

RESOLUTION NO. 4415

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC SIDEWALK:

Grantor

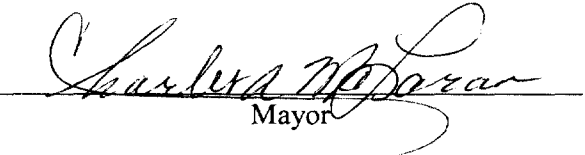
J. THOMAS CHESS

Purpose

A permanent public sidewalk easement more particularly described in the attached legal description labeled "EXHIBIT A", shown in the attached map labeled "EXHIBIT B", and located in the attached Vicinity Map.

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

DATED THIS 25TH DAY OF APRIL 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 28 day of March 2001, by and between **J. THOMAS CHESS**, herein 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, easement and right-of-way, including the right to enter upon the real property hereinafter described, and to install maintain and repair public sidewalk for the purpose of conveying public access over through and across the lands hereinafter described, together with the 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 right-of-way hereby granted consists of:

A 5.0 foot wide permanent public sidewalk easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
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 Grantor 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 structure or other obstruction shall be constructed by Grantor on this easement.

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

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

GRANTORS:

[Signature]
J. THOMAS CHESS

STATE OF CALIFORNIA)
County of LOS ANGELES) ss.
City of SOUTH PASADENA)

The foregoing instrument was acknowledged before me
this 20th day of MARCH 2001 by Thomas J.
Chess as his voluntary act and deed.

[Signature]
Notary Public for LOS ANGELES CO.
My Commission Expires: MARCH 19, 2004

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany,
Oregon, pursuant to Resolution Number 4415, do
hereby accept on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this
25 day of April 2001.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder



EXHIBIT A

A 5.0 foot wide permanent public sidewalk easement across that property conveyed to J. Thomas Chess, described in Volume 242, Page 811, Linn County Microfilm Deed Records, said easement being the western 5-feet as shown on the attached map labeled "EXHIBIT B" and further described below.

The western 5.0 feet of the following described property:

Beginning at a point on the East line of and North 1° 35' West a distance of 31.11 chains from the Southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11, South Range 3 West of the Willamette Meridian, and running thence North 88° 25' East 3.94 chains to a ¾" iron pipe; thence North 1° 35' West 5.05 chains to the Southerly right-of-way line of the C&E Railroad; thence South 72° 27' West along said Southerly right-of-way line a distance of 4.11 chains to said East line of Claim No. 62; thence South 1° 35' East 3.89 chains to the place of beginning. SAVE AND EXCEPT that portion of the above-described tract of land lying within the boundaries of public roads.

Containing 0.030 acres of land, more or less.

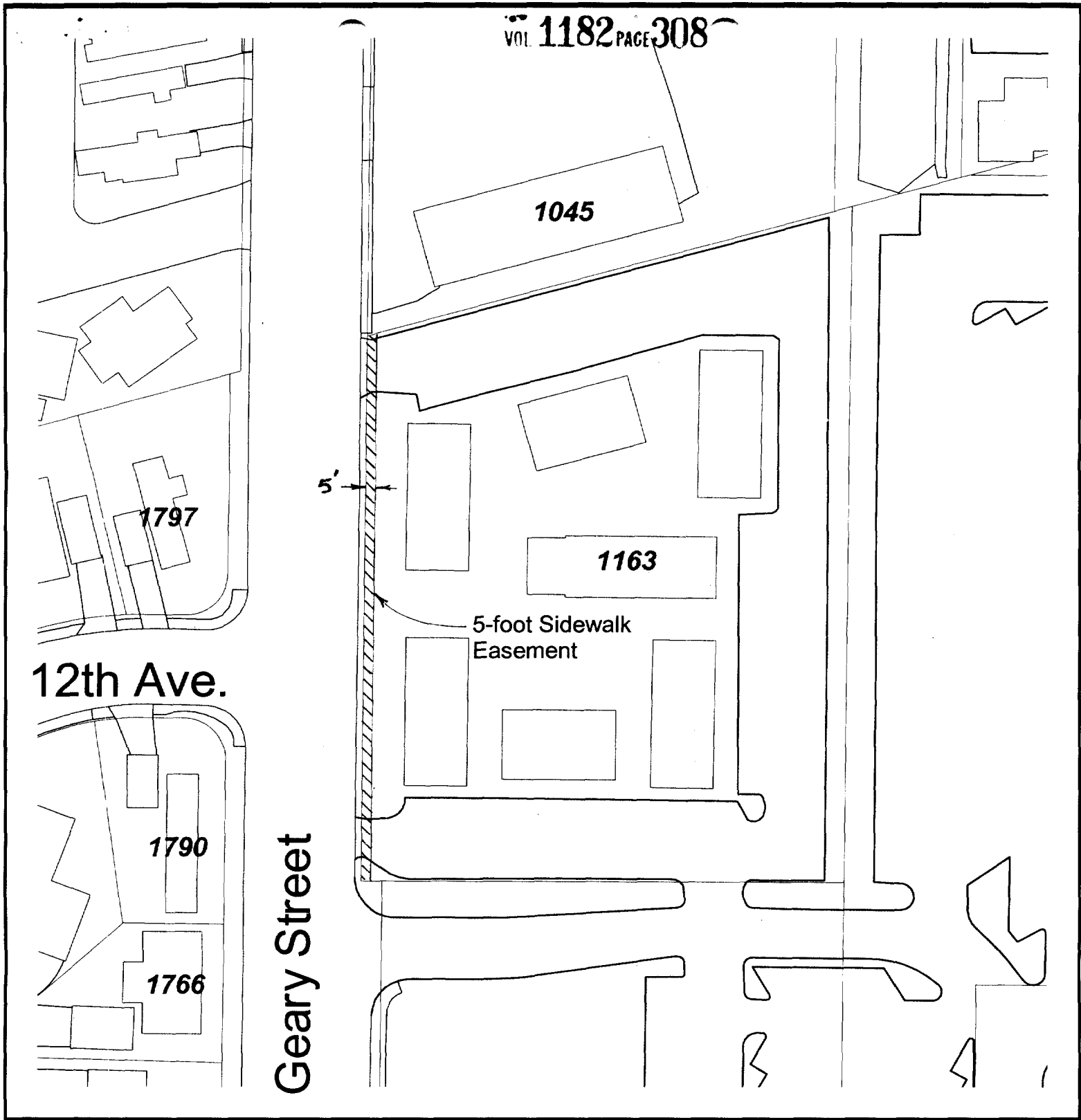


Exhibit B



Engineering

roni nil

Ron Irish

Mar 7, 2001

0 100 Feet



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



STATE HIGHWAY 99E (Pacific Blvd)

9th Ave.

GEARY ST.

10TH AVE

12TH AVE.

Location of proposed easement

VICINITY MAP



John Downing/Ron Irish

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 DR, Deputy

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R. 10
S. 4
A. 4
O. 4

MF. 1182

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Recorded Document Recorder File No. 3802