

RESOLUTION NO. 6101

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Carol H. Jordan trustee of the Carol H. Jordan Revocable Trust

A variable width roadway easement across a corner of Tax Lot 11S04W12 00701 over the existing park roadway serving Bryant Park.

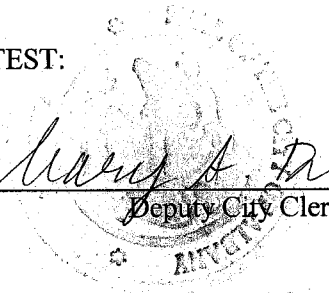

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF MARCH 2012.



Mayor

ATTEST:

Deputy City Clerk

EASEMENT FOR PUBLIC ACCESS AND ROADWAY

THIS AGREEMENT, made and entered into this 19 day of March, 2012, by and between Carol H. Jordan trustee of the Carol H. Jordan Revocable Trust, 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, a non-exclusive easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public a roadway for the purpose of providing public access 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 roadway and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public roadway.

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 Exhibits B and C.
2. The permanent non-exclusive 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 \$250.00, 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.
7. Any other uses by the grantors, their heirs or assigns, or any other easement holders, shall not interfere with the continued use, operation and maintenance of public improvements constructed within this easement.

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

GRANTOR:

Carol H. Jordan, trustee of the Carol H. Jordan Revocable Trust

Carol H. Jordan
Carol H. Jordan

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

The foregoing instrument was acknowledged before me this 21st day of February, 2012, by Carol H. Jordan, trustee of the Carol H. Jordan Revocable Trust, on behalf of the trust, as his/her voluntary act and deed.

Betty M. Fears
Notary Public for Oregon
My Commission Expires: July 16, 2013



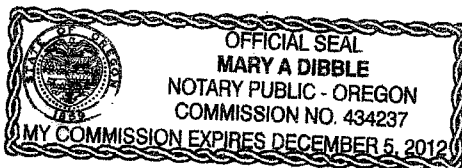
CITY OF ALBANY:

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 6101, 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
Roadway Easement over
Tax Lot 701 of Assessor Map 11S-04W-12

A portion of that Carol H. Jordan Revocable Trust property indentified as "Tax Lot 701" by deed recorded in Document Number 2007-14342 in the Linn County, Oregon Deed Records on June 14, 2007 (hereinafter referred to as "Jordan Tract"), and which portion being located in Tract No. 3 of "BRYANT'S TRACTS", a subdivision recorded in Linn County, Oregon, said portion being more particularly described as follows:

Beginning at the most easterly northeast corner of said Jordan Tract which corner being NORTH 167.64 feet from the most easterly southeast corner of said Tract No. 3; thence SOUTH, along said most easterly line of said Tract No. 3, a distance of 24.08 feet; thence along the arc of a 716.53 foot radius curve to the right (long chord of which bears North 35°21'10" West 37.10 feet) a distance of 37.10 feet to a point on the boundary line of said Jordan Tract; thence South 73°56'00" East 22.34 feet to the Point of Beginning. Containing 264 square feet of land, more or less.

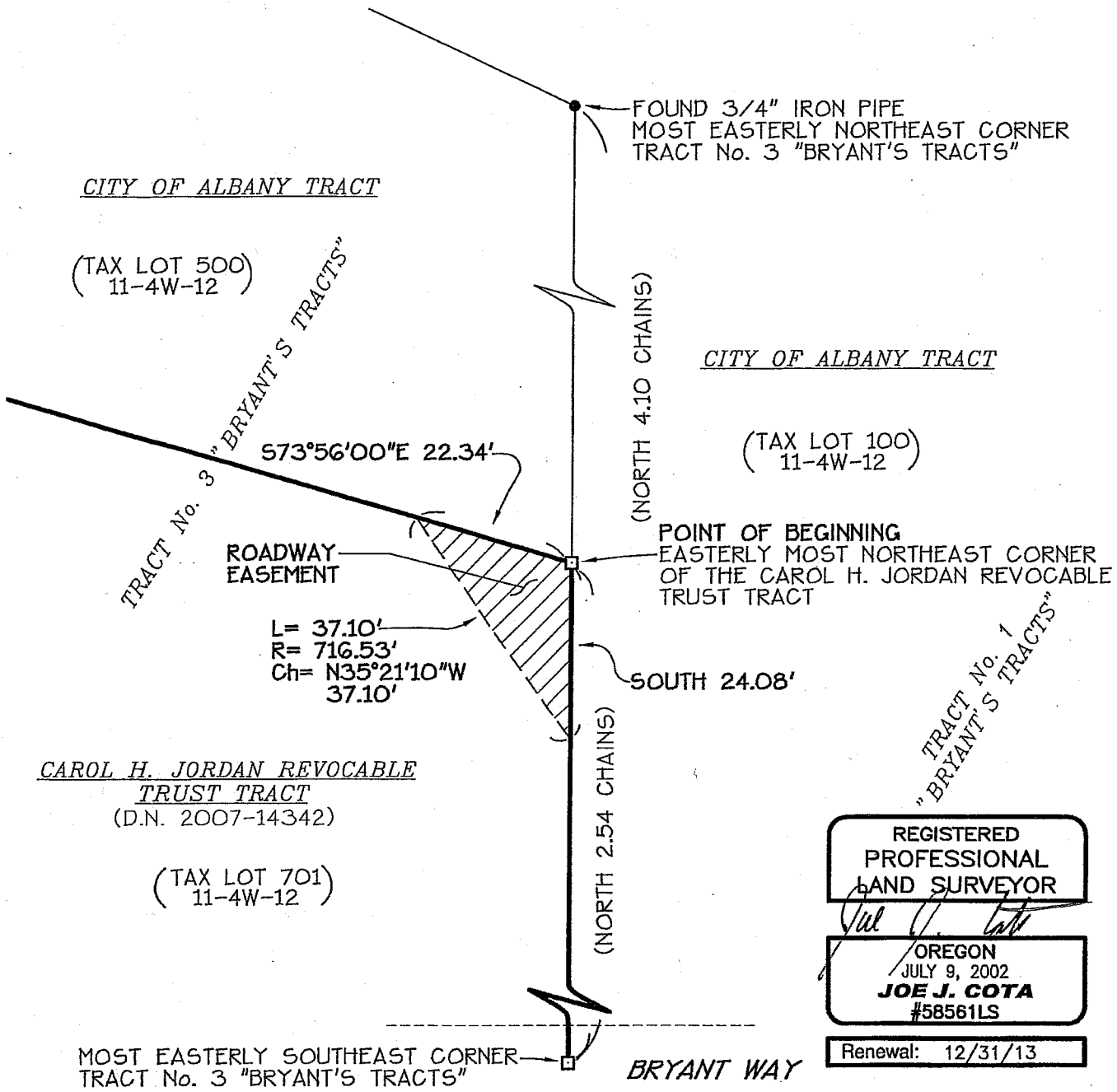
February 9, 2012
JORDAN ROAD EASEMENT DESCRIPTION
(10-106-D) JJC:ls

File Ref: share/projects/2010/10-106/surveying/documents/10-106-D Jordan Road Easement.doc



EXHIBIT "B" EASEMENT MAP

LOCATED IN
SE 1/4 SEC. 1, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
FEBRUARY 8, 2012



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

Renewal: 12/31/13

Date: 2/8/2012 Time: 14:30
Scale: 1=20
File: dwg\2010\10-106\10-106ease-bryant.dwg (lan)

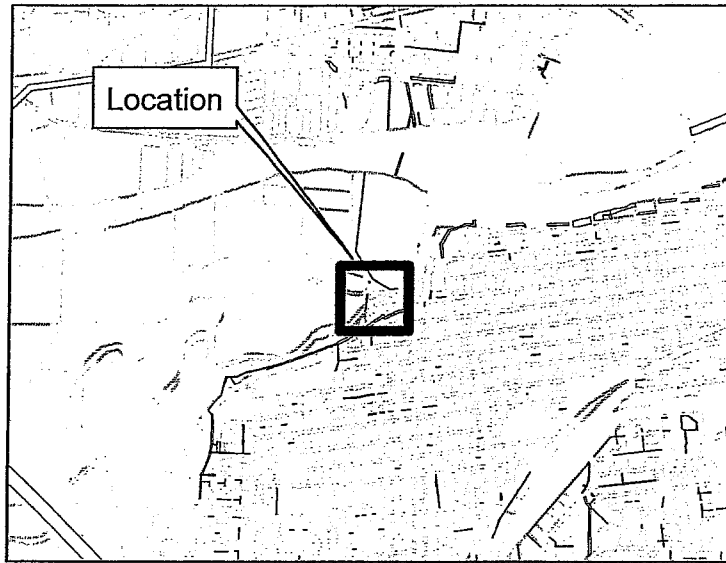


K & D ENGINEERING, Inc.
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

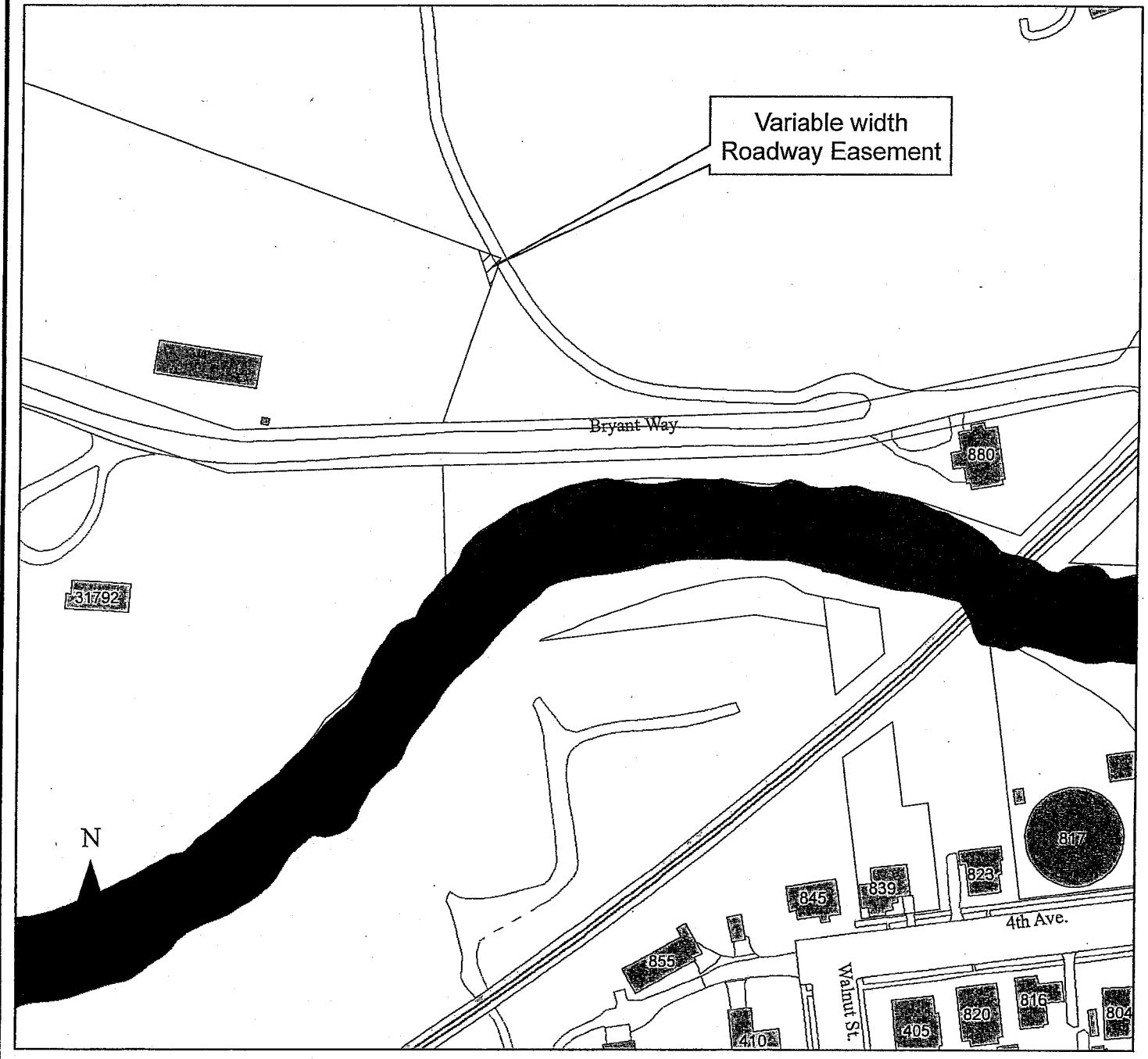
EXHIBIT C

11S04W12 00701

A variable width roadway easement across a corner of Tax Lot 11S04W12 00701 over the existing park roadway serving Bryant Park.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2012-04422
E-AE
Cnt=1 Stn=1 COUNTER 03/29/2012 10:57:55 AM
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



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 Access and Roadway

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

Carol H. Jordan trustee of the Carol H. Jordan Revocable Trust

139 Kouns Drive NW

Albany, OR 97321

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

\$250

Res No 6101