

RESOLUTION NO. 6624

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose


Waverly Land Management

A 16 by 16.5 foot wide Sidewalk easement as part of the Winco Development Project.

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

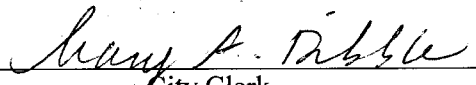
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 12TH DAY OF JULY 2017.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 29TH day of June, 2017, by and between Waverly Land Management, 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 granted unto the City of Albany, an easement, including the right to enter upon the real property hereinafter described, and to maintain and repair public sidewalk for the purpose of providing pedestrian access across and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk 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 easement hereby granted consists of:

See legal description on attached Exhibit A and easement 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.
7. *Return*

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

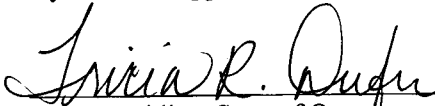
GRANTOR: Waverly Land Management



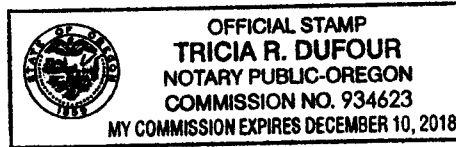
Dennis Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 21st day of June 2017,
by Dennis Ropp on behalf of Waverly Land Management as his voluntary act and deed.



Notary Public – State of Oregon

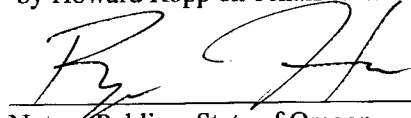




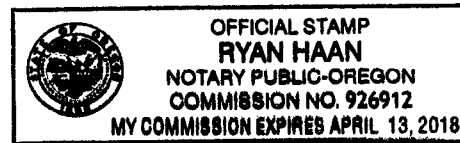
Howard Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 18th day of May 2017,
by Howard Ropp on behalf of Waverly Land Management as his voluntary act and deed.



Notary Public – State of Oregon



Vilas Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this _____ day of _____ 2017,
by Vilas Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.

Notary Public – State of Oregon

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

GRANTOR: Waverly Land Management

~~Dennis Ropp~~

~~STATE OF OREGON
County of Linn~~

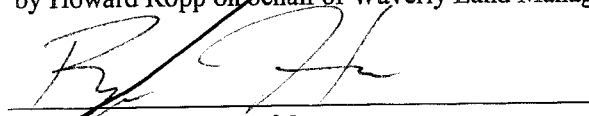
~~The foregoing instrument was acknowledged before me this _____ day of _____ 2017,
by Dennis Ropp on behalf of Waverly Land Management as his voluntary act and deed.~~

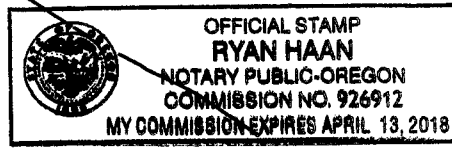
~~Notary Public – State of Oregon~~

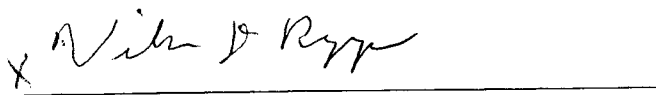
~~
Howard Ropp~~

~~STATE OF OREGON
County of Linn~~

~~The foregoing instrument was acknowledged before me this 18th day of May 2017,
by Howard Ropp on behalf of Waverly Land Management as his voluntary act and deed.~~

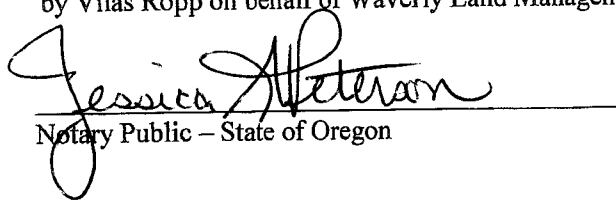
~~
Notary Public – State of Oregon~~

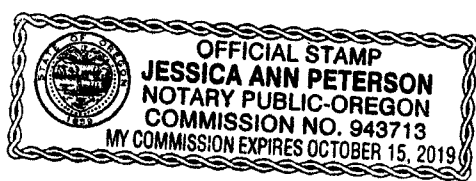


~~
Vilas Ropp~~

~~STATE OF OREGON
County of Linn~~

~~The foregoing instrument was acknowledged before me this 26th day of June 2017,
by Vilas Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.~~
*which is an easement for public sidewalk for Parcel 2
Partition Plot no 2015-02*

~~
Notary Public – State of Oregon~~



Mavis Peterson

Mavis Peterson

STATE OF OREGON

County of Linn

which is an easement for public sidewalk for Parcel 2, Partition Plot No. 2015-02,

The foregoing instrument was acknowledged before me this 20th day of June 2017,

by Mavis Peterson on behalf of Waverly Land Management as his/her voluntary act and deed.

Leslie Sharon Wing
Notary Public - State of Oregon



~~Reynold Ropp~~

~~STATE OF OREGON~~

~~County of Linn~~

~~The foregoing instrument was acknowledged before me this _____ day of _____ 2017,~~

~~by Reynold Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.~~

~~_____
Notary Public - State of Oregon~~

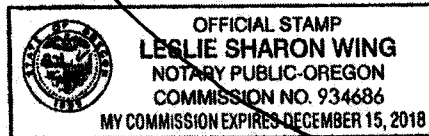
~~Mavis Peterson~~
Mavis Peterson

STATE OF OREGON
County of Linn

~~which is an easement for public sidewalk for Parcel 2 Partion Plat No. 2015-02,~~

~~The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mavis Peterson on behalf of Waverly Land Management as his/her voluntary act and deed.~~

~~Leslie Sharon Wing~~
Notary Public - State of Oregon



Reynold Ropp
Reynold Ropp

STATE OF OREGON
County of Linn

EASEMENT FOR PUBLIC SIDEWALK
FOR PARCEL 2 PARTION PLAT #
2015-02

The foregoing instrument was acknowledged before me this 26th day of JUNE 2017,
by Reynold Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.

Suzanne G. Lopez
Notary Public - State of Oregon



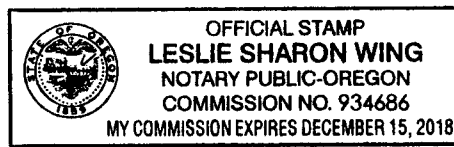
Mervin Ropp
Mervin Ropp

STATE OF OREGON
County of Linn

which is an easement for public sidewalk for Parcel 2 Partition Plat No 2015-02,

The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mervin Ropp on behalf of Waverly Land Management as his voluntary act and deed.

Leslie Sharon Wing
Notary Public – State of Oregon



Lawrence Ropp
Lawrence Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this _____ day of _____ 2017,
by Lawrence Ropp on behalf of Waverly Land Management as his voluntary act and deed.

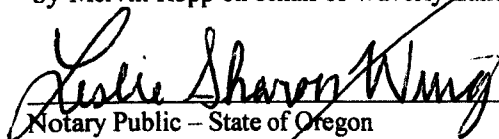
Notary Public – State of Oregon

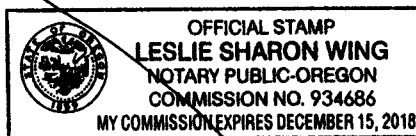

Mervin Ropp

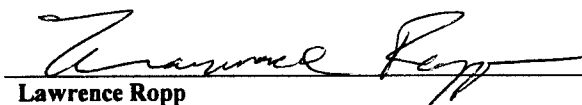
STATE OF OREGON
County of Linn

which is an easement for public sidewalk for Parcel 2 Partition Plat A
2015-02,

The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mervin Ropp on behalf of Waverly Land Management as his voluntary act and deed.


Notary Public – State of Oregon

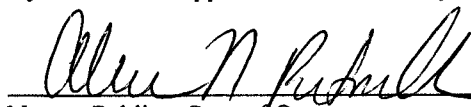


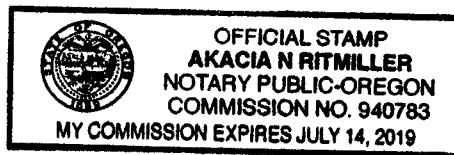

Lawrence Ropp

STATE OF OREGON
County of Linn

which is an easement for public sidewalk for
1 parcel 2 Partition plat A 2015-02,

The foregoing instrument was acknowledged before me this 23rd day of June 2017,
by Lawrence Ropp on behalf of Waverly Land Management as his voluntary act and deed.


Notary Public – State of Oregon



Mark Mitchell
Mark Mitchell

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 19th day of May 2017,
by Mark Mitchell on behalf of Waverly Land Management as his voluntary act and deed.

Tricia R. Dufour
Notary Public - State of Oregon



Merle Mitchell
Merle Mitchell

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 18th day of May 2017,
by Merle Mitchell on behalf of Waverly Land Management as his voluntary act and deed.

Leslie Sharon Wing
Notary Public - State of Oregon



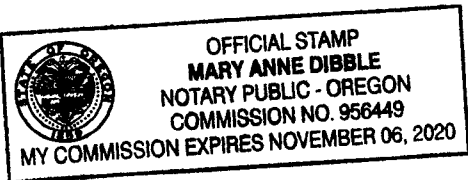
CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany) *md*
Peter Troedsson

I, ~~Wes Hare~~ *Peter Troedsson* as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6624, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 17 day of July 2017.

Peter Troedsson
City Manager

ATTEST:



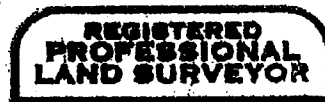
Mary A. Dibble
City Clerk

Exhibit A

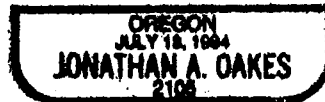
Legal Description for added Sidewalk and Utility Easement

Winco Foods Store, Albany Oregon

Beginning at the Initial Point of Partition Plat No. 2015-02 as platted and recorded in the City of Albany, County of Linn, State of Oregon, said point being on the north margin of Killdeer Avenue; thence leaving said north margin and running along the east boundary of Parcel 2 of said Partition Plat North 1°31'00" West 16.00 feet; thence leaving said east boundary and running South 88°32'25" West 16.50 feet; thence South 1°31'00" East 16.00 feet to a point on the north margin of Killdeer Avenue; thence along the said north margin North 88°32'25" East 16.50 feet to the point of beginning, all in Linn County Oregon.



Jonathan A. Oakes



Expires: Dec 31, 2018

Exhibit B

WINCO FOOD STORES EASEMENTS

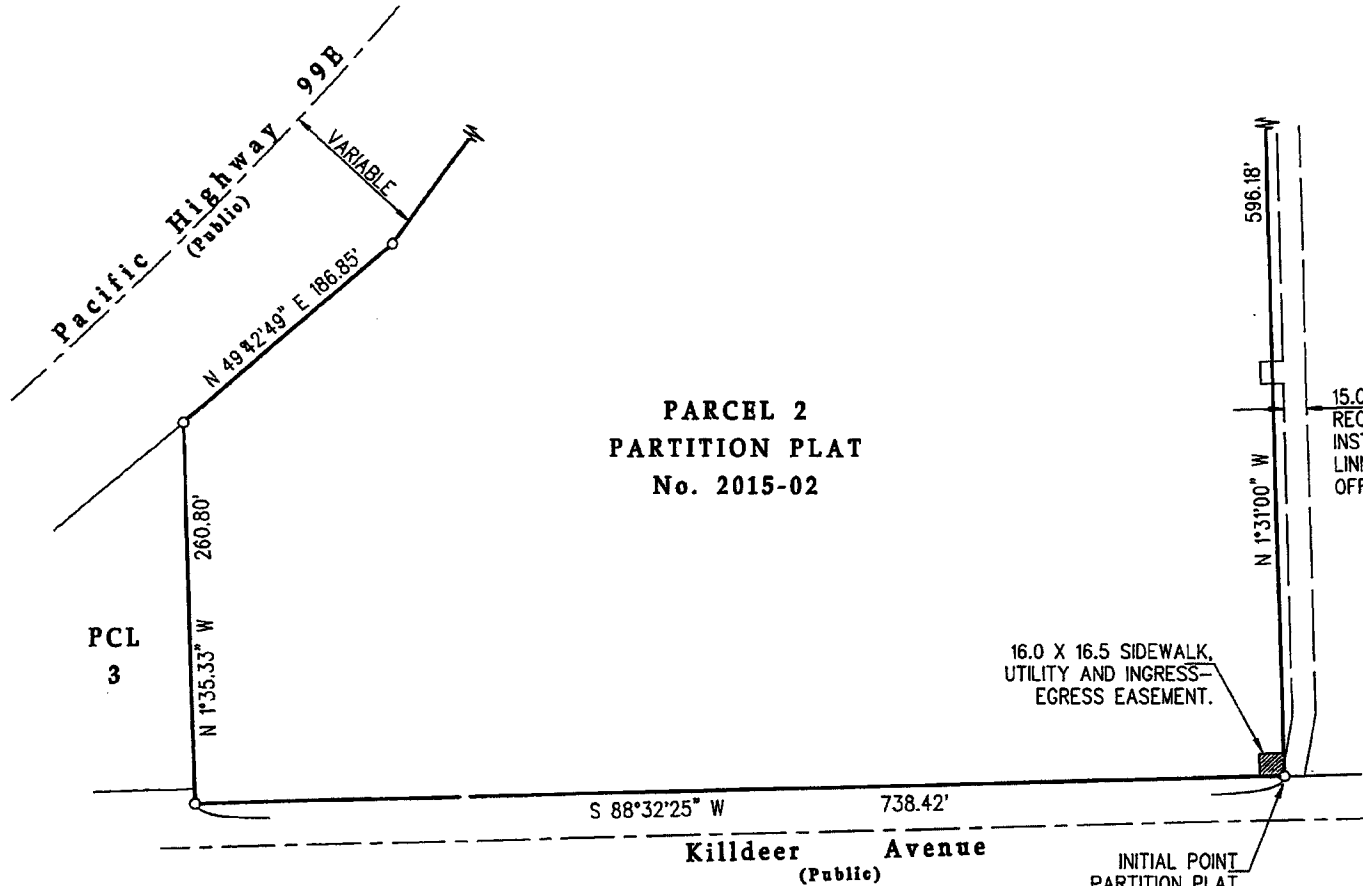
SW 1/4 SEC. 4 T 11 S, R 3 W W.M.

ALBANY, LINN COUNTY, OREGON

MAY 15, 2017



SCALE 1" = 120'
0 60 120



REGISTERED
PROFESSIONAL
LAND SURVEYOR

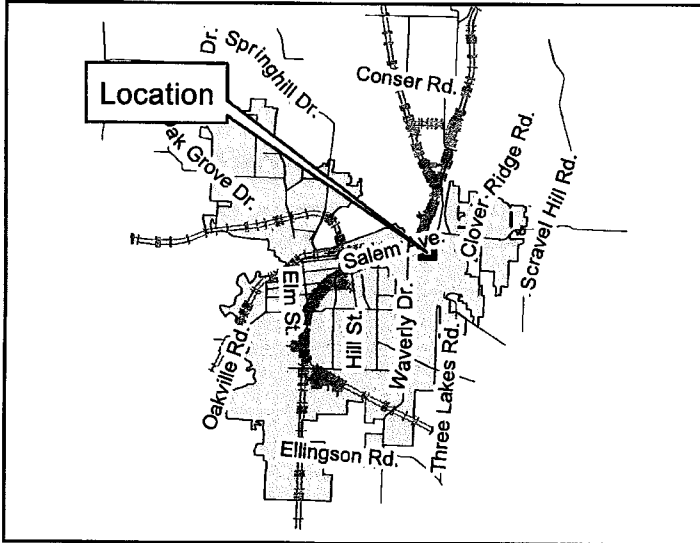
OREGON
JULY 13, 1984
JONATHAN A. OAKES
2105

EXPIRES: DECEMBER 31, 2018

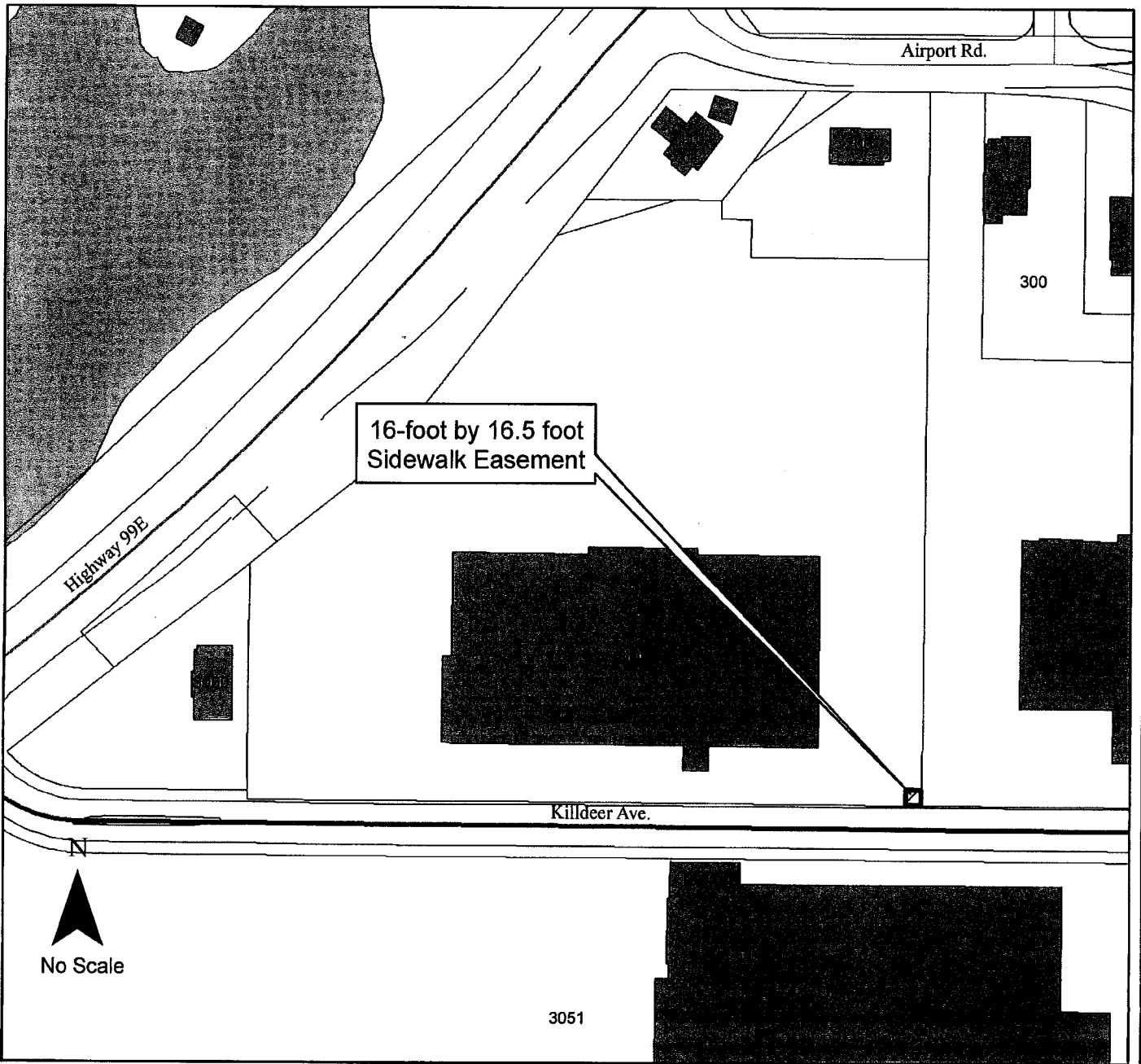
EXHIBIT C

11S03W04CB- 00107

A 16 foot x 16.5 foot wide
Sidewalk Easement, as part of
the Winco Development Project



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2017-12676**
E-EAS
Crit=1 Stn=44 COUNTER **07/17/2017 02:56:13 PM**
\$60.00 \$11.00 \$20.00 \$19.00 \$10.00 **\$120.00**

00301554201700126760120120

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:

Waverly Land Management

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

Sidewalk Easement

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

Waverly Land Management

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