



RESOLUTION NO. 7134

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

CW-Pheasant Run, LLC

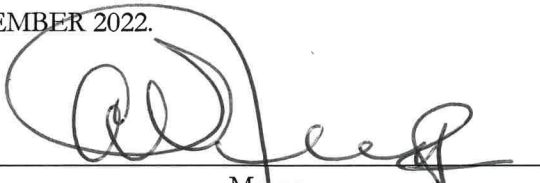
Purpose

Accepting a variable width access easement providing access to a storm water quality swale, as part of Pheasant Run Subdivision, Phase III

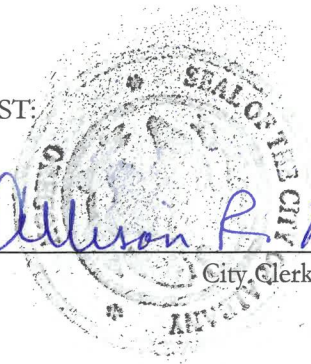
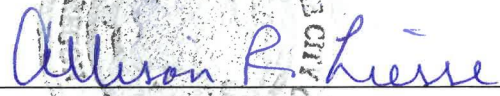
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NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF SEPTEMBER 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ACCESS EASEMENT

THIS EASEMENT, granted this 22<sup>ND</sup> day of August 2022 by **CW-Pheasant Run, LLC**, herein called "Grantor," to the **City of Albany, Oregon**, a municipal corporation, herein called "Grantee."

WITNESSETH:

The Grantor has this day granted and by these presents does grant 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 construct, maintain and repair a driveway within the easement area, for the purpose of providing maintenance access to Tract M of the Pheasant Run III subdivision east of the Grantor's property.

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 as well as the right to access Tract M.
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.
4. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the improvements to be placed upon said property and the benefits grantors may obtain therefrom.
5. No permanent structures shall be constructed within the easement area.

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

**GRANTOR:**

**CW-Pheasant Run, LLC**

*[Signature]*

STATE OF OREGON )

County of ~~Linn~~ DESCHUTES ) ss.  
City of ~~Albany~~ REDMOND

The foregoing instrument was acknowledged before me this 22ND day of AUGUST, 2022, by JIM SANBURN, as a representative of CW-Pleasant Run LLC, on behalf of CW-Pleasant Run LLC.

*[Signature]*  
Notary Public for OREGON  
My Commission Expires: 7/9/2024



**CITY OF ALBANY:**

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

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
City Manager

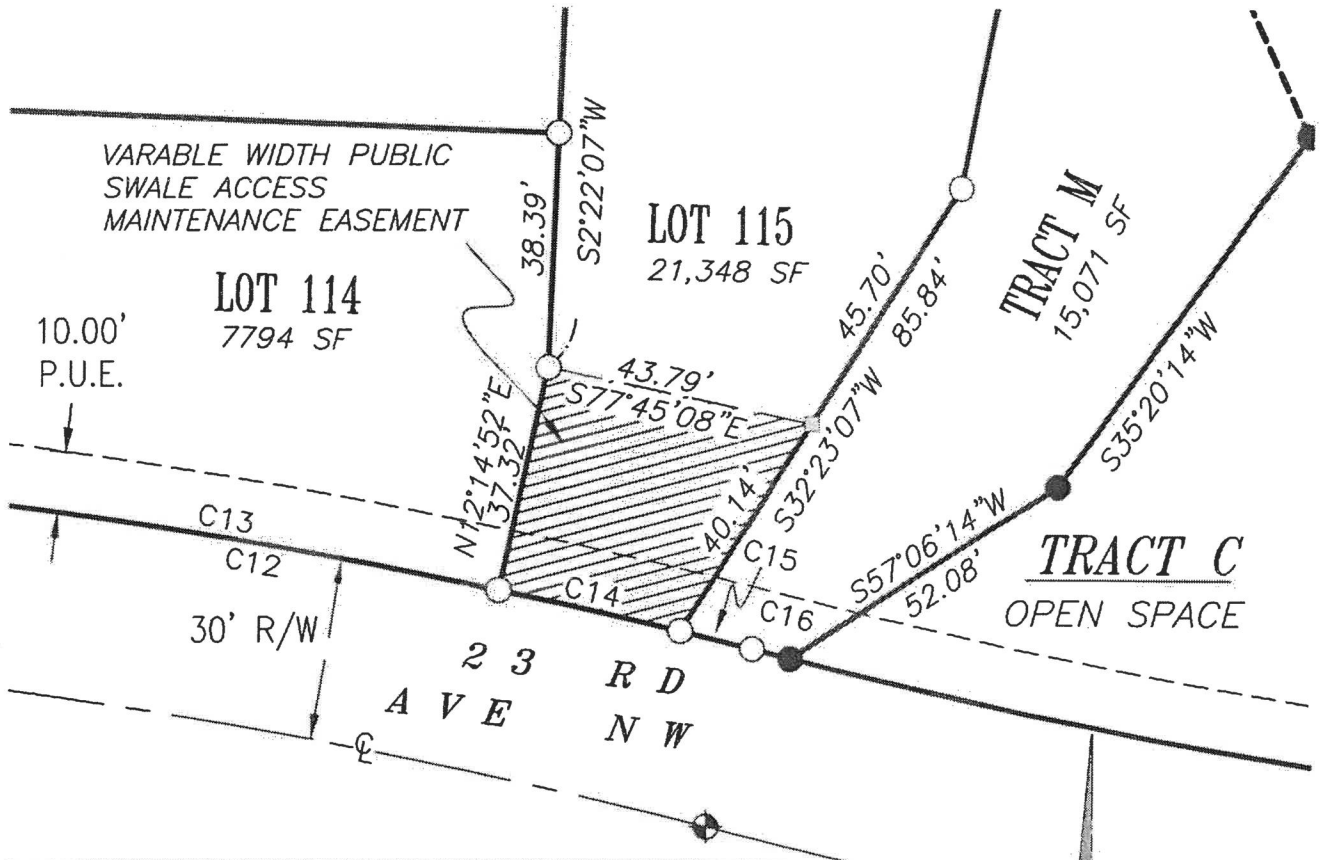
ATTEST:

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

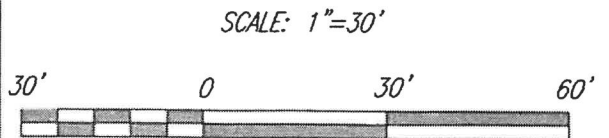
# EXHIBIT A

BEGINNING AT THE SOUTHWEST CORNER OF LOT 115, PHEASANT RUN III, AS PLATTED AND RECORDED IN BENTON COUNTY OREGON PLAT RECORDS, RUN THENCE NORTH 12°14'52" EAST, ALONG THE WESTERLY LINE OF LOT 115, A DISTANCE OF 37.32 FEET; THENCE SOUTH 77°45'08" EAST 43.79 FEET TO A POINT ON THE WESTERLY LINE OF TRACT "M" OF SAID PHEASANT RUN III; THENCE SOUTH 32°23'07" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 40.14 FEET TO THE NORTHERLY RIGHT-OF-WAY OF 23RD AVENUE NORTHWEST AND THE SOUTHEAST CORNER OF AFOREMENTIONED LOT 115; THENCE ALONG SAID RIGHT-OF-WAY, ALONG THE ARC OF A 1030.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 77°02'23" WEST 29.97 FEET), A DISTANCE OF 29.98 FEET TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 1,384 SQUARE FEET.

# EXHIBIT B



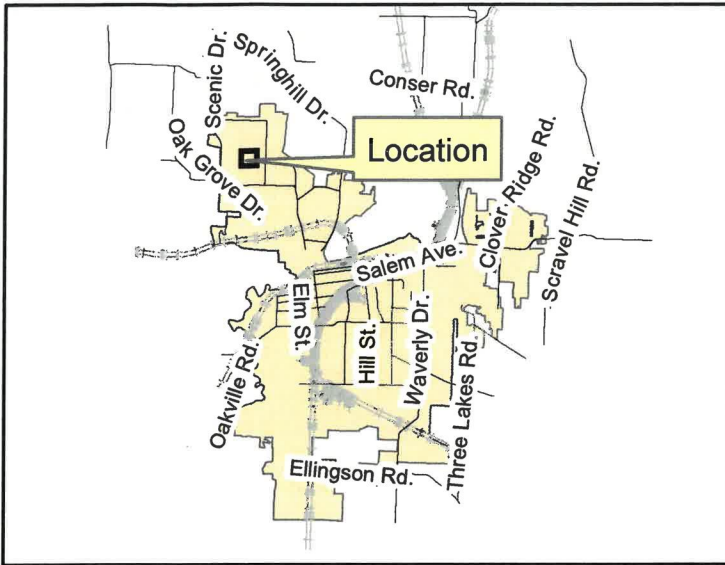
Curve Table				
CURVE #	LENGTH	RADIUS	DELTA	CHORD
C12	135.17'	1030.00'	7°31'10"	N79°17'16"W 135.08'
C13	93.10'	1030.00'	5°10'45"	N80°27'47"W 93.07'
C14	29.98'	1030.00'	1°40'03"	N77°02'23"W 29.97'
C15	12.06'	1030.00'	0°40'15"	N75°52'14"W 12.06'
C16	6.47'	971.38'	0°22'55"	S75°43'34"E 6.47'



# EXHIBIT C

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A variable width access easement as part of Pheasant Run Subdivision, Phase III



Geographic Information Services

