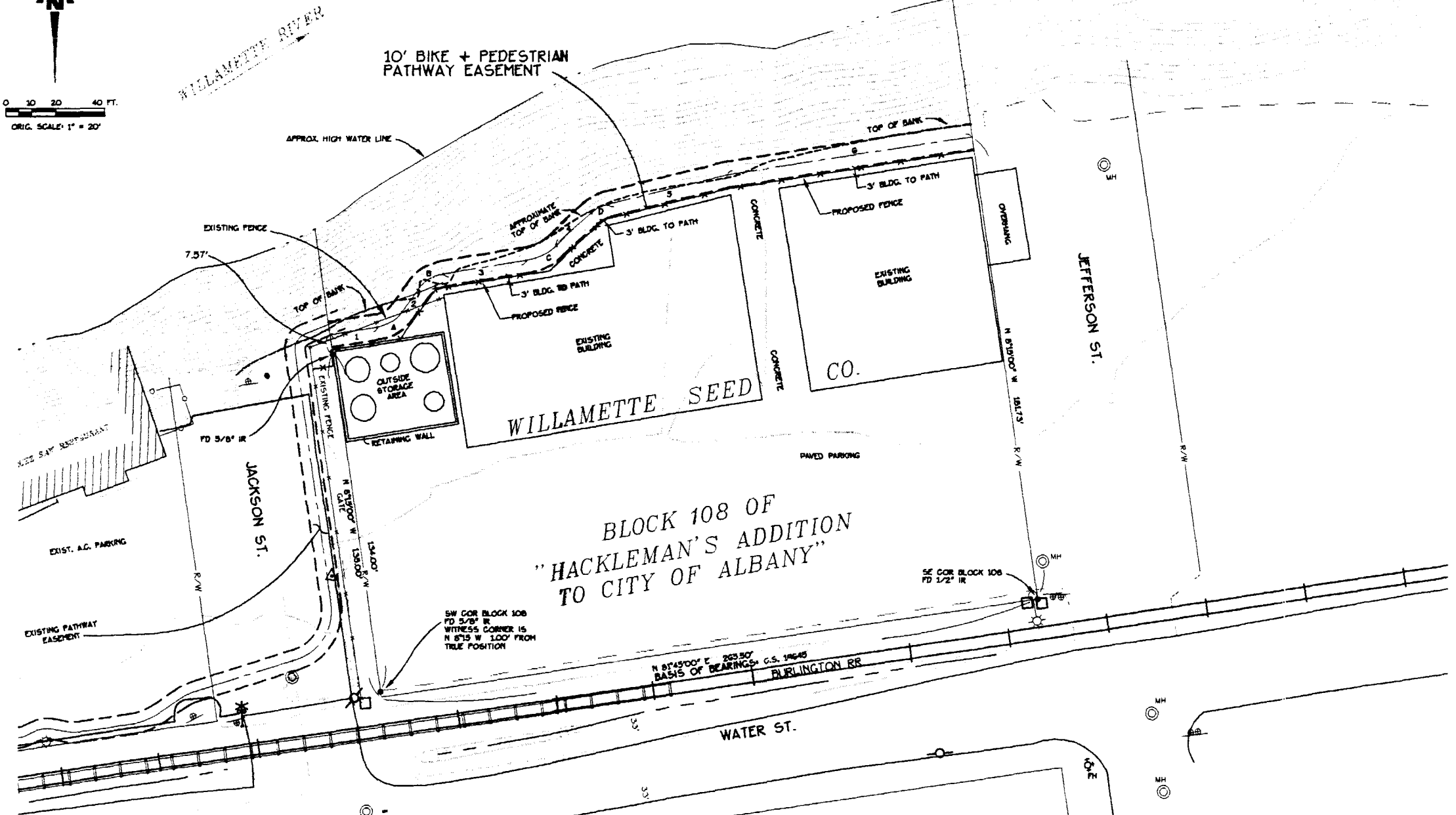
OREGON
 JULY 14, 1978
 JACK R. BURRELL
 1630

EXPIRATION DATE: 12/31/99

EXHIBIT "B"



- NOTES:**
1. BUILDINGS LOCATED BY K + D ENGINEERING FIELD SURVEY
 2. TOP OF BANK LOCATED IN FIELD BY K + D ENGINEERING.



BLOCK 108 OF
"HACKLEMAN'S ADDITION
TO CITY OF ALBANY"

§ CURVE DATA:

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
A	25.00'	11.78'	11.48'	N 98°33'58" E	49°00'00"
B	25.00'	12.19'	11.85'	N 57°52'56" E	46°32'57"
C	25.00'	13.76'	13.59'	N 65°23'18" E	31°32'19"
D	25.00'	7.06'	6.99'	N 63°03'50" E	26°57'19"

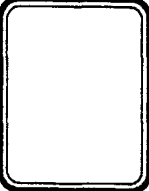
§ COURSE DATA:

LINE	DIRECTION	DISTANCE
1	N 81°03'58" E	19.26'
2	N 36°03'58" E	10.36'
3	N 81°04'25" E	33.43'
4	N 49°37'11" E	19.92'
5	N 76°34'30" E	49.38'
6	N 81°18'48" E	98.45'

Date: 3/23/1998 Title: 11-24
 Year: 1998 Scale: 1"=200'(S)
 File: DWG\94-255\94255EAC3.dwg (over 12 M.E.H.)

DATE	REVISIONS	BY:

K & D ENGINEERING, INC. ALBANY, OREGON
 276 N.W. HICKORY ST. 541-928-2663
 P.O. BOX 786
 CIVIL ENGINEERING LAND PLANNING
 SURVEYING CONSTRUCTION MANAGEMENT



WILLAMETTE SEED PROPERTY
 THROUGH THE CITY OF ALBANY, OREGON
 LOCATED IN

SCALE: 1" = 20'
 DATE: OCT. 3, 1997
 ORGN. BY:
 CRD. BY: J.E.H.
 PROJECT NO.: 94-255-A
 SHEET NO.: 1 OF 1

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By gn, Deputy

M
R 20
S 12
A
O

MAY 20 3 02 PM '98 ³⁰

MF 945
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Recorded Document Recorder File No. 3162