

RESOLUTION NO. 5860

A RESOLUTION GRANTING THE FOLLOWING ACCESS EASEMENT:

Grantor: **CITY OF ALBANY**


Purpose

Grantee: **Marvin L. Todd and Kim M. Todd**

Granting a 45 foot wide access easement on City property over the area actually being used for ingress and egress for the Todd property, in exchange for a quitclaim deed releasing a 16-foot wide easement not being used.

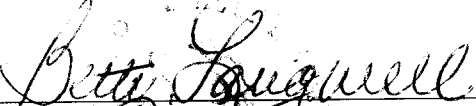
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby grant this access easement.

DATED AND EFFECTIVE THIS 28th DAY OF OCTOBER 2009.

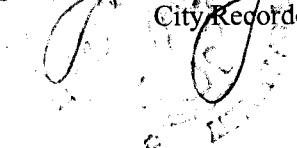


Mayor

ATTEST:



City Recorder



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ACCESS EASEMENT

THIS EASEMENT, granted this 28 day of October 2009 by the **City of Albany**, a Municipal Corporation, herein called "Grantor," to **Marvin L. Todd and Kim M. Todd**, herein called "Grantee."

WITNESSETH:

The Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the Grantee, and grantee's heirs, successors and assigns, an ingress and egress easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the driveway within the easement area, for the purpose of providing access to 53rd Avenue for the Grantees' property located at 2917 53rd Avenue SW and described in Linn County Deed Records MF1120-112.

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 map on attached EXHIBIT "B".
2. The easement described herein grants to the grantee, the right to enter upon said easement at any time that it may see fit for driveway construction, maintenance, evaluation, and/or repair purposes.
3. The easement is not an exclusive easement. The grantor reserves the right to place utilities within the easement area and grant easements to others over all or portions of the easement area.
4. This easement is being granted in exchange for the release and abandonment of an easement across City of Albany, Oregon property. The easement being released and abandoned by the Todds is recorded in Linn County, Oregon, Deed Records Book 127, Page 212.

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

GRANTOR:
City of Albany

CITY OF ALBANY:

By:

Stewart Taylor
Stewart Taylor,
Assistant City Manager/Finance Director

STATE OF OREGON)
County of Linn) ss.
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 5860, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28 day of October 2009.

The instrument was acknowledged before me this 29 day of October 2009 by Stewart Taylor, Assistant City Manager/Finance Director, City of Albany.

Wes Hare
City Manager

ATTEST:

Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2012

Betty Langwell
City Recorder

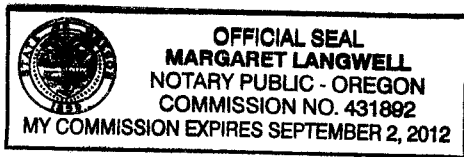


Exhibit “A”

Legal Description for an Access Easement across City of Albany, Oregon property, connecting the property at 2917 53rd Avenue SW, (described in Linn County, Oregon, Deed Records MF1120-112) with the 53rd Avenue public right-of-way. The easement area is more particularly described as follows :

The southern 45 feet of western 539.70 feet of that City of Albany property described in Linn County, Oregon, Deed Records Volume 229, Page 109. As shown on the attached map labeled Exhibit “B”.

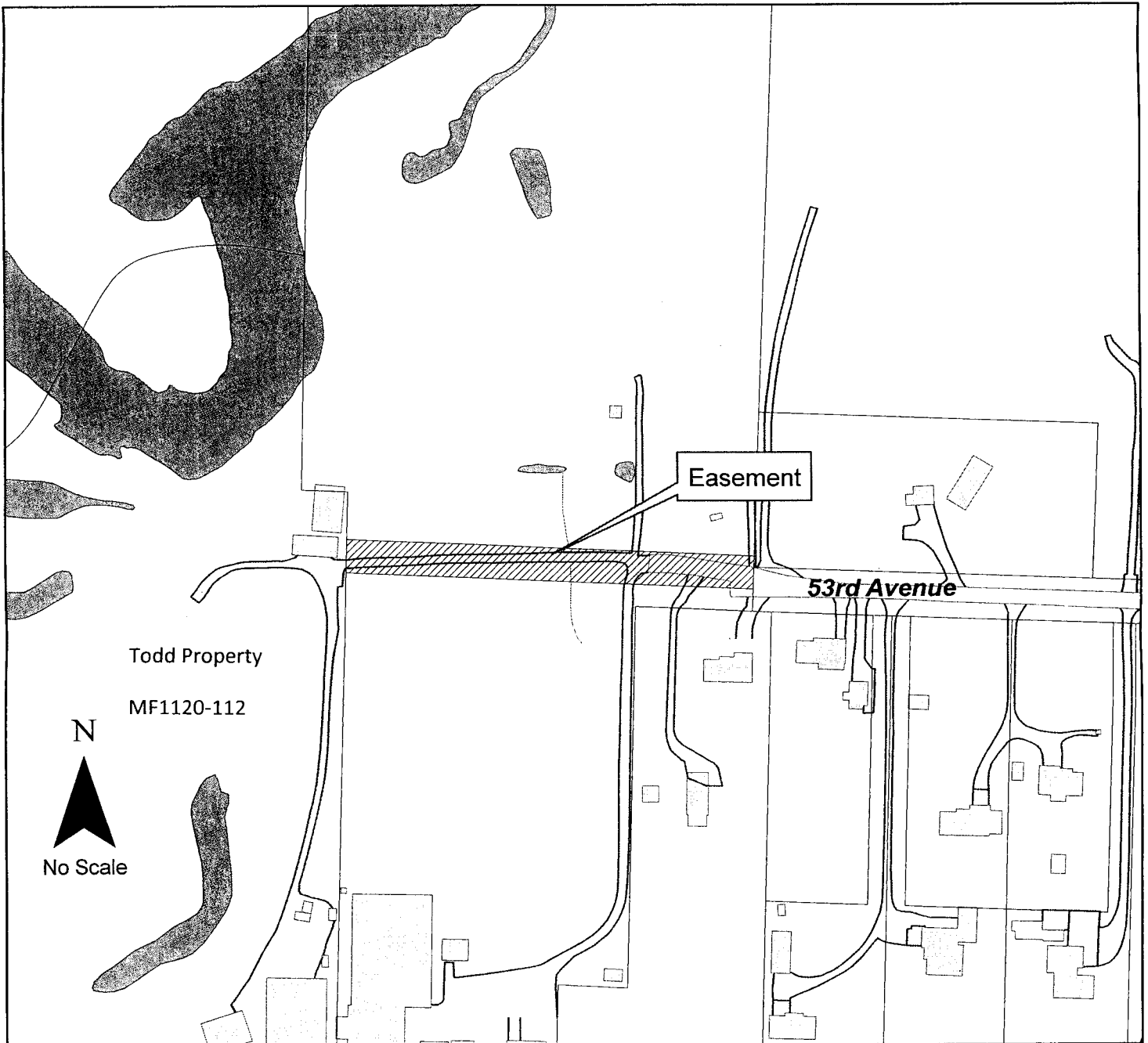
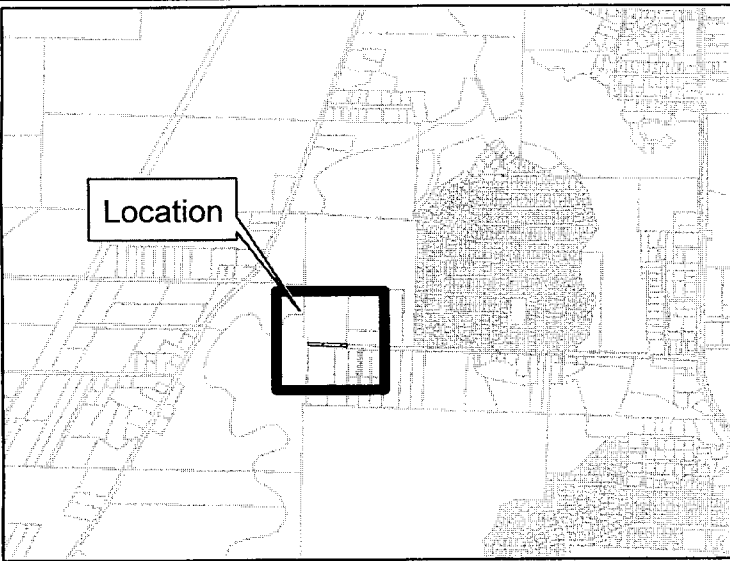
EXHIBIT B

11S04W24 00500

The described easement is an
access easement granted to
Marvin L. Todd and Kim M. Todd.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-18970**
E-AE
Cnt=1 Stn=1 COUNTER **10/30/2009 02:12:42 PM**
\$25.00 \$11.00 \$15.00 \$9.00 \$10.00 **\$70.00**



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:

Exempt

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

ACCESS EASEMENT

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

MARVIN L. TODD AND KIM M. TODD

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

\$0.00

Resolution No. 5860

Recorded Document Recorder File No. 5409