

RESOLUTION NO. 5659

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

Daniel K. Watson and Andrea M. Watson

Purpose

A public sidewalk, storm drainage and slope easement for the construction of a new public sidewalk on the east side of North Albany Road.

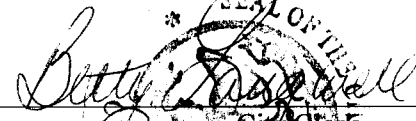
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 10TH DAY OF SEPTEMBER 2008.



Mayor

ATTEST:




City Clerk

PUBLIC SIDEWALK, STORM DRAIN AND SLOPE EASEMENT

THIS AGREEMENT, made and entered into this 30th day of July, 2008, by and between Daniel K. Watson and Andrea M. Watson, 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 place, maintain and repair public sidewalk, storm drain and a fill slope for the purpose of conveying public sidewalk and drainage 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 sidewalk, storm drain and fill slope and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sidewalk, storm drain and fill slope.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

See legal description on attached Exhibit A and maps on attached Exhibit 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 \$1,600.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public sidewalk 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.~~ *Dkw Amw*
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. Permanent structures may be constructed on this easement, subject to the requirements of the Albany Development Code.
7. The grantor may place additional fill on the fill slope.
8. The sidewalk shall be restricted to the location as constructed by the City with project ST-08-03, North Albany Sidewalk Improvements.

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

GRANTORS:

Daniel K. Watson
Daniel K. Watson

Andrea M. Watson
Andrea M. Watson

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

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

The foregoing instrument was acknowledged before me this 30th day of July, 2008, by Daniel K. Watson as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 30th day of July, 2008, by Andrea M. Watson as her voluntary act and deed.



Nancy L. Mehr
Notary Public for Oregon
My Commission Expires: April 11, 2009

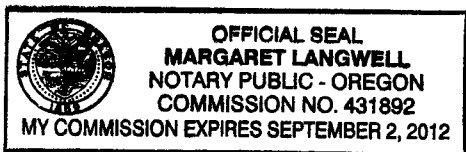
Nancy L. Mehr
Notary Public for Oregon
My Commission Expires: April 11, 2009

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 5659, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29th day of September 2008.

Wes Hare
City Manager



ATTEST:
Margaret Langwell
City Clerk

Exhibit "A"
(Watson Easement)

A tract of land lying in the Southeast 1/4 of Section 36, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon, said tract being a portion of that property described in Document Number 2007-420888, Benton County Records, and more particularly described as follows:

Beginning at the northwest corner of that property described in Document Number 2007-420888, Benton County Deed Records, said corner also being coincident with the east right-of-way line of North Albany Road (County Road 14400); thence South 87°27'40" East, on the north line of said property, a distance of 8.49 feet; thence South 16°06'17" East 25.22 feet; thence South 09°36'15" East 49.30 feet; thence South 05°50'02" East 32.85 feet to a point on the south line of said property that is 50.00 feet distant from the centerline of North Albany Road; thence South 65°22'23" West on said line, a distance of 21.40 feet to the southwest corner thereof, said corner also being coincident with the east right of way line of said road; thence North 03°46'47" West, on said right-of-way line, a distance of 115.05 feet to the Point of Beginning, all as shown on the map attached as "Exhibit "B" and made a part hereof.

The bearings used for this description were based on County Survey No. 10228.

July 11, 2008
EXHIBIT "A"
WATSON EASEMENT
(08-27-D) JSM:nm
File: nm\shared\legals\08-27-d Watson.doc

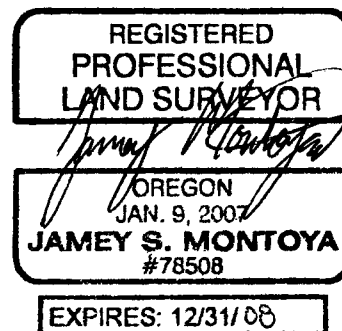
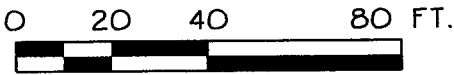
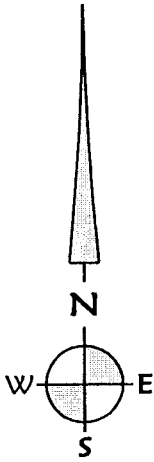


EXHIBIT "B" EASEMENT FOR CITY OF ALBANY

LOCATED IN
SE 1/4 SEC. 36, T. 10 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON
JULY 10, 2008



SCALE: 1" = 40'

SEE COUNTY SURVEY NO. 10228

MORRIS & STANLEY
(DOC. NO. 2007-422603)

POINT OF BEGINNING

NORTH ALBANY ROAD
(COUNTY ROAD 14400)

N87°27'40"W 8.49'

N87°27'40"W

S16°06'17"E 25.22'

WATSON
(DOC. NO. 2007-420888)

S09°36'15"E 49.30'

S05°50'02"E 32.85'

S65°22'23"W

N03°46'47"W 115.05'

N06°52'22"W

PRUITT
(M-85812-87)

S65°22'23"W 21.40'

50.00'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 9, 2007
JAMEY S. MONTOYA
#78508

EXPIRES: 12/31/08

Date: 7/11/2008

Time: 8:41

Scale: 1=1(P5)

File: dwg\2008\08-27-D\0827d-exA.dwg (Jamey M)



K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box
Albany, Oregon 97321
(541) 928-2583

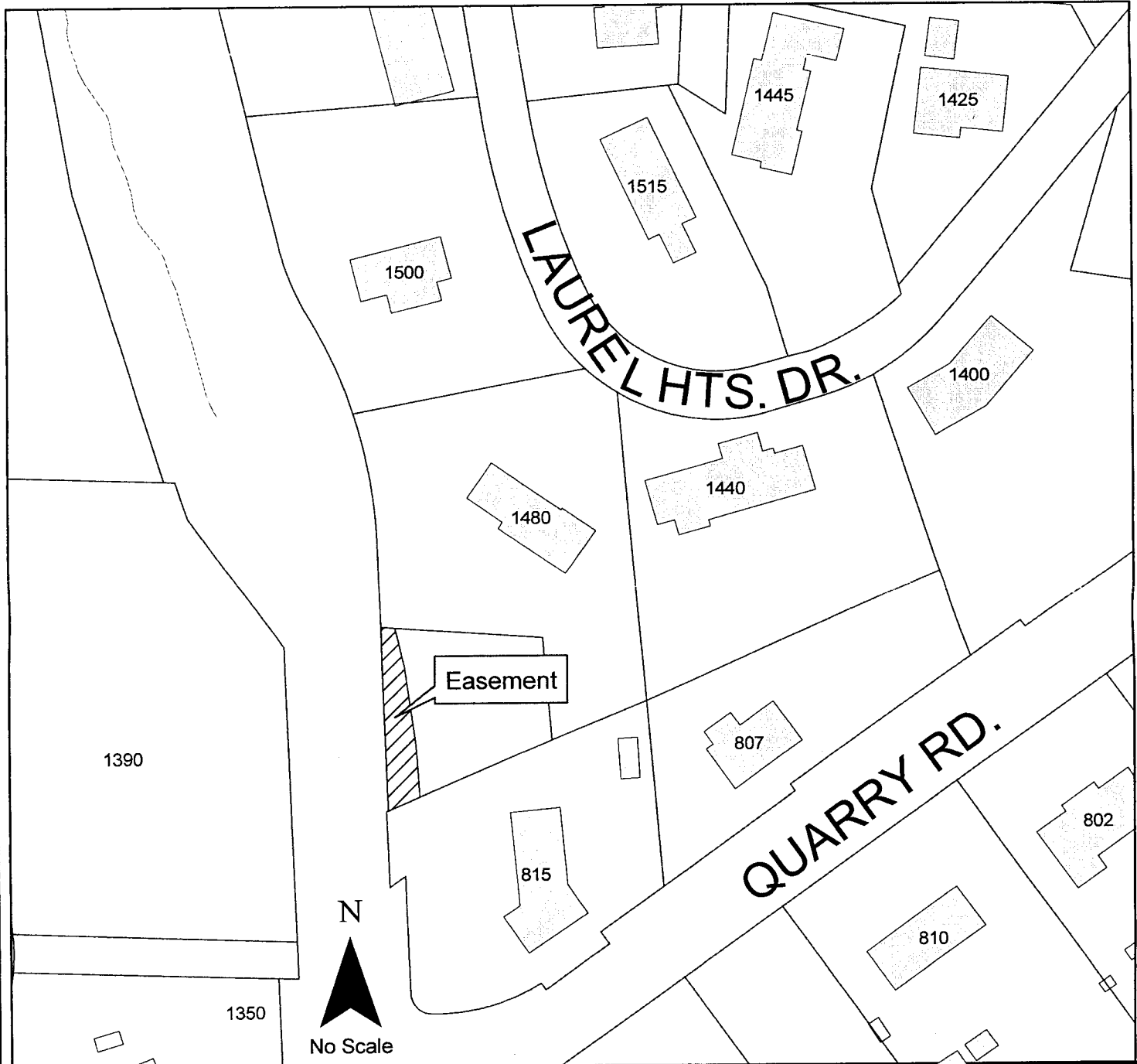
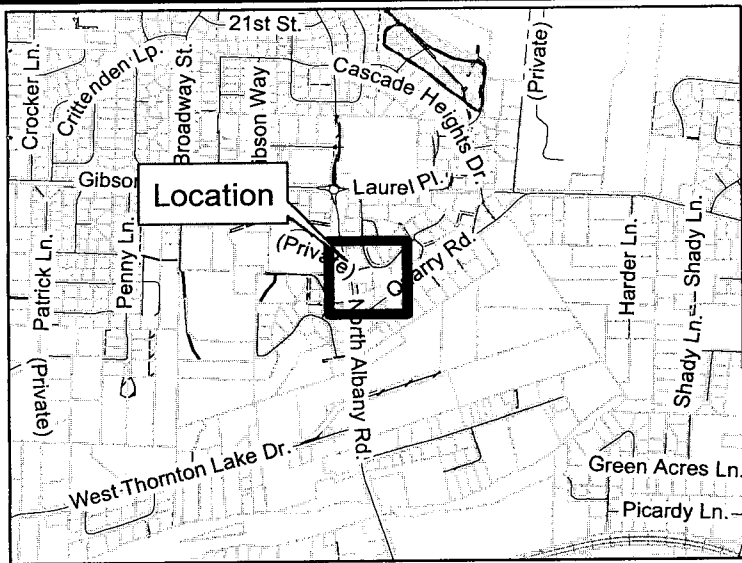
EXHIBIT C

10S04W36DA03603

Public Sidewalk, Storm Drain
and Slope Easement



Geographic Information Services



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

BENTON COUNTY, OREGON **2008-443338**
DE-EAS
Cnt=1 Stn=9 KH **10/16/2008 11:26:38 AM**
\$30.00 \$11.00 \$10.00 \$15.00 **\$66.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



James V. Morales - County Clerk

AFTER RECORDING RETURN TO:

✓ City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

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

PUBLIC SIDEWALK, STORM DRAIN, AND SLOPE EASEMENT

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

Daniel K. Watson and Andrea M. Watson

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

\$1,600.00

Resolution No. 5659

Recorded Document Recorder File No. 5209