

RESOLUTION NO. 6233

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

AHC Villas-Wynwood of Courtyard Albany, LLC,
a Delaware limited liability company

Purpose

A 15-foot wide water easement over an existing
public water line and a new water line as part of the
Clare Bridge at Albany Senior Living Facility
project.

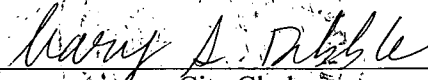
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this
easement.

DATED AND EFFECTIVE THIS 12TH DAY OF JUNE 2013.

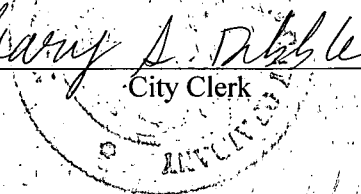


Mayor

ATTEST:



City Clerk



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2013-10195**
E-EAS
Cnt=1 Str=1 M. DAVIS **06/20/2013 11:20:21 AM**
\$30.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$85.00**



00205879201300101950060068

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)

Easement

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

AHC Villas-Wynwood of Courtyard Albany, LLC, a Delaware limited liability company

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

EASEMENT FOR PUBLIC WATER

THIS AGREEMENT, made and entered into this 24th day of MAY, 2013, by and between AHC Villas-Wynwood of Courtyard Albany, LLC, a Delaware limited liability company, 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 sewer lines for the purpose of conveying public sewer 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, 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:

A 15-foot wide water easement over an existing public water line and a new water line as part of the Clare Bridge at Albany Senior Living Facility project. 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.

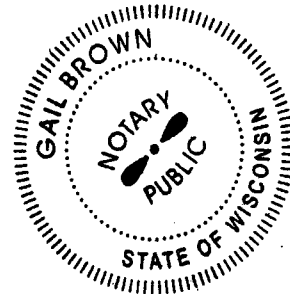
GRANTOR: AHC Villas-Wynwood of
Courtyard Albany, LLC, a Delaware limited
liability company:


Eric W. Hoaglund, Assistant Secretary

STATE OF WISCONSIN)
County of Milwaukee) ss.
City of MILWAUKEE)

The foregoing instrument was acknowledged before me this 24th day of MAY, 2013, by Eric W. Hoaglund, as Assistant Secretary of AHC Villas-Wynwood of Courtyard Albany, LLC, a Delaware limited liability company.

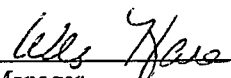

Notary Public for State of Wisconsin
My Commission Expires: permanent



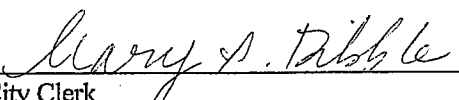
CITY OF ALBANY:

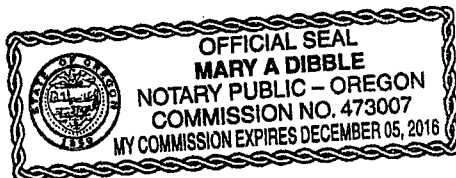
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6233, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 1st day of June 2013.


City Manager

ATTEST:


City Clerk



Clare Bridge at Albany
May 21, 2013

EXHIBIT "A"

Water Line Easement

An easement for a water line, being a strip of land 15.00 feet in width, located in portions of Parcels "A", "B" and "C" as delineated on the record of survey titled "THE VILLAGE AT VALLEY PARK" recorded as County Survey Number 18489 in the office of the Linn County Surveyor, being a portion of the John Burkhart Donation Land Claim No. 51 in Section 17, Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon and being more particularly described as follows:

Beginning at the point of intersection of the easterly right-of-way line of Geary Street with the north line of the said Burkhart D.L.C., said point being South 89° 51' 53" East 35.01 feet from the Northwest Corner of said D.L.C.;

Thence southerly along said easterly right-of-way line as follows:

South 1° 35' 14" East 233.26 feet to an angle point, and North 88° 24' 51" East 5.00 feet to an angle point, and South 1° 35' 14" East 15.67 feet to the TRUE POINT OF BEGINNING;
Thence North 89° 56' 25" East 259.96 feet; Thence South 00° 00' 00" East 184.62 feet; Thence South 45° 00' 00" East 34.28 feet; Thence North 90° 00' 00" East 195.69 feet; Thence North 00° 00' 10" East 115.53 feet; Thence North 90° 00' 00" West 31.19 feet; Thence North 00° 00' 00" East 15.00 feet; Thence North 90° 00' 00" East 31.19 feet; Thence North 00° 00' 10" East 91.82 feet; Thence South 89° 59' 50" East 15.00 feet; Thence South 00° 00' 10" West 222.35 feet; Thence North 90° 00' 00" East 13.86 feet to an adjusted property line; Thence South 00° 31' 37" West along said adjusted line, 15.00 feet; Thence North 90° 00' 00" West 40.45 feet; Thence South 00° 00' 00" East 60.14 feet; Thence North 90° 00' 00" West 15.00 feet; Thence North 00° 00' 00" East 60.14 feet; Thence North 90° 00' 00" West 175.18 feet; Thence North 45° 00' 00" West 40.49 feet; Thence North 90° 00' 00" West 28.18 feet; Thence North 00° 00' 00" West 15.00 feet; Thence North 90° 00' 00" East 23.79 feet; Thence North 00° 00' 00" West 165.21 feet; Thence South 89° 56' 25" West 244.55 feet to a point on the easterly right-of-way line of said Geary Street; Thence North 1° 35' 14" West along said right-of-way line, 15.01 feet to the TRUE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Keith Whisenhunt
5/21/13

OREGON
MAY 15, 2012
KEITH WHISENHUNT
62679PLS

Renewal Date: 6/30/14

NORTHWEST CORNER
D.L.C. NO. 51

NORTH LINE - BURKHART D.L.C. NO. 51



SCALE NTS
JULY 23, 2012

POINT OF COMMENCEMENT
S89° 51' 53"E
35.01'

GEARY STREET

S01° 35' 14"E
233.26'

PARCEL "A"
THE VILLAGE AT
VALLEY PARK

PARCEL "B"
THE VILLAGE
AT VALLEY
PARK

N88° 24' 51"E
5.00'
S01° 35' 14"E
15.67'

TRUE
POINT OF
BEGINNING

N89° 56' 25"E
259.96'

N89° 59' 50"W
15.00'

S00° 00' 10"W
91.82'

N01° 35' 14"W
15.01'

S89° 56' 25"W
244.55'

S00° 00' 00"E
184.62'

N90° 00' 00"E
31.19'

N00° 00' 00"E
165.21'

N00° 00' 00"E
15.00'

N90° 00' 00"E
23.79'

N90° 00' 00"E
13.86'

N90° 00' 00"W
31.19'

N00° 00' 00"E
15.00'

S45° 00' 00"E
34.28'

S00° 31' 37"W
15.00'

222.35'

ADJUSTED PROPERTY LINE

N90° 00' 00"W
28.18'

S00° 00' 00"E
60.14'

N45° 00' 00"W
40.49'

N00° 00' 00"E
60.14'

PARCEL "C"
THE VILLAGE AT
VALLEY PARK

N90° 00' 00"W
175.18'

N90° 00' 00"W
15.00'

N90° 00' 00"W
40.45'

PLOT DATE/TIME: 5/21/2013 - 8:51am

CAD FILE: N:\2005-1 Clare Bridge of Albany Drawings\LEGAL DESCRIPTION 8.5X11EXHIBIT.dwg

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Keith Whisenhunt 5/21/13

OREGON
MAY 15, 2012
KEITH WHISENHUNT
62679

CLARE BRIDGE AT ALBANY	EXHIBIT B
WATER LINE EASEMENT	I OF I

RENEWAL DATE 6/30/14

EXHIBIT C

11S03W17A 00502

A 15-foot wide water easement over an existing public water line and a new water line as part of the Clare Bridge at Albany Senior Living Facility project



Geographic Information Services

