

RESOLUTION NO. 4198

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


JOSEPH R. FOX

Purpose

Easement for construction and maintenance of pedestrian walkways as described in Exhibit "A" and shown in Exhibit "B".

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

DATED THIS 10TH DAY OF NOVEMBER, 1999.



Mayor
Council President

ATTEST:



City Recorder

4122

EASEMENT FOR PEDESTRIAN WALKWAY

TAXES: EXEMPT

THIS AGREEMENT, made and entered into this 26th day of July, 1999, by and between Joseph R. Fox, herein called Grantors, 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 grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, an easement, including the right to enter upon the real property hereinafter described, and to maintain and repair pedestrian walkways for the purpose of conveying services over, across, through, and under the lands hereinafter described, the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said pedestrian walkway. The Grantor party is the record owner of the following described real property in Linn County, State of Oregon to-wit:

That property as described in Volume 431, Page 544 of the Deed Records of Linn County, Oregon.

This agreement is subject to the following terms and conditions:

- 1. The easement hereby granted consists of:

Easement for construction and maintenance of pedestrian walkway as described in Exhibit "A"

- 2. The easement granted is in consideration of **\$1.00 and other valuable consideration (retaining wall)**, 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.
- 3. The Grantors do 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.
- 4. Upon performing any maintenance, the City shall return the site to original or better condition.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

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

GRANTOR:

By: Joseph R. Fox
Joseph R. Fox

CITY OF ALBANY:

I, Steve Bryant as City Manager of the City of Albany, Oregon, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of November 1999.

Steve Bryant
City Manager

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

The foregoing instrument was acknowledged before me this 15 day of November, 1999.

The foregoing instrument was acknowledged before me this 20th day of July, 1999 by, Joseph R. Fox.

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

C J Mullen
Notary Public for Oregon
My Commission Expires: 12/15/2002

Margaret Langwell
Notary Public for Oregon
My Commission Expires: September 2, 2000

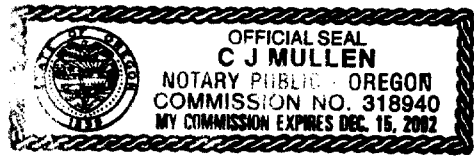


EXHIBIT "A"

The following describes a parcel lying in the Southeast ¼ of the Southeast ¼ of Section 5, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and more particularly described as follows:

Beginning at the Northwest Corner of that property described in Volume 431, Page 544 of the Deed Records of Lincoln County, Oregon; thence S24°05'56"E 100.00 to the Southwest Corner thereof; thence N55°36'34"E 140.78 feet along the South Line of said property; thence leaving said South Line along the arc of a 32.50 foot radius curve to the left (the chord of which bears N17°05'55"W 34.09 feet) 35.98 feet; thence N48°43'54"W 54.35 feet; thence N51°24.46"E 15.71 feet to the East Line of said property; thence N44°34'03"W 13.77 feet to the Northeast Corner thereof; thence along the arc of a 5789.58 foot radius curve to the right (the chord of which bears S54°20'01"W 6.82 feet) 6.82 feet along the South Line of Pacific Avenue; thence leaving said South Line S38°35'14"E 2.84 feet; thence S51°24'46"W 4.69 feet; thence along the arc of a 12.50 foot radius curve to the left (the chord of which bears S01°20'26"W 19.17 feet) 21.85 feet; thence S48°43'54"E 52.58 feet; thence along the arc of a 22.50 foot radius curve to the right (the chord of which bears S03°26'20"W 35.54 feet) 40.97 feet; thence S55°36'34"W 105.20; thence along the arc of a 7.60 foot radius curve to the right (the chord of which bears N74°14'41"W 11.67 feet) 13.31 feet; thence N24°05'56"W 88.86 to the South Line of Pacific Avenue; thence along the arc of a 5789.58 foot radius curve to the right (the chord of which bears S55°35'27"W 4.76 feet) 4.76 feet along said South Line of Pacific Avenue to the point of beginning.

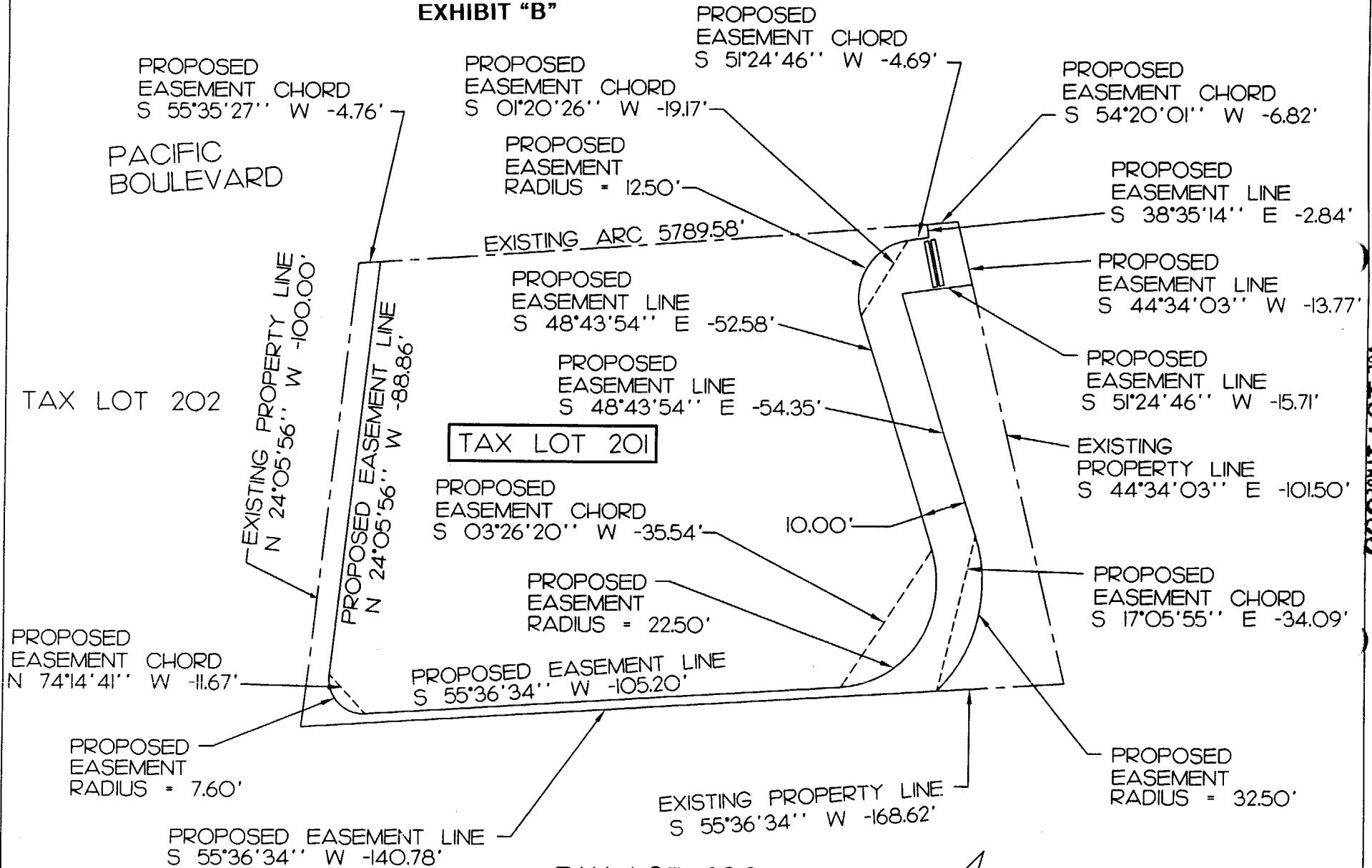
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 19, 1994
ALFRED D. THETZEL
98886

Expires 6-30-2000

EXHIBIT "B"

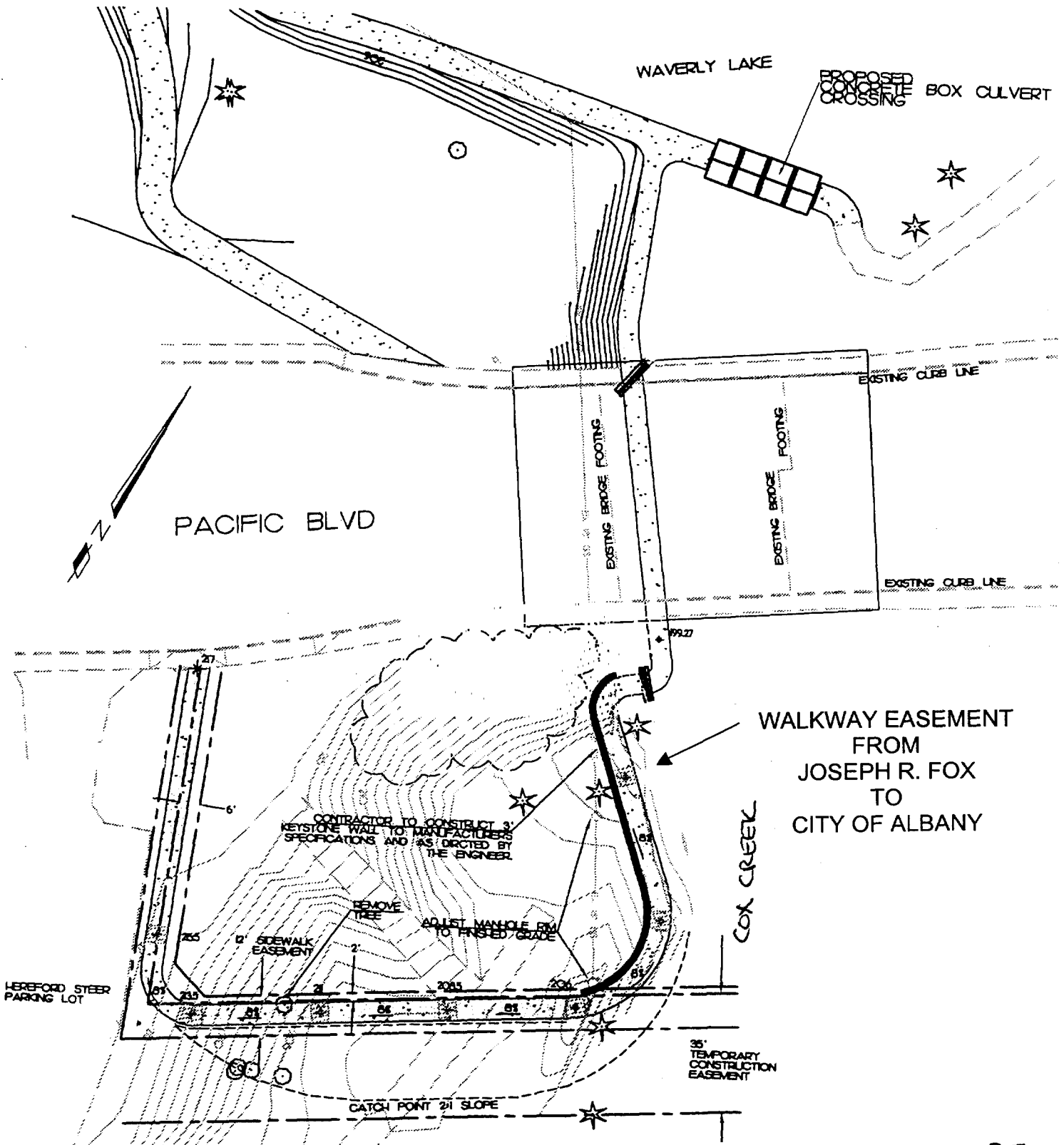


Scale 1" = 30'



PREPARED BY:
PacWest ENGINEERING

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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 PA, Deputy

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Recorded Document Recorder File No. 3506