

RESOLUTION NO. 6098

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

G Five LLC

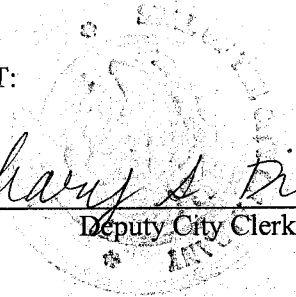

A 5-foot wide sidewalk easement on the east side of Oak Street as part of the Oak Street improvement project, ST-09-03.

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

DATED AND EFFECTIVE THIS 14<sup>TH</sup> DAY OF MARCH 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
Deputy City Clerk

## EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 31 day of January, 2012, by and between **G Five LLC**, 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 construct, maintain, and repair a public sidewalk for the purpose of providing pedestrian access and sidewalks over, across, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sidewalk.

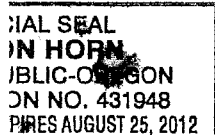
This agreement is subject to the following terms and conditions:

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

A 5-foot wide sidewalk easement on the east side of Oak Street as part of the Oak Street improvement project.

See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit 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 \$1,700.00, 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.



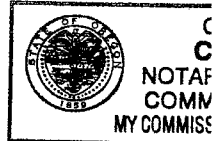
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Ryan T. Hoser

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

The foregoing instrument was acknowledged before me this 31 day of January, 2012, by Ryan Hoser (Title) manager on behalf of G Five LLC as his/her voluntary act and deed.



Caron Horn  
Notary Public for Oregon  
My Commission Expires: Aug 25, 2012

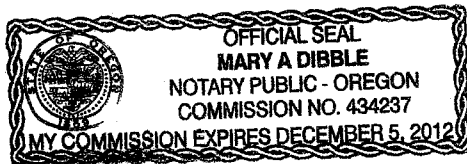
CITY OF ALBANY:

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 6098, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of March 2012.

Wes Hare  
City Manager

ATTEST:



Mary A. Dibble  
Deputy City Clerk

## Exhibit A

### Legal Description for sidewalk easement

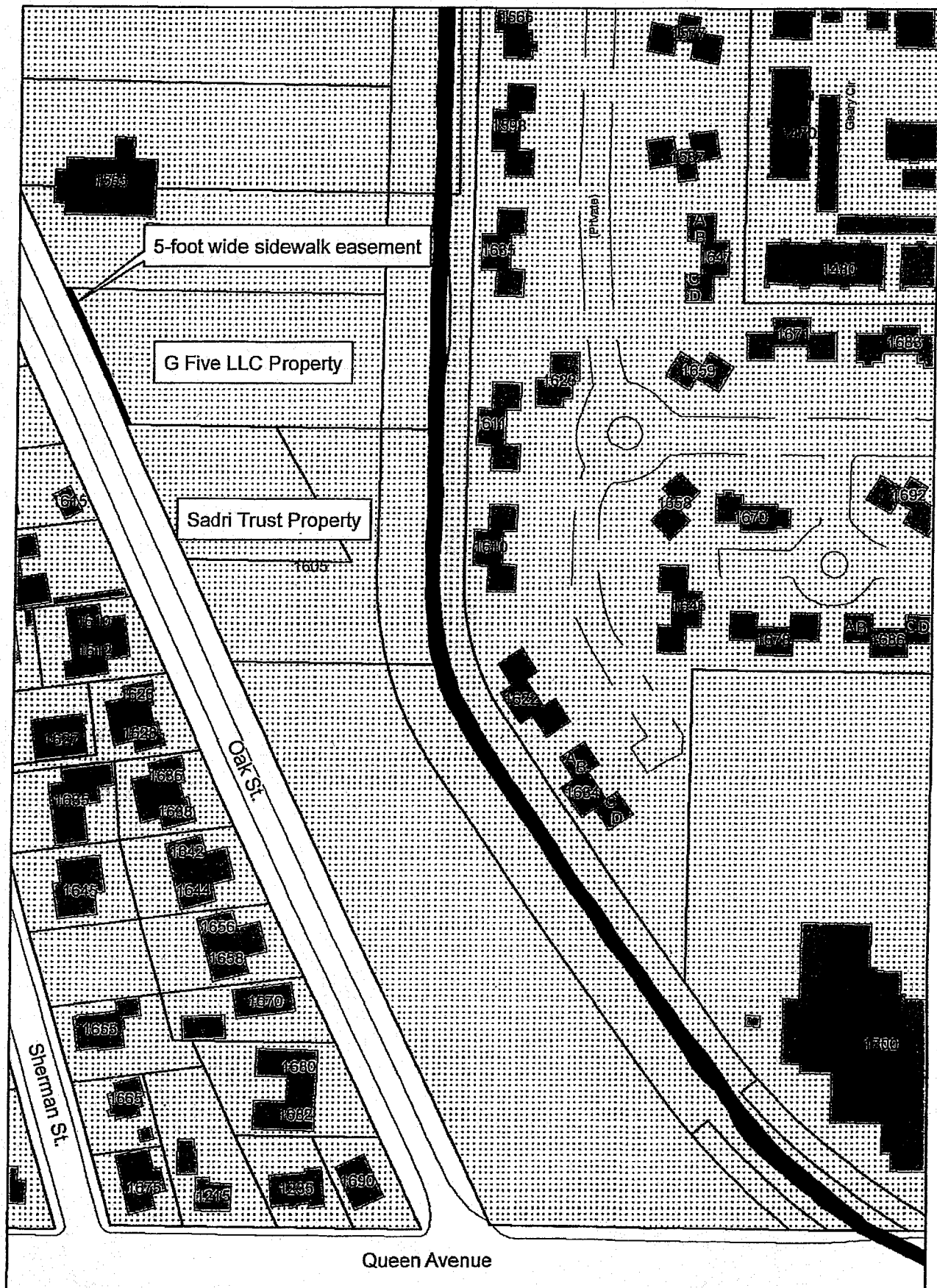
A five foot wide sidewalk easement lying over the western 5 feet of the G Five LLC property described in Linn County, Oregon deed records DN2006-07980, in the SW 1/4 Section 8, T11South, R3West, Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows;

A five foot wide strip lying east of, parallel to, and adjacent to the following described line, said line being the east right-of-way line of Oak Street.

Beginning at the intersection of the east right-of-way line of Oak Street and the north right-of-way line of Queen Avenue, said point also being the southwest property corner of the Asghar R. Sadri Trust property; thence North 25°50'00"West 821.83 feet along the east right-of-way line of Oak Street to the northwest corner of the aforementioned Asghar R. Sadri Trust property to the **True point of beginning**, said true point of beginning also being the southwest corner of the aforementioned G Five LLC property; thence North 25°50'00"West 137.29 feet along the east right-of-way line of Oak Street to the northwest corner of said G Five LLC property. The eastern line of the 5 foot wide easement being lengthened or shortened to the north and south property lines of said G five LLC property. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

The bearings used in this easement were based on Linn County, Oregon, County Survey Number 14760.

# Exhibit B - Sidewalk Easement Map





LINN COUNTY  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2012-04372  
E-EAS  
Cnt=1 Stn=1 COUNTER 03/28/2012 01:59:11 PM  
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



00175863201200043720060065

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 for public sidewalk

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

G Five LLC

34343 Tangent Dr

Tangent, OR 97389

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

\$1,700

*Res. No. 6098*