

RESOLUTION NO. 5684

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Leroy Laack Trust

Purpose

A variable width sidewalk and utility easement adjacent to North Shore Drive and Airport Road as part of the Hertz Car Lot project.


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 2008.

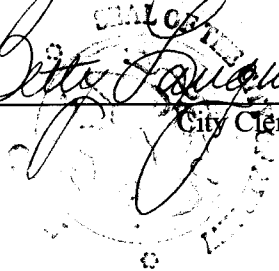


Mayor

ATTEST:



City Clerk



EASEMENT FOR PUBLIC UTILITIES AND SIDEWALKS

THIS AGREEMENT, made and entered into this 28TH day of AUGUST, 2008, by and between **Leroy Laack Trust**, 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 for the purpose of conveying public utilities services 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 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.

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 Exhibits B and 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.

GRANTOR:

Leroy Laack
Leroy Laack

STATE OF Oregon)
County of marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 28th day of August, 2008, by **Leroy Laack**, on behalf of the Leroy Laack Trust as his voluntary act and deed.



Karla Farnsworth
Notary Public for Oregon
My Commission Expires: 5-23-10

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 5684, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of October 2008.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

Exhibit "A"

A sidewalk easement described as follows:

Beginning at the Southwest corner of Block 4, FREEWAY ADDITION as platted and recorded in Volume 12, Page 2, Book of Town Plats for Linn County, Oregon, and being situated in the Southwest Quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon;

thence northeasterly along the southerly line of Block 4 as follows: North $73^{\circ}14'33''$ East 147.30 feet; thence northeasterly along the arc of a 470.00 foot radius curve to the left (the chord of which bears North $68^{\circ}19'02''$ East 81.18 feet) a distance of 81.28 feet; thence North $63^{\circ}21'47''$ East 111.06 feet; thence northeasterly along the arc of a 120.30 foot radius curve to the right (the chord of which bears North $75^{\circ}51'02''$ East 52.02 feet) a distance of 52.44 feet; thence northeasterly along the arc of a 30.00 foot radius curve to the left (the chord of which bears North $76^{\circ}33'36''$ East 12.25 feet) a distance of 12.33 feet;

thence leaving said southerly boundary South $88^{\circ}20'17''$ West 11.99 feet;

thence westerly along the arc of a 122.80 foot radius curve to the left (the chord of which bears South $75^{\circ}51'02''$ West 53.10 feet) a distance of 53.53 feet;

thence South $63^{\circ}21'47''$ West 111.06 feet;

thence southwesterly along the arc of a 467.50 foot radius curve to the right (the chord of which bears South $68^{\circ}19'02''$ West 80.74 feet) a distance of 80.85 feet;

thence South $73^{\circ}14'33''$ West 146.63 feet to the West line of said Block 4;

thence South $01^{\circ}39'43''$ East along said West line, a distance of 2.59 feet to the Point of Beginning.

ALSO

Beginning at the Northeast corner of Block 4, FREEWAY ADDITION and running thence South $01^{\circ}39'43''$ East along the East line of said Block 4, a distance of 104.36 feet;

thence southwesterly along said easterly line on the arc of a 30.00 foot radius curve to the right (the chord of which bears South $15^{\circ}07'01''$ West 17.32 feet) a distance of 17.57 feet;

thence North $01^{\circ}39'43''$ West 107.74 feet;

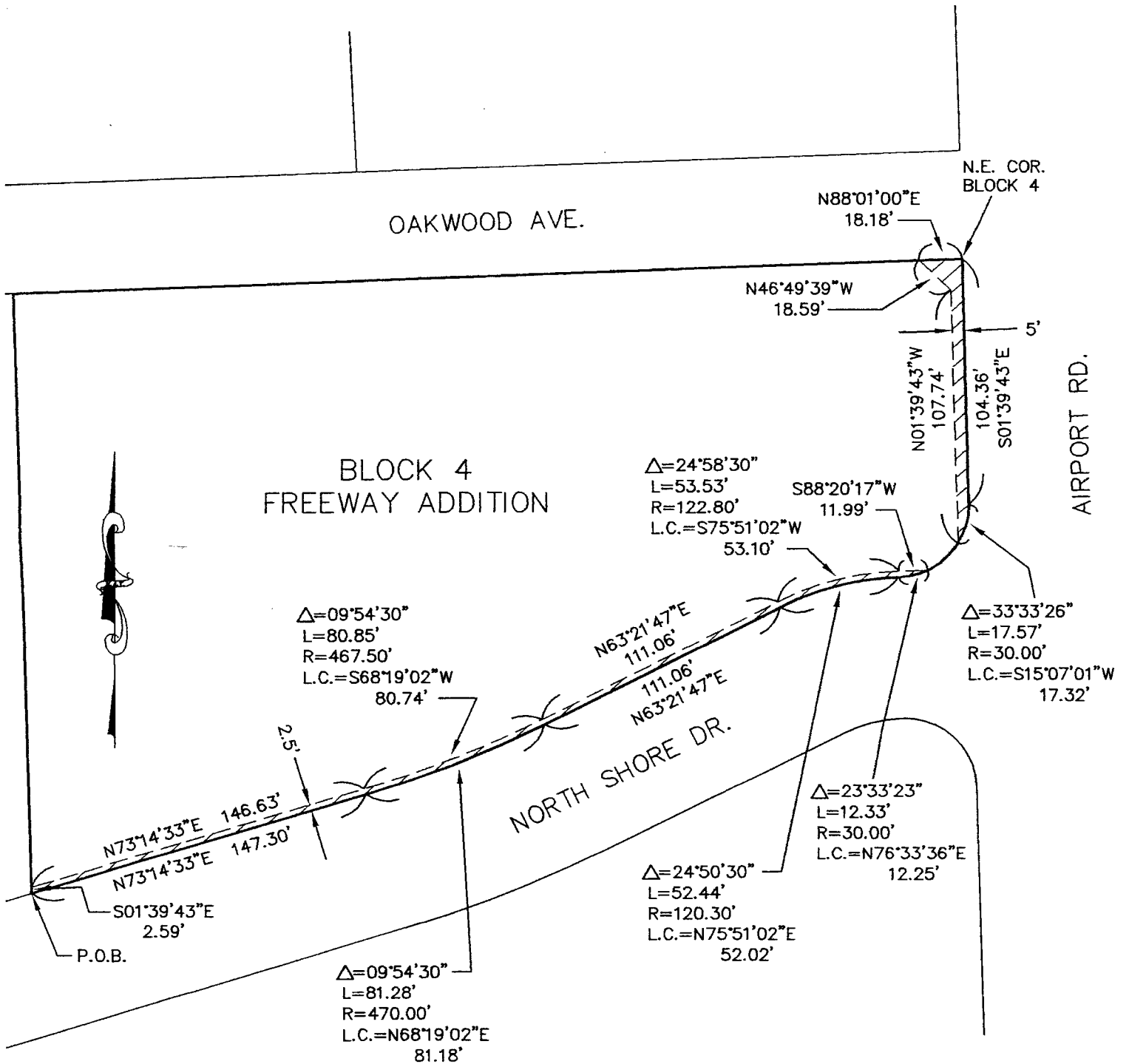
thence North $46^{\circ}49'39''$ West 18.59 feet to the northerly line of said Block 4;

thence North $88^{\circ}01'00''$ East along said northerly line, a distance of 18.18 feet to the Point of Beginning.

EXHIBIT "B"

SCALE: 1"=60'

DECEMBER 18, 2007



BARKER SURVEYING CO.
 2035 25TH STREET S.E.
 SALEM, OREGON 97302
 PHONE (503) 588-8800
 FAX (503) 588-8804
 EMAIL: SURVEYING@WVI.COM

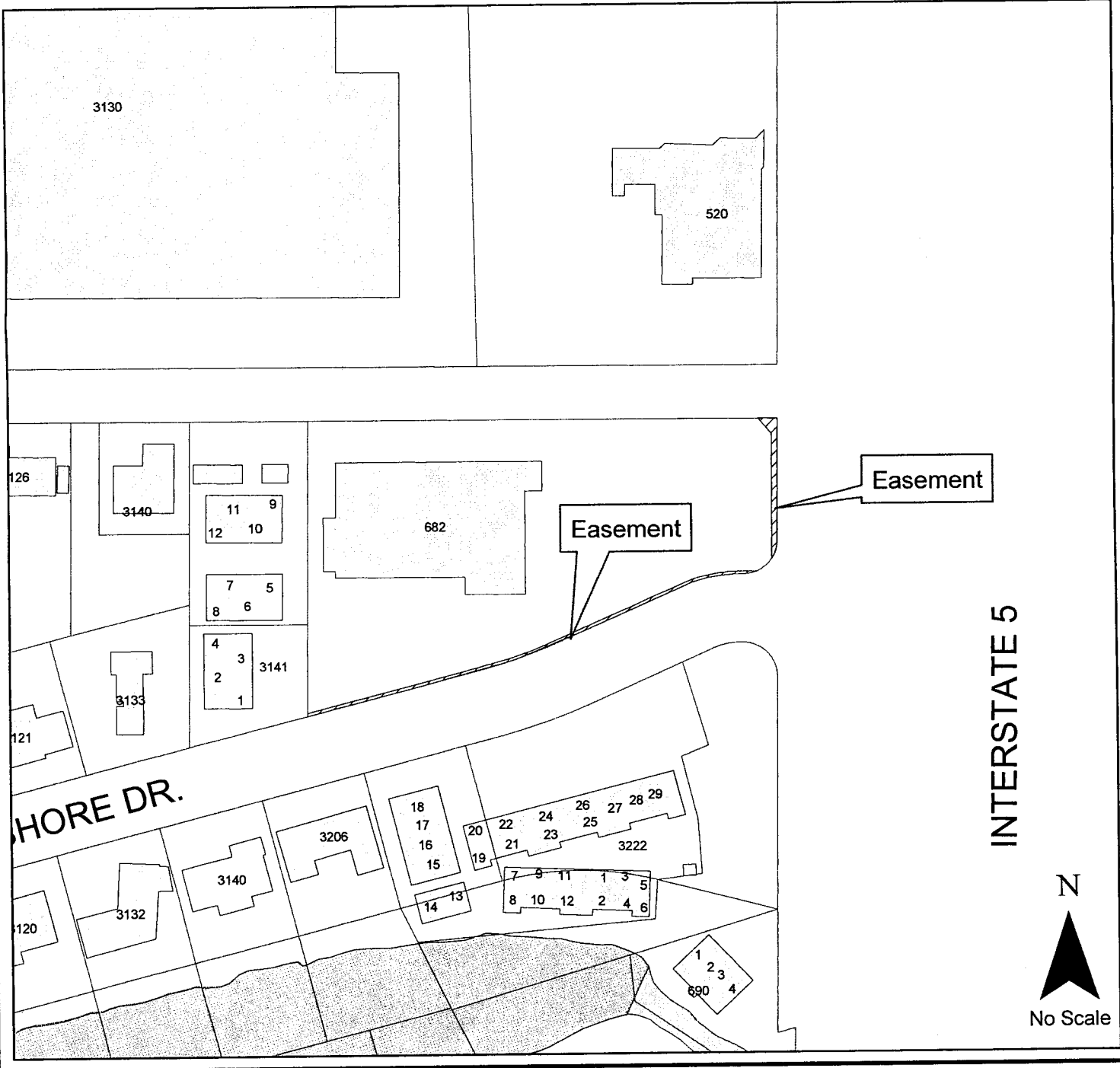
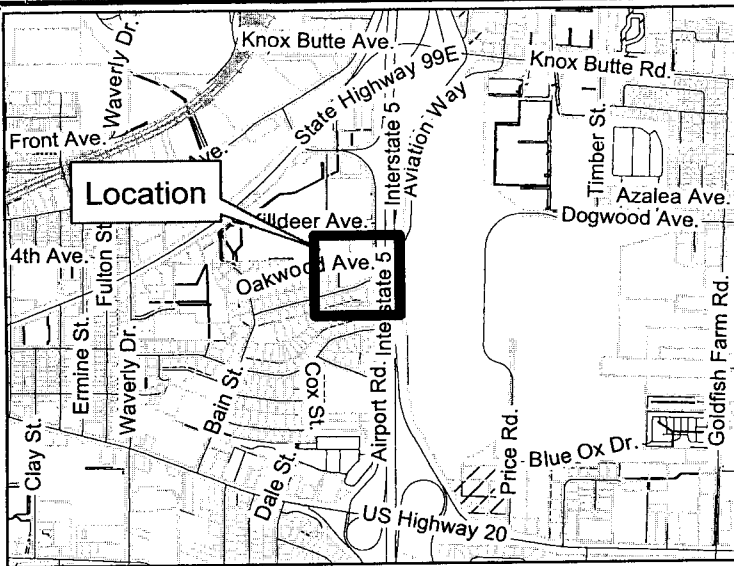
EXHIBIT C

11S03W04CC01200

Sidewalk easements: Airport Road frontage and North Shore Drive frontage for the Hertz Car Lot project.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-20311**
E-UT
Cnt=2 Stn=1 COUNTER **10/24/2008 02:25:40 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 City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany - Exempt

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

EASEMENT FOR PUBLIC UTILITIES AND SIDEWALKS

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

Leroy Laack Trust, Trustee Leroy Laack

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. 5684

Recorded Document Recorder File No. 5201