

RESOLUTION NO. 3963

A RESOLUTION AUTHORIZING THE APPROVAL OF A RECIPROCAL EASEMENT FOR RIGHT-OF-WAY ADJACENT TO SKATEPARK PROPERTY IN THE CITY OF ALBANY.

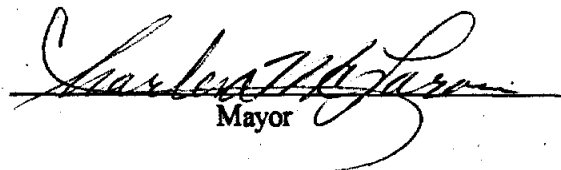
WHEREAS, it is in the interest of the City of Albany to enter into a reciprocal easement for roadway purposes on property immediately West of the Skatepark property, said easement being joint with Don Taylor & Associates, Inc., and etal;

NOW, THEREFORE, it is hereby resolved by the Council of the City of Albany that the City Manager execute on behalf of the City of Albany a Reciprocal Easement Agreement for Access Purposes on property immediately adjacent to the Skatepark property on the West board thereof described as follows:

*A 24-foot wide strip of land for reciprocal access easement purposes located in a portion of Parcel 1 of Partition Plan No. 1996-56 and a portion of Parcel 1 of Partition Plat No. 1996-55, being both partitions of record in Linn County, Oregon, said easement lying 12.00 feet on each side of the following described centerline:*

*Beginning at a 5/8 inch iron rod at the southeast corner of said Partition Plat No. 1996-55, being also the southwest corner of said Partition Plat No. 1996-56; thence North 09°01'28" West, along the common line between said Partition Plats 1996-55 and 1996-56, a distance of 156.41 feet to the northerly terminus of the herein described easement. The southerly terminus of the herein described easement is the northerly right-of-way of Sixth Street.*

DATED THIS 10TH DAY OF JUNE, 1998.

  
Mayor

ATTEST:

  
City Recorder

*Replace Res # 3954*

**RECIPROCAL EASEMENT AGREEMENT  
FOR ACCESS PURPOSES**

THIS AGREEMENT having been entered into this 10 day of June, 1998, by and between DON TAYLOR & ASSOCIATES, INC., an Oregon corporation, and DAVID E. KUNTZ, an individual, owners of property lying immediately West of the access easement and the CITY OF ALBANY, a municipal corporation, as the owners of property lying immediately East of the access easements.

**RECITALS:**

The parties to this Agreement intend to create a permanent, mutual and reciprocal easement and a mutual right-of-way for use by the them as a roadway. Such easement will be appurtenant to and shall benefit the property lying immediately East and immediately West of the described easement.

The parties therefor, agree as follows:

**AGREEMENT:**

1. The parties hereby grant and convey to each other permanent, mutual and reciprocal rights of way on, over and across the real property described as follows:

*A 24-foot wide strip of land for reciprocal access easement purposes located in a portion of Parcel 1 of Partition Plan No. 1996-56 and a portion of Parcel 1 of Partition Plat No. 1996-55, being both partitions of record in Linn County, Oregon, said easement lying 12.00 feet on each side of the following described centerline:*

*Beginning at a 5/8 inch iron rod at the southeast corner of said Partition Plat No. 1996-55, being also the southwest corner of said Partition Plat No. 1996-56; thence North 09°01'28" West, along the common line between said Partition Plats 1996-55 and 1996-56, a distance of 156.41 feet to the northerly terminus of the herein described easement. The southerly terminus of the herein described easement is the northerly right-of-way of Sixth Street.*

2. Such easement shall conform a continuous right-of-way and shall benefit the property appurtenant thereto.

3. Such easements and right-of-way may be used for vehicular or pedestrian ingress and egress purposes by the parties to this Agreement. Use of the right-of-way shall be a regular, continuous, non-exclusive, non-priority basis, benefitting the parties, their successors or assigns, lessees, mortgagees, invitees, guests, customers, agents and employees.

4. Neither party's rights hereunder shall lapse in the event of that party's failure to use the easement and right-of-way on a continuous basis.

5. The easement granted hereunder shall run with the land as to all property burdened and benefitted by such easement, including any division or partition of such property.

Return to: City of Albany - Recorder  
P.O. Box 490, Albany, OR 97321



STATE OF OREGON )  
 ) ss.  
County of Linn )

This instrument was acknowledged before me on this 11<sup>th</sup> day of June, 1998, by STEVE BRYANT, City Manager for the City of Albany.



Diane Marie Wood  
NOTARY PUBLIC FOR OREGON

STATE OF OREGON )  
 ) ss.  
County of Linn )

This instrument was acknowledged before me on this 15<sup>th</sup> day of June, 1998, by GARY HOLLIDAY, Finance Director for the City of Albany.



Diane Marie Wood  
NOTARY PUBLIC FOR OREGON

S.P.R.R.

VOL 952 PAGE 275

**(PARCEL 1)**  
PARTITION PLAT  
1996-56

RECONFIGURED  
TAX LOT 106  
21,674 SF

24' RECIPROCAL  
ACCESS EASEMENT  
BY SEPERATE DOCUMENT

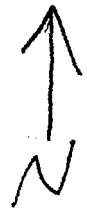
NEW PROPERTY LINE

PROPERTY TO BE  
TRANSFERREC

OLD PROPERTY LINE

**(PARCEL 2)**

RECONFIGURED  
TAX LOT 110  
12,080 SF



115-03W-07AA

SIXTH STREET



STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

By Sm, Deputy

M  
25  
S/D

JUN 18 9 23 AM '98

35

MF 952  
PAGE 272

Resolution No. 3963

Recorded Document Recorder File No. 3174