

RESOLUTION NO. 4204

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

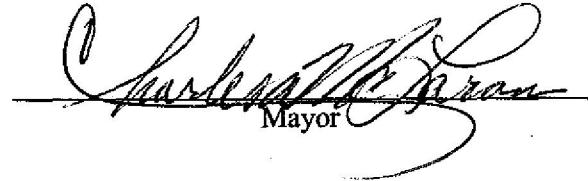
WPM RESTAURANTS, INC.

Purpose

Easement for construction and maintenance of pedestrian walkways as described in attached Exhibit "A" and shown in attached Exhibit "B".

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

DATED THIS 8TH DAY OF DECEMBER, 1999.


Mayor

ATTEST:


City Recorder

TAXES: EXEMPT

EASEMENT FOR PEDESTRIAN WALKWAY

THIS AGREEMENT, made and entered into this 27th day of July, 1999, by and between W.P.M. Restaurants, Inc., herein called Grantors, 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 grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, an easement, including the right to enter upon the real property hereinafter described, and to maintain and repair pedestrian walkways for the purpose of conveying services over, across, through, and under the lands hereinafter described, the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said pedestrian walkway. The Grantor party is the record owner of the following described real property in Linn County, State of Oregon to-wit:

That property as described as Parcel Two of Volume 177, Page 606 filed in the Deed Records of Linn County, Oregon.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

Easement for construction and maintenance of pedestrian walkway as described in Exhibit "A"

2. 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.
3. The Grantors do 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.
4. Upon performing any maintenance, the City shall return the site to original or better condition.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

GRANTOR:

By: WPM Restaurants Inc.

By: Alan D. Northrup

CITY OF ALBANY:

I, Steve Bryant as City Manager of the City of Albany, Oregon, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of December 1999.

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

Steve Bryant
City Manager

The foregoing instrument was acknowledged before me this 27th day of July, 1999, by Alan D. Northrup president, and by _____, secretary, of _____, an Oregon corporation, on behalf of the corporation.

The foregoing instrument was acknowledged before me this 9 day of December, 1999.

C. J. Mullen
Notary Public for Oregon
My Commission Expires: 12/15/2002

STATE OF OREGON)
County of Linn) ss.
City of Albany)
Margaret Langwell
Notary Public for Oregon
My Commission Expires Sept. 2, 2000

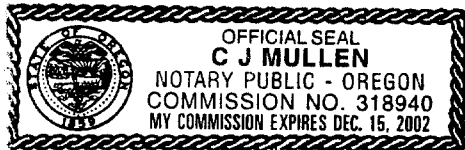
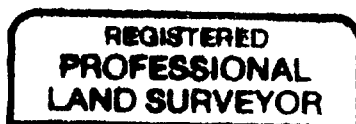


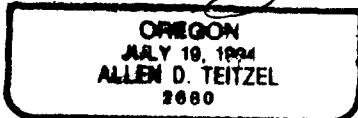
EXHIBIT "A"

The following describes a parcel lying in the Southeast 1/4 of the Southeast 1/4 of Section 5, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and more particularly described as follows:

Beginning at the northeasterly corner of that property described as Parcel One in Book 177, Page 606 as filed in the Deed Records of Linn County, Oregon said point also on the southerly right-of-way of Pacific Boulevard; thence along the arc of a 5789.58 foot radius curve to the right (the chord of which bears S55°05'50"W 5.09 feet) 5.09 feet along said southerly right-of-way; thence leaving said southerly right-of-way S24°05'56"E 85.85 feet; thence along the arc of a 17.5 foot radius curve to the left (the chord of which bears S46°12'37"E 13.17 feet) 13.50 feet; thence N15°45'10"W 0.28 feet to the Southwest Corner of that property described in Book 431, Page 544 of the Deed Records of Linn County, Oregon; thence N24°05'56"W 98.73 feet along the West Line of said property described in Book 431, Page 544 to the point of beginning.



A handwritten signature in cursive script, appearing to read "Allen D. Teitzel".



Expires 6-30-2000

EXHIBIT "B" TAX LOT 202

PROPOSED EASEMENT
CHORD LINE
S 55°05'50" W 5.09'

PROPOSED EASEMENT LINE
S 24°05'56" E 85.85'

TAX LOT 202

PROPOSED EASEMENT
CHORD LINE
S 46°12'37" E 13.17'

PROPOSED EASEMENT LINE
RADIUS = 17.5'

EXISTING LOT LINE
N 24°05'56" W 98.73'

TAX LOT 201

PROPOSED EASEMENT LINE
N 15°45'10" W 0.28'

TAX LOT 200

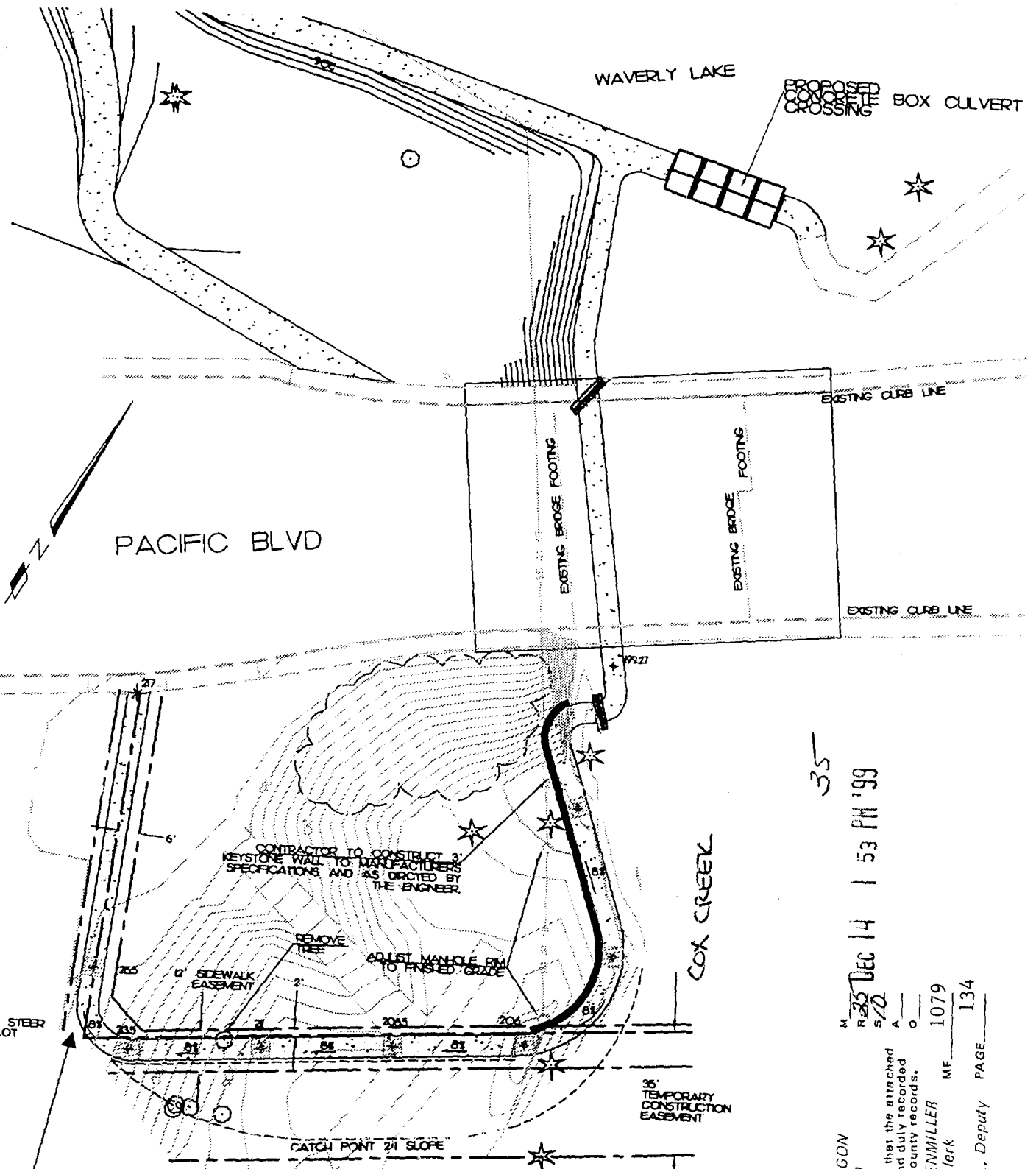
PREPARED BY:
PacWest ENGINEERING



Scale 1" = 30'



1079
137



WALKWAY EASEMENT
FROM
WPM RESTAURANTS, INC.
TO
CITY OF ALBANY

35-

DEC 14 1 53 PM '99

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER MF 1079
Linn County Clerk

By PA, Deputy PAGE 134

Resolution No. 4204

Recorded Document Recorder File No. 3514