

RESOLUTION NO. 5310

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Wellner Morey-Albany 1, LLC

Purpose

A 105-foot wide No-Farm-Activity Buffer Easement to separate future residential buildings from neighboring agricultural uses.

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

DATED AND EFFECTIVE THIS 9TH DAY OF AUGUST 2006.



Mayor

ATTEST:



City Clerk

NO-FARM-ACTIVITY BUFFER EASEMENT

THIS AGREEMENT, made and entered into this 1 day of AUGUST, 2006, by and between Wellner Morey-Albany 1, 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, for the purpose of preventing Farming or Agricultural activity within the easement area. .

This agreement is subject to the following terms and conditions:

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

A 105-foot wide No-Farm-Activity Buffer Easement to separate future residential buildings from neighboring agricultural uses. See legal description on attached Exhibit B-1 and maps on attached Exhibits B-2 and 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.
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.

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

GRANTOR:

Matt Wellner

Matt Wellner (Owner) Wellner Morey-Albany 1, LLC

STATE OF OREGON)
County of Multnomah) ss.
City of Portland)



The foregoing instrument was acknowledged before me this 1st day of August, 2006, by **Matt Wellner (Owner) Wellner Morey-Albany 1, LLC** as his/her voluntary act and deed.

Toni Stanhope

Notary Public for Oregon
My Commission Expires: OCTOBER 03, 2009

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 5310, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of August 2006.

Wes Hare

City Manager

ATTEST:

Bette Langwell

City Clerk

EXHIBIT A

11SO3W29 00300

105-foot wide No-Farm-Activity Buffer Easement for Henshaw Farms Subdivision.



Geographic Information Services

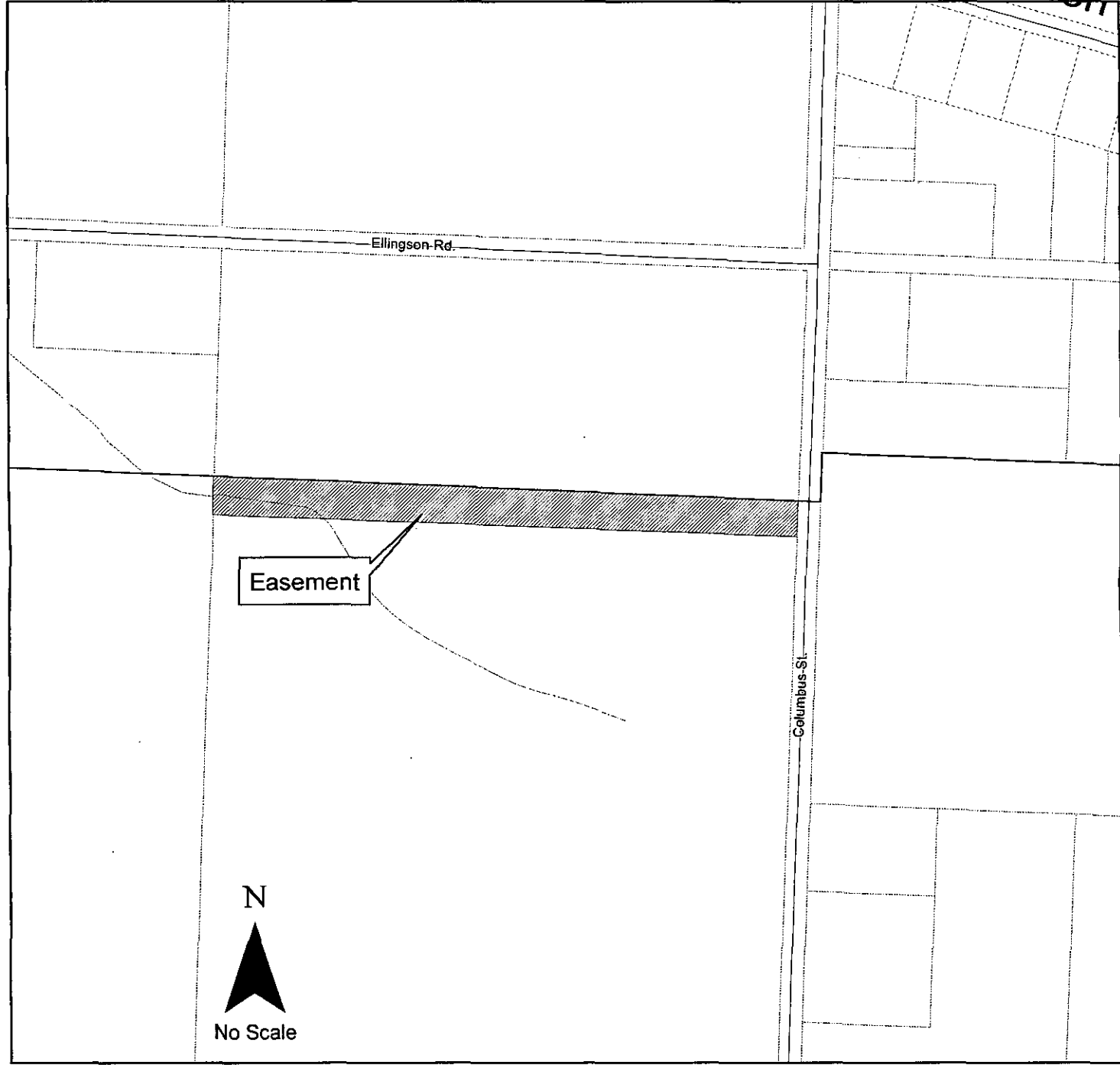
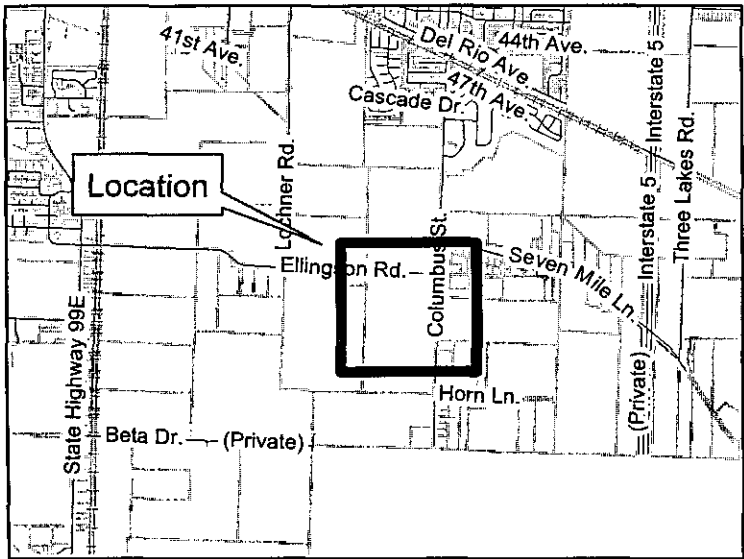


EXHIBIT B-1

**LEGAL DESCRIPTION
AGRICULTURE BUFFER EASEMENT
JUNE 20, 2006
PAGE 1 OF 2**

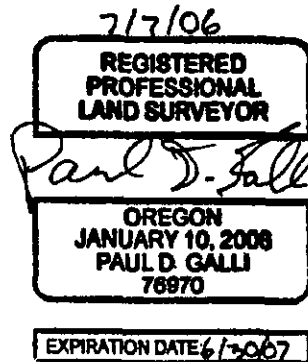
BEING A 105 FOOT STRIP OVER THAT TRACT OF LAND DESCRIBED IN DEED VOLUME 1406, PAGE 834, RECORDED APRIL 3, 2003, LINN COUNTY DEED RECORDS, WITHIN A PORTION OF THE ROBERT PENTLAND D.L.C. NO. 69, LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, THE NORTHERLY LINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

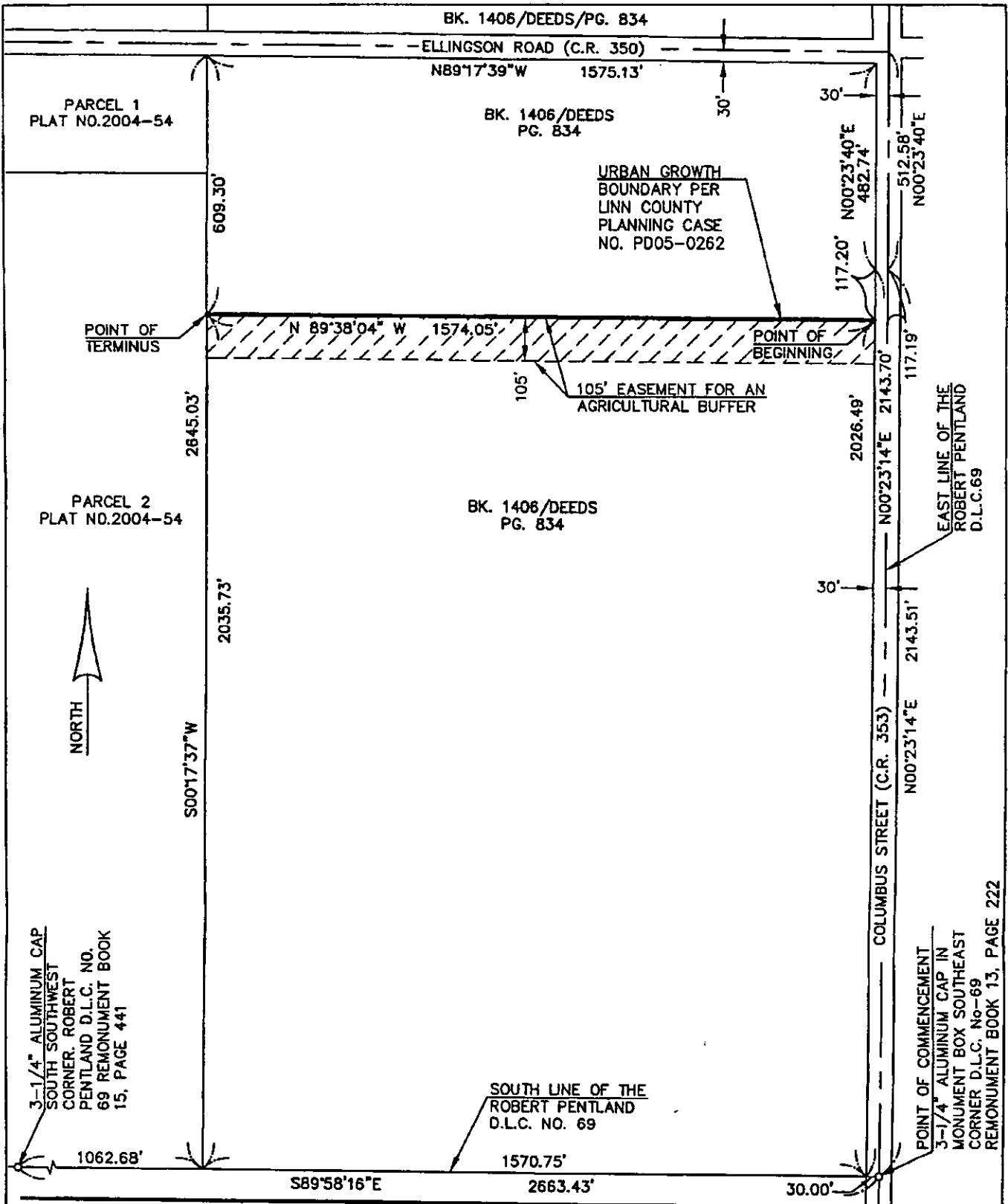
COMMENCING AT A 3-1/4" ALUMINUM CAP MARKING THE SOUTHEAST CORNER OF SAID ROBERT PENTLAND D.L.C. NO. 69, SAID POINT ALSO BEING ON THE CENTERLINE OF COLUMBUS STREET (C.R. NO. 353); THENCE ALONG THE SOUTHERLY LINE OF SAID D.L.C. NO. 69 NORTH 89°58'16" WEST, 30.00 FEET; TO THE WESTERLY RIGHT-OF-WAY OF SAID COLUMBUS STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY NORTH 00°23'14" EAST, 2026.49 FEET TO THE POINT OF BEGINNING; SAID POINT BEING ON THE URBAN GROWTH BOUNDARY LINE AS DESCRIBED PER LINN COUNTY PLANNING CASE NO. PD05-0262; THENCE NORTH 89°38'04" WEST 1574.05 FEET ALONG SAID URBAN GROWTH BOUNDARY TO THE EASTERLY LINE OF PARTITION PLAT NO. 2004-54, RECORDED AS C.S. 23891, LINN COUNTY SURVEY RECORDS AND THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP TO BE SHORTENED OR LENGTHENED TO TERMINATE AT THE EASTERLY LINE OF SAID PLAT NO. 2004-54, AND THE WESTERLY RIGHT-OF-WAY OF SAID COLUMBUS STREET.

CONTAINS 165,266 SQUARE FEET, MORE OR LESS.

THE ATTACHED EXHIBIT B-2 ENTITLED "AGRICULTURAL BUFFER" IS MADE A PART HEREOF.





W R G
DESIGN INC.

5415 SW Westgate Dr.
 Ste 100 / Portland, OR
 97221 / Tel. 503.419.2500

EXHIBIT B-2
AGRICULTURAL BUFFER EASEMENT

NW 1/4 S29, T11S, R3E, W.M.
 LINN COUNTY, OREGON

PROJECT NO. WEL444605
 DATE: 06/20/2008
 BY: JLM
 SCALE: 1" = 300'
 SHEET NO. 2 OF 2

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-20727**
E-EAS
Cnt=1 Stn=7 M. FISHER **08/23/2006 11:40:22 AM**
\$30.00 \$11.00 \$10.00 **\$51.00**



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:

Government Agency - Exempt

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

No-Farm-Activity Buffer Easement

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

Wellner Morey-Albany 1, 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

Resolution No. 5310

Recorded Document Recorder File No. 4809