

RESOLUTION NO. 6349

A RESOLUTION GRANTING THE FOLLOWING ACCESS EASEMENT:

Grantor: **CITY OF ALBANY**

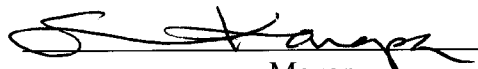
Purpose

Grantee: **Michael S. Todd**

Granting a variable width access easement across City property to provide vehicle access from 3rd Avenue SE to the 7-11 parking lot at 222 Main Street, as part of the Main Street Reconstruction project, ST-13-04.

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

DATED AND EFFECTIVE THIS 9th DAY OF JULY 2014.



Mayor

ATTEST:



City Recorder

ACCESS EASEMENT

THIS EASEMENT, granted this 9th day of July 2014 by the **City of Albany**, a Municipal Corporation, herein called "Grantor," to **Michael S. Todd**, herein called "Grantee."

WITNESSETH:

The Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the Grantee, and grantee's heirs, successors and assigns, an ingress and egress easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair the driveway within the easement area, for the purpose of providing access to 3rd Avenue SE for the Grantees' property located at 222 Main Street SE.

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 EXHIBIT "C", attached hereto and made a part hereof.

2. The easement described herein grants to the grantee, the right to enter upon said easement at any time that it may see fit for driveway construction, maintenance, evaluation, and/or repair purposes.
3. The easement is not an exclusive easement. The grantor reserves the right to place utilities within the easement area and use the easement area driveway for access to the grantor's property.

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

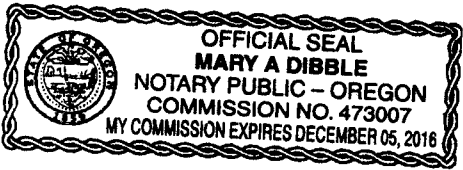
GRANTOR:
City of Albany

By: *Stewart Taylor*
Stewart Taylor,
Finance Director

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

The instrument was acknowledged before me this
25 day of July 2014 by Stewart Taylor,
Finance Director, City of Albany.

Mary A. Dibble
Notary Public for Oregon
My Commission Expires: 12/15/16



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 6349, do
hereby grant on behalf of the City of Albany, the above
instrument pursuant to the terms thereof this
28 day of July 2014.

Wes Hare
City Manager

ATTEST:

Mary A. Dibble
City Recorder

EXHIBIT A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description

Easement over Tax Lots 5900 and 5800 of Assessor Map 11S-03W-06DD

A strip of land for easement purposes located over a portion of the property conveyed to the City of Albany described by deed recorded in Document Number 2013-2069 in the Linn County, Oregon Deed Records that is more particularly described as follows:

Beginning at a point on the south line of said City of Albany property that is North 83°14'24" East 5.00 feet of a 3/4 inch pipe at the southwest corner of said City of Albany property; thence North 07°11'57" West 21.83 feet; thence along the arc of a 15.00 foot radius curve to the right (long chord bears North 18°39'20" East 13.08 feet) a distance of 13.54 feet; thence North 44°30'37" East 84.69 feet; thence along the arc of a 20.00 foot radius curve to the left (long chord bears North 18°46'54" East 17.36 feet) a distance of 17.96 feet; thence North 06°56'48" West 13.13 feet to a point on the north line of said City of Albany property; thence North 83°03'12" East, along said north line, 24.00 feet; thence South 06°56'48" East 13.13 feet; thence along the arc of a 44.00 foot radius curve to the right (long chord bears South 18°46'54" West 38.20 feet) a distance of 39.52 feet; thence South 44°30'37" West 62.20 feet; thence along the arc of a 20.00 foot radius curve to the left (long chord bears South 05°51'05" West 24.99 feet) a distance of 26.99 feet; thence South 32°48'26" East 5.14 feet to a point on the south line of said City of Albany property; thence South 83°14'24" West 34.81 feet to the Point of Beginning.

The bearings of the above described strip are Grid bearings established by Oregon State Plane Coordinates North Projection per the City of Albany GIS.

June 16, 2014
EASEMENT DESCRIPTION
OVER TAX LOT 5900
(12-96) JJC:ls

File Ref: z:/projects/2012/12-96/surveying/documents/easement 5900.doc

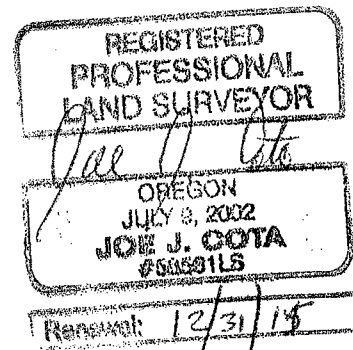


EXHIBIT "B"

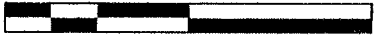
JUNE 17, 2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR

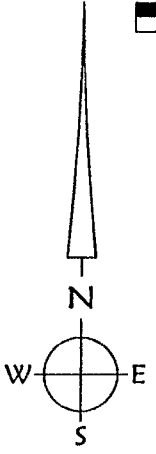
OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

Renewal: 12/31/15

0 10 20 40 FT.



SCALE: 1" = 20'



TAX LOT 5600
MAP 11503WOGDD
1032 2ND AVE SE

TAX LOT 5700
MAP 11503WOGDD
222 MAIN ST SE

MAIN ST SE

L= 17.96'
R= 20.00'
Ch= N18°46'54"E
17.36'

N06°56'48"W
13.13'

N83°03'12"E
24.00'

S06°56'48"E
13.13'

TAX LOT 5800
MAP 11503WOGDD
230 MAIN ST SE

L= 39.52'
R= 44.00'
Ch= S18°46'54"W
38.20'

ACCESS EASEMENT

N44°30'37"E 84.69'

S44°30'37"W 62.20'

TAX LOT 5900
MAP 11503WOGDD
1029 3RD AVE SE

L= 13.54'
R= 15.00'
Ch= N18°39'20"E
13.08'

L= 26.99'
R= 20.00'
Ch= S05°51'05"W
24.99'

N07°11'57"W
21.83'

S32°48'26"E
5.14'

S83°14'24"W
34.81'

3RD AVE SE

N83°14'24"E
5.00' P.O.B.



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

Date: 6/17/2014 Time: 8:47
Scale: 1=20
File: dwg\2012\12-96\12-96_ease2.dwg (lan)

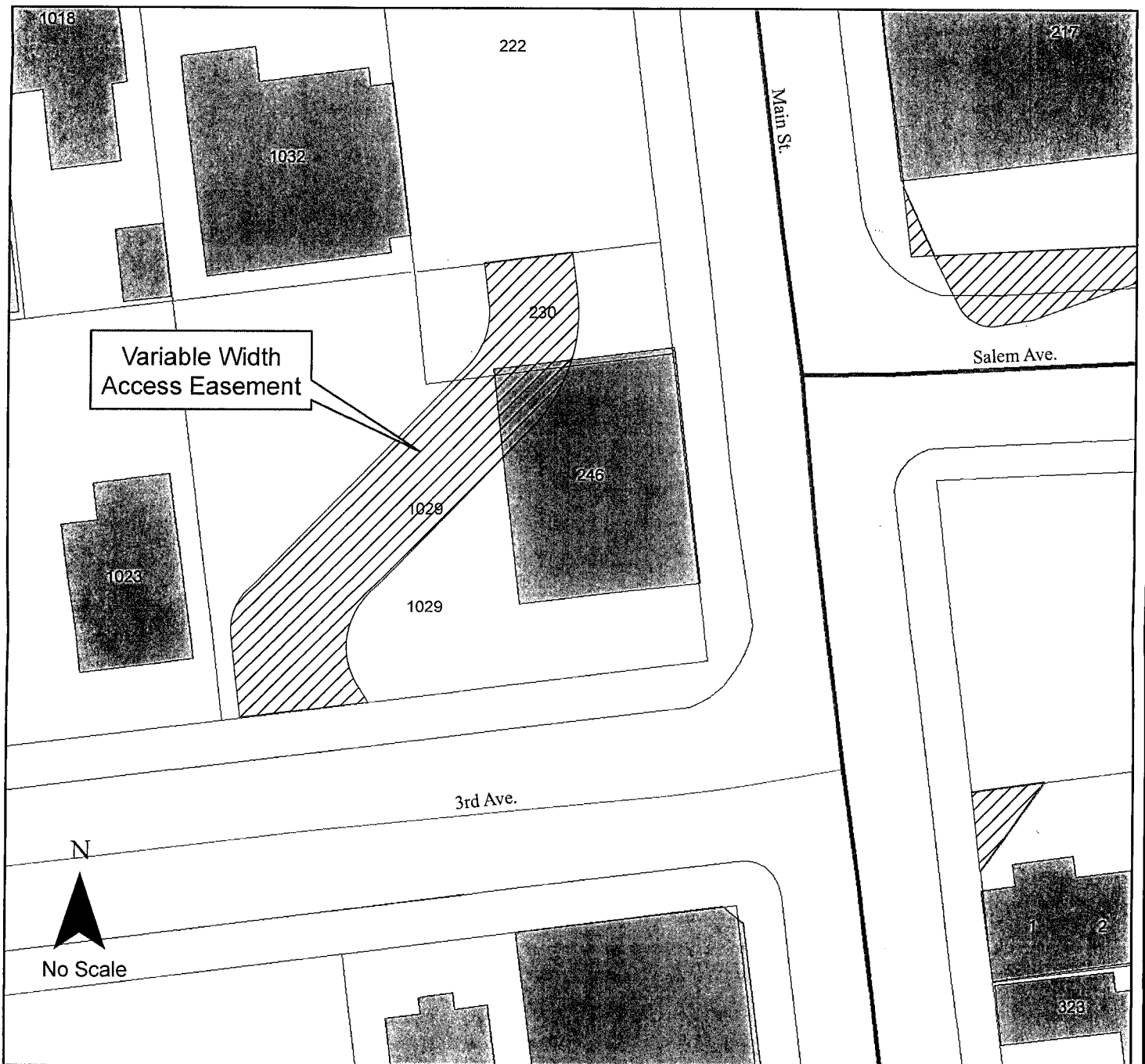
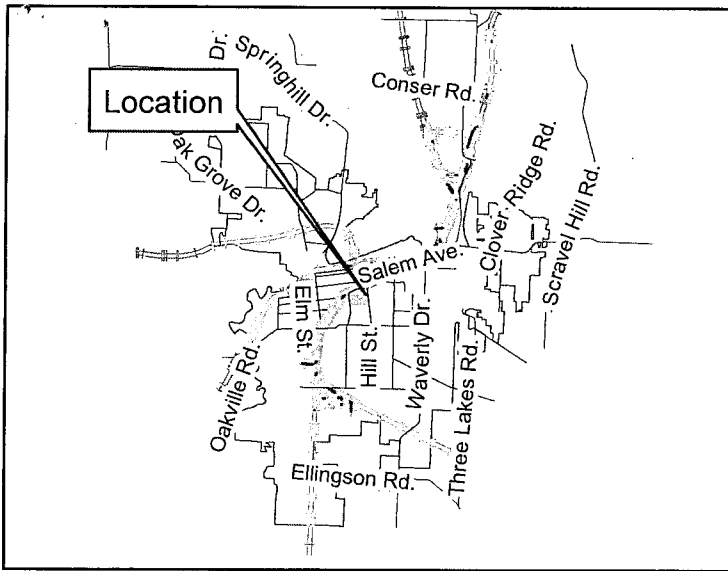
EXHIBIT C

11S03W06DD05900, 11S03W06DD05800

Granting a variable width access easement across City property to provide vehicle access from 3rd Avenue SE to the 7-11 parking lot at 222 Main Street, as part of the Main Street Reconstruction project, ST-13-04



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2014-09461**
E-AE
Cnt=1 Str=44 COUNTER 07/28/2014 01:52:47 PM
\$30.00 \$11.00 \$20.00 \$19.00 \$10.00 **\$90.00**



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:

City of Albany

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

Access Easement

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

City of Albany

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

Michael S. Todd

4. True and Actual Consideration (if there is one), ORS 93.030

\$0

6549