

RESOLUTION NO. 5487

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
CFT Developments, LLC, a California Limited Liability Company	A variable width emergency vehicle access easement

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

DATED AND EFFECTIVE THIS 26TH DAY OF SEPTEMBER 2007.



Mayor

ATTEST:



City Clerk

EMERGENCY VEHICLE ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 7TH day of SEPTEMBER, 2007, by and between CFT Developments, LLC, a California Limited Liability Company, 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 an emergency vehicle accessway for the purpose of allowing emergency vehicles access over, across, and through 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 access easement.

This agreement is subject to the following terms and conditions:

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

A variable width emergency vehicle access easement See legal description on attached Exhibit A and maps on attached Exhibits B and 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.

GRANTOR:

CFT Developments, LLC, a California limited liability company

[Signature]
Signature
Manager
Title

Approved as to form

[Signature]
Signature

Title

STATE OF _____)
County of _____) ss.
City of _____)

STATE OF _____)
County of _____) ss.
City of _____)

The instrument was acknowledged before me this ___ day of _____, 2007, by _____ (Title) _____, as a representative of CFT Developments, LLC, a California limited liability company.

The instrument was acknowledged before me this ___ day of _____, 2007, by _____ (Title) _____, as a representative of CFT Developments, LLC, a California limited liability company.

please see attached California acknowledgement

Notary Public for _____
My Commission Expires: _____

Notary Public for _____
My Commission Expires: _____

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 ⁵⁴⁸⁷ to hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of September, 2007.

[Signature]
City Manager

ATTEST

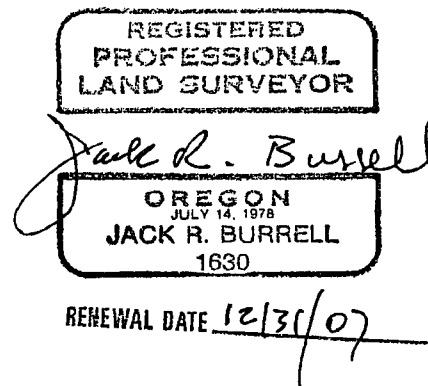
[Signature]
City Clerk

EXHIBIT "A"
(Emergency Vehicle Access Easement)

CFT Developments, LLC to City

A tract of land for easement purposes located in that Quinn Parcel recorded by Land Sales Contract in Volume MF 1695, Page 84 of the Linn County, Oregon Deed Records on March 31, 2005, said easement tract being more particularly described as follows:

Beginning at a point on the south line of "Derringer Subdivision", a subdivision of record in Linn County, Oregon, that is North 86°04'20" West 10.52 feet from the southwest corner of Lot 12, Block 2 of said "Derringer Subdivision"; thence South 02°15'45" East, along said south line, 16.48 feet; thence South 34°35'38" West 24.94 feet to a point on the west line of that tract identified as AREA "B" on C.S. No. 24494, a survey of record filed in the office of the Linn County, Oregon Surveyor; thence North 01°35'00" West, along said west line and the northerly extension thereof, a distance of 38.01 feet to the said south line of "Derringer Subdivision"; thence South 86°04'20" East 14.60 feet to the Point of Beginning.



August 30, 2007

EXHIBIT "A"

CFT DEVELOPMENTS, LLC TO CITY

EMERGENCY ACCESS EASEMENT

(07-32) JRB:ls

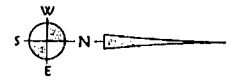
File Ref: nlm/shared documents/legal/07-32 Exh A-CFT to City Emergency Easement.doc

EXHIBIT "B"

EMERGENCY VEHICLE ACCESS EASEMENT

OVER CFT DEVELOPMENTS, LLC TRACT

LOCATED IN
NW 1/4 SEC. 8, T. 11 S., R. 3W., W.M.,
CITY OF ALBANY, LINN COUNTY, OREGON.
AUGUST 29, 2007



SCALE: 1" = 20'



K & D ENGINEERING, Inc.
878 N.W. Hickory Street, P.O. Box 786
Albany, Oregon 97321
(541) 888-8888

Date: 8/29/2007 Time: 9:26
Viewlist: 268d25'0" Scale: 1=20
File: dwg\2007\07-32\32-ex1b.dwg (Brian C)

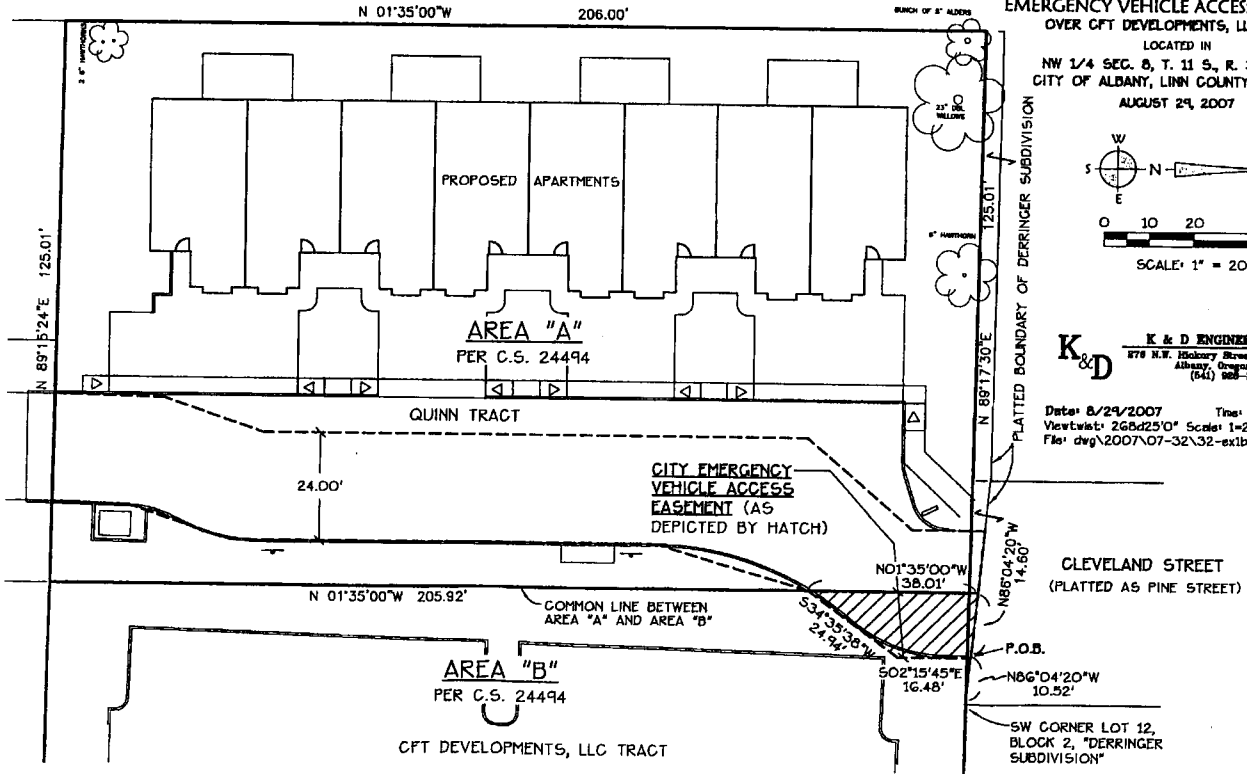


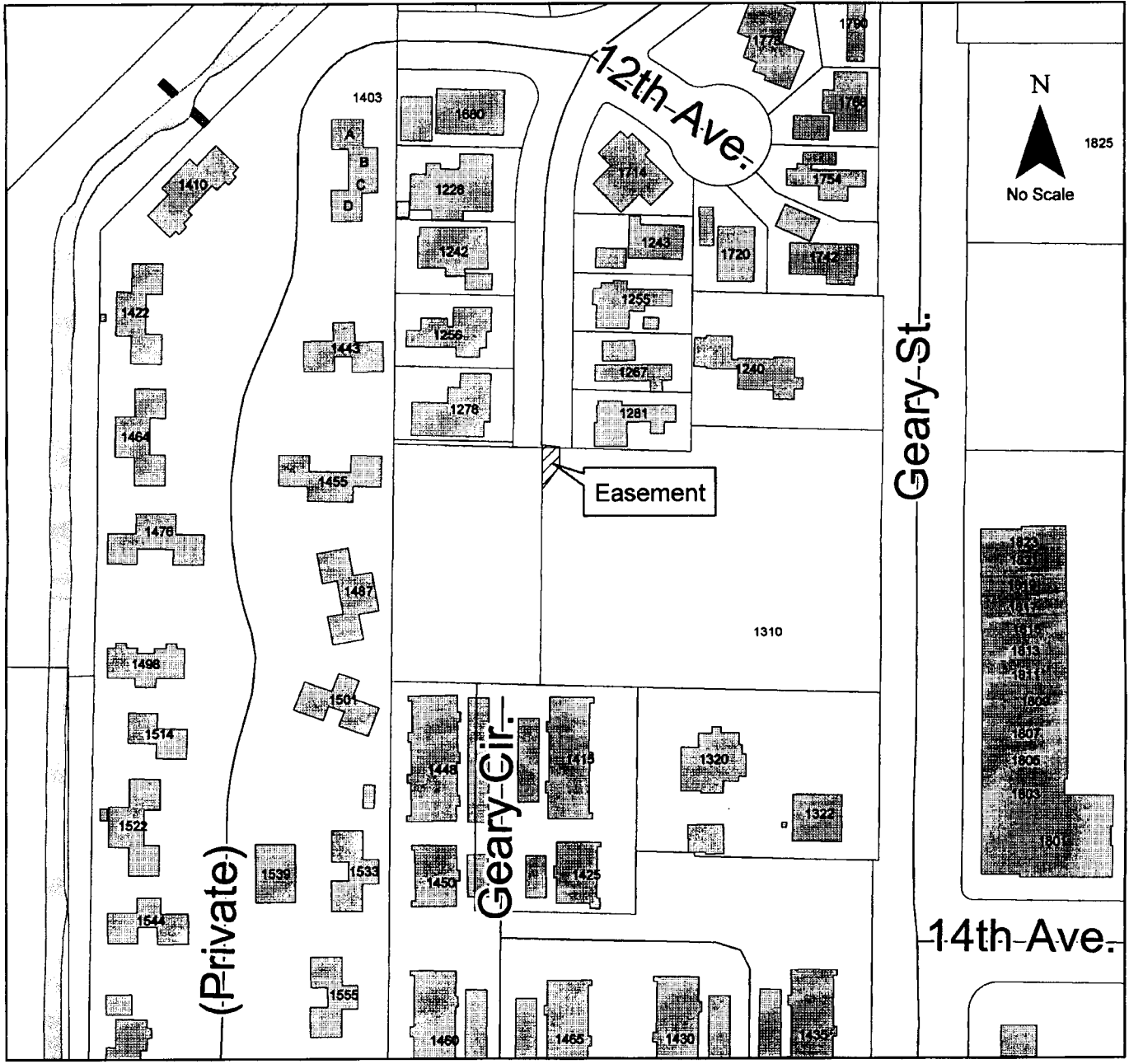
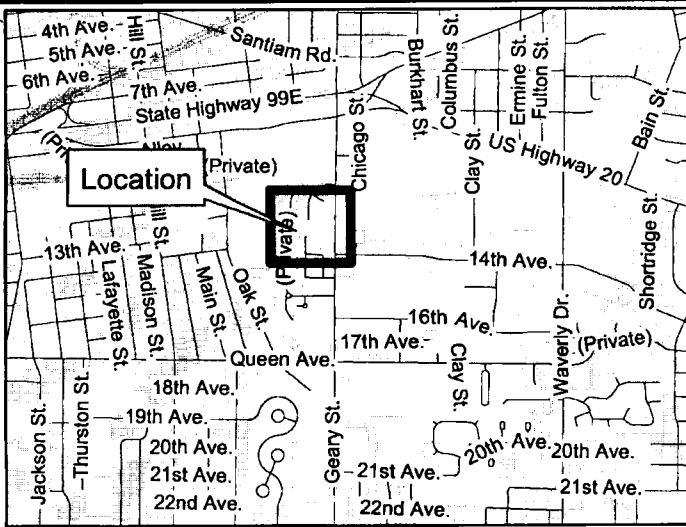
EXHIBIT C

11SO3W08BC01600

A variable width emergency vehicle access easement.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-24907**
E-EAS
Cnt=1 Str=1 COUNTER 10/19/2007 02:37:46 PM
\$35.00 \$11.00 \$10.00 **\$56.00**



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:

Exempt _____

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

EMERGENCY VEHICLE ACCESS EASEMENT

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

CFT Developments, LLC, a California Limited Liability Company

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

City of Albany

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

\$1.00

Resolution No. 5487

Recorded Document Recorder File No. 4985