



RESOLUTION NO. 7317

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Eyecare Associates Albany Building LLC

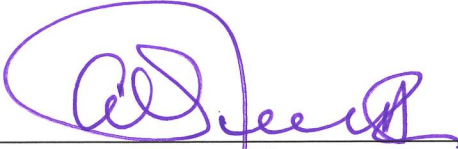
Purpose

A 15-foot-wide access easement to provide City access to the Albany-Santiam Canal, as part of SP-18-23, Eyecare Associates Office Building east of 2125 Pacific Boulevard SW

11S04W13AA03309

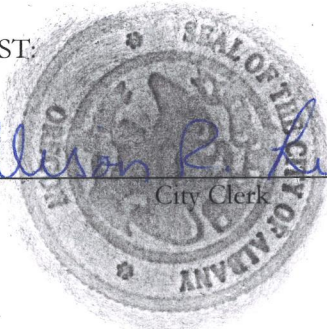
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.



Mayor

ATTEST:




City Clerk

ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 12 day of April, 2024, by and between Eyecare Associates Albany Building 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 maintain and repair the access for the purpose of providing access to the Albany-Santiam canal and property 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 access and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said access.

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.
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 \$1.00, 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.

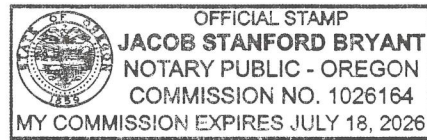
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

Steven P Freeburg
Steven P Freeburg
member
Member of Eyecare Associates Albany Building LLC

STATE OF OREGON
County of Linn

The instrument was acknowledged before me this 10th day
of April, 2024 by
Steven P Freeburg, member, on behalf of Eyecare Associates
Albany Building LLC.

J Bryant
Notary Public for Oregon
My Commission Expires: 7/18/26



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
7317, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms
thereof this 9th day of May 2024.

Peter Troedsson
City Manager

ATTEST:

Allison R. Kaeise
City Clerk



Canal Access Easement
Legal Description
Exhibit "A"

An area of land located in the Northeast 1/4 of the Northeast 1/4 of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County and being more specifically described as follows:

Beginning at a point along the Westerly line of the land described in Linn County Deed No. 2022-19981 that bears South 00°22'40" West 8.00 feet from the Northwest corner of said land; thence South 00°22'40" West 15.00 feet; thence South 89°32'16" East 237.74 feet to the Westerly right-of-way of the Albany Santiam Canal; thence Northerly along said right-of-way North 07°01'02" West 15.13 feet; thence leaving said right-of way North 89°32'16" West 235.79 feet to the point of beginning.

The above-described area contains 3551 square feet (0.08 acres). See exhibit "B" for a map of the described area.



Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

TAX MAP: 11S-04W-12DD
TAX LOT: 3400

NORTHWEST CORNER OF LINN
COUNTY DEED NO. 2022-19981

TAX MAP: 11S-04W-12DD
TAX LOT: 3402

S0°22'40"W 8.00'

S0°22'40"W 15.00'

N89°32'16"W 235.79'

POINT OF BEGINNING

S89°32'16"E 237.74'

CANAL ACCESS EASEMENT

N7°01'02"W 15.13'

TAX MAP: 11S-04W-13AA
TAX LOT: 3302

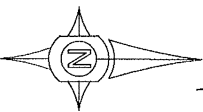
LINN COUNTY DEED NO. 2022-19981
OWNER: EYECARE ASSOCIATES
ALBANY BUILDING LLC
TAX MAP: 11S-04W-13AA
TAX LOT: 3309

TAX MAP: 11S-04W-13AA
TAX LOT: 3304

ALBANY SANTIAM
CANAL (50' R/W)

LEGEND
R/W NO. RIGHT OF WAY NUMBER BOULEVARD

SCALE:
0' 40'



SHEET 1
of 1

Date 9/13/2023
Project # 23-021
Drawn: NDJ
Checked: BSV

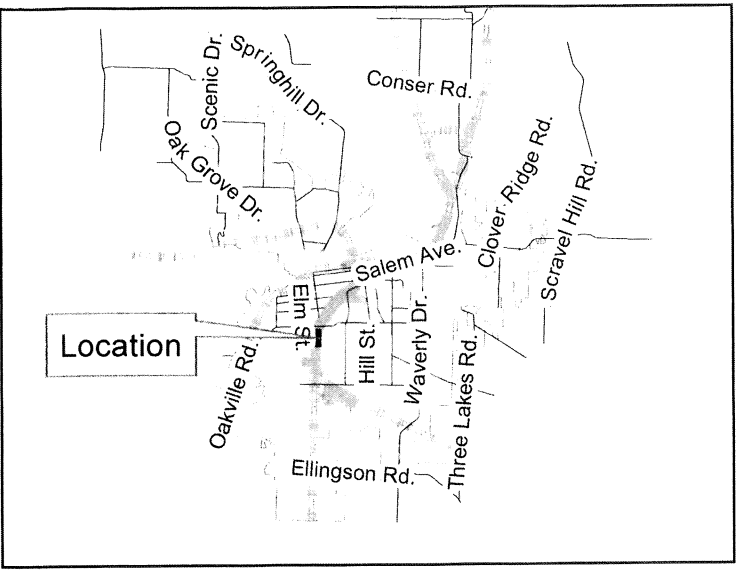
EXHIBIT "B"
EYECARE ASSOCIATES ALBANY
BUILDING LLC
CANAL ACCESS EASEMENT
11S-04W-13AA 3309

UDELL ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON,
97355 541-451-5125

EXHIBIT C

11S04W13AA03309

A 15 foot wide Access Easement
as part of Eyecare Associates
development, SP-18-23



Geographic Information Services

