

RESOLUTION NO. 4499

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC BUS SHELTER:

Grantor

FirstCare Health Foundation

Purpose

A permanent 6-foot wide by 12-foot long public bus shelter easement described in attached EXHIBIT A and as shown in attached EXHIBIT B.

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

DATED THIS 10TH DAY OF OCTOBER 2001.



Mayor

ATTEST:



City Recorder Clerk

EASEMENT FOR PUBLIC BUS SHELTER

THIS AGREEMENT, made and entered into this 10 day of SEPTEMBER 2001, by and between **FIRSTCARE HEALTH FOUNDATION**, herein 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, easement and right-of-way, including the right to enter upon the real property hereinafter described, and to install, maintain, operate, and repair a public bus shelter on the lands hereinafter described, together with the right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public bus shelter.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 6.0-foot wide by 12.0-foot long permanent public bus shelter easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
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 Grantor 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 structure or other obstruction shall be constructed by Grantor on this easement.

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

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

GRANTORS: FIRSTCARE HEALTH FOUNDATION

CITY OF ALBANY:

Terry FitzPatrick

Terry FitzPatrick, Administrator

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

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4499, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11 day of October 2001.

The foregoing instrument was acknowledged before me this 10th day of September 2001 by Terry FitzPatrick as administrator of Firstcare medical Foundation

Steve Bryant
City Manager

ATTEST:

Sandra Swartzendrub
Notary Public for Oregon
My Commission Expires: 8/18/03

Margaret Longwell
City Recorder Clerk

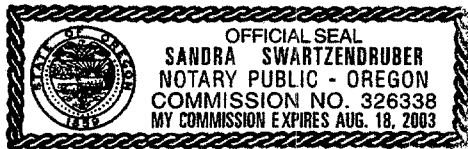


EXHIBIT A

A 6.0-foot wide by 12.0-foot long permanent public bus shelter easement across that property conveyed to J. Thomas Chess, described in Volume 242, Page 811, Linn County Microfilm Deed Records, said easement being located just north of the Queen Avenue right-of-way line as shown on the attached map labeled "EXHIBIT B" and further described below.

Beginning at a point which is 40.00 feet North 0° 27' 56" West and 30.00 feet South 89° 50" West from the Southeast corner of Abram Hackleman Donation Land Claim No. 62 in Section 8, Township 11 South, Range 3 West Willamette Meridian, Linn County, Oregon and running thence 166.23 feet South 89° 50' West along the North right-of-way line of Queen Avenue to the True Point of Beginning; thence 6.00 feet North 0° 10" West; thence 12.00 feet South 89° 50' West; thence 6.00 feet South 0° 10' East; Thence 12.00 feet North 89° 50' East along the North right-of-way line of Queen Avenue to the point of beginning.

Containing 0.002 acres of land, more or less.

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Geary Street

Queen Avenue

Public Bus Shelter Easement

Exhibit B



Engineering

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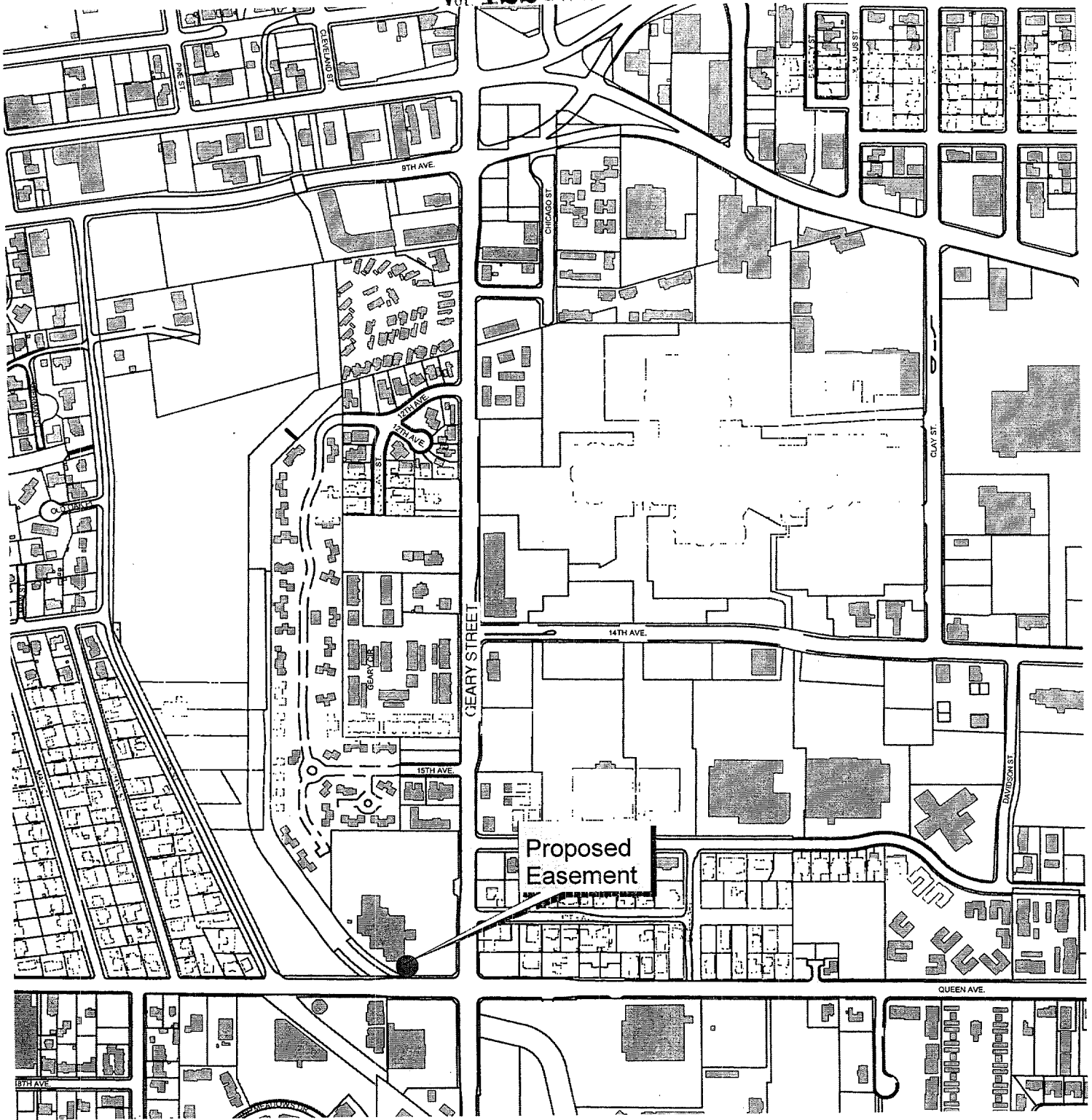
Ron Irish

Jul 20, 2001

0 100 Feet

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently find and verify the information contained within our records.





VICINITY MAP

100 0 100 Feet



PUBLIC BUS SHELTER -- QUEEN AVE/GEARY ST	
EDNA CAMPAU	Engineering
angies J:\AV_PROJ\SITE_MAP.APR	Sept. 19, 2001

PUBLIC BUS SHELTER EASEMENT

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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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
Linn County Clerk

By SR, Deputy

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Recorded Document Recorder File No. 3900