

RESOLUTION NO. 5712

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Robert K. and Elizabeth K. Alexander

Purpose

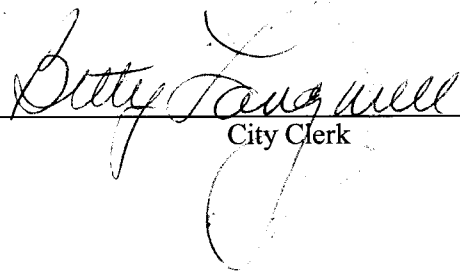
A variable width sidewalk easement to allow a public sidewalk to avoid an existing large tree.

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

DATED AND EFFECTIVE THIS 24TH DAY OF NOVEMBER 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 6<sup>TH</sup> day of NOVEMBER, 2008, by and between **Robert K. and Elizabeth K. Alexander**, 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 public sidewalks for the purpose of providing public pedestrian access over, across, and through, the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sidewalk.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
A variable width sidewalk easement to allow a public sidewalk to avoid an existing tree. 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.
7. In the event that the existing tree is removed and the public sidewalk is rebuilt entirely within the right-of-way of Hill Street, this easement shall automatically become null and void.

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

**GRANTORS:**

[Signature]  
Robert K. Alexander

[Signature]  
Elizabeth K. Alexander

STATE OF OREGON )  
County of BENTON ) ss.  
City of CONVALLIS )

STATE OF OREGON )  
County of BENTON ) ss.  
City of CONVALLIS )

The foregoing instrument was acknowledged before me this 06 day of NOVEMBER, 2008, by Robert K. Alexander as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 06 day of NOVEMBER, 2008, by Elizabeth K. Alexander as her voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: April 23, 2012

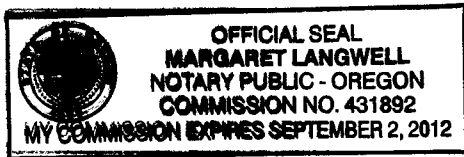
[Signature]  
Notary Public for Oregon  
My Commission Expires: April 23, 2012

**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 5712, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of November 2008.

[Signature]  
City Manager



ATTEST:  
[Signature]  
City Clerk

# **Exhibit A**

## **Sidewalk Easement - Legal Description**

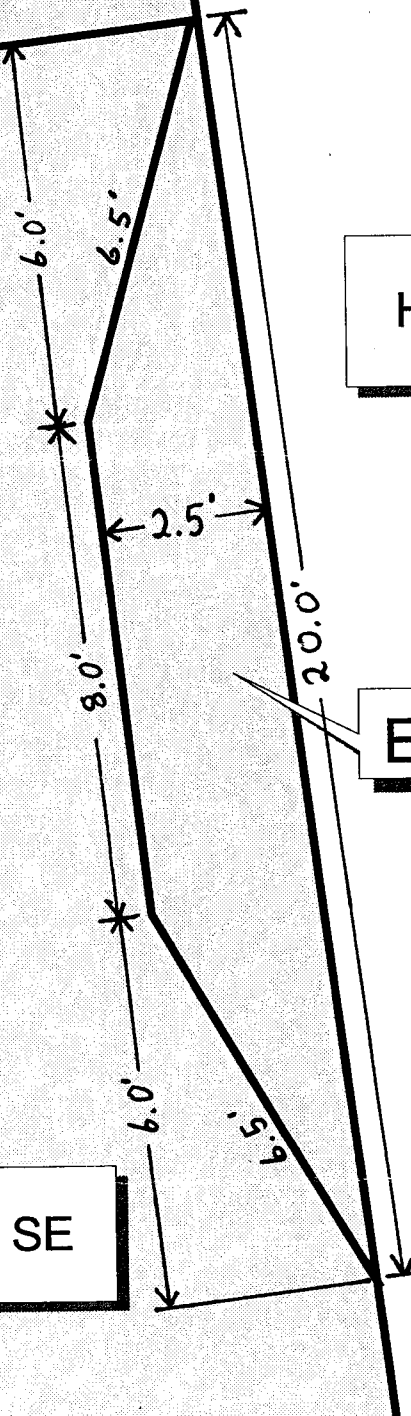
Beginning at the Northeast corner of Lot 5, Block 126 of Hackleman's Addition to Albany; thence South 20.0 feet along the East lot line of said Lot 5, thence Northwest 6.5 feet to a point that lies 14 feet south and 2.5 feet west of the northeast corner of said lot 5; thence North 8.0 feet, parallel with the east lot line of said Lot 5; thence Northeast 6.5 feet to the point of beginning. As shown on the attached map labeled Exhibit B.

118 Hill Street SE

Hill Street Right-of-way

Easement Area

939 2nd Avenue SE



### Exhibit B - Easement Map



Public Works

Gordon Steffensmeier

gordons nil

Oct 23, 2008

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.



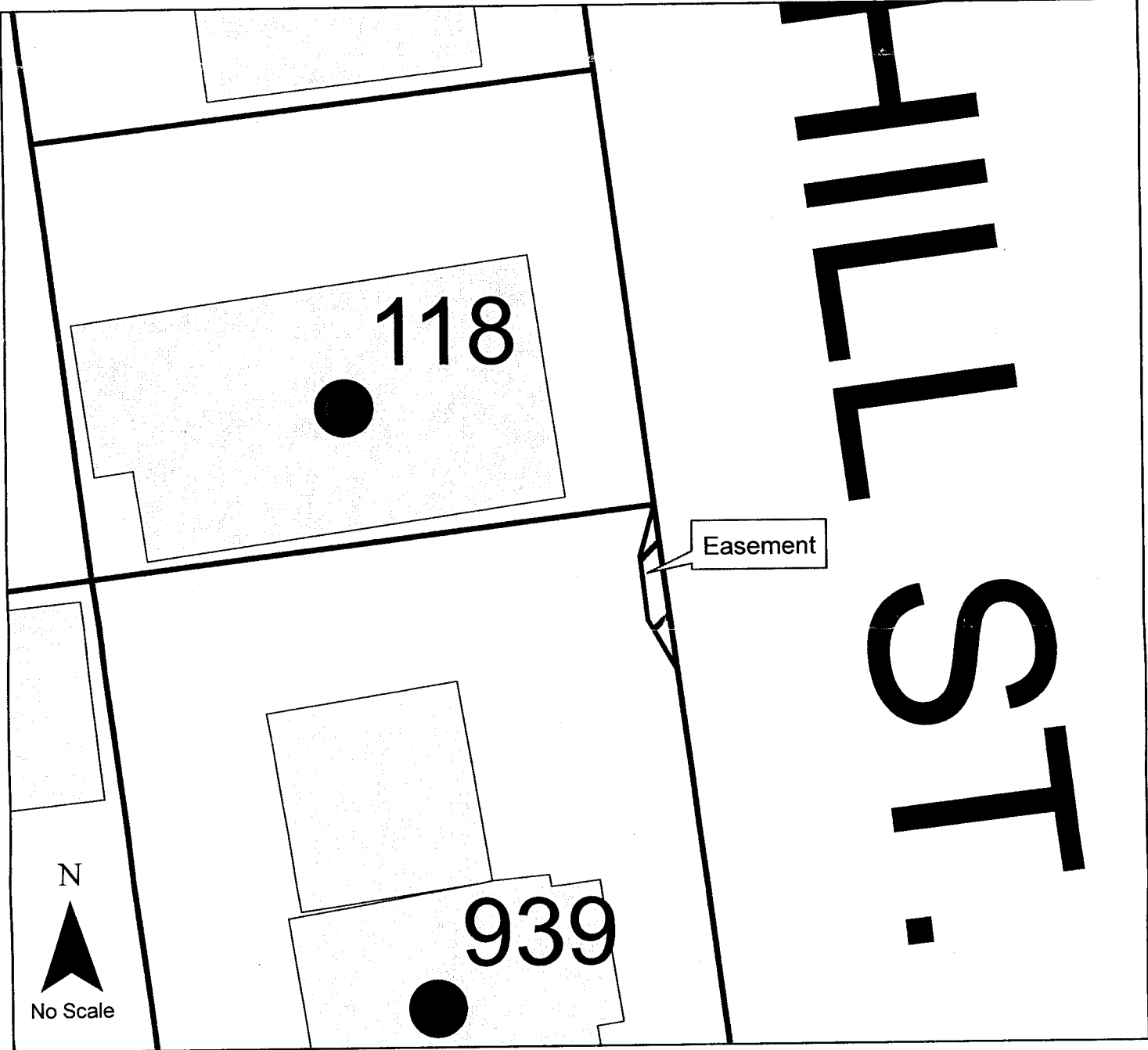
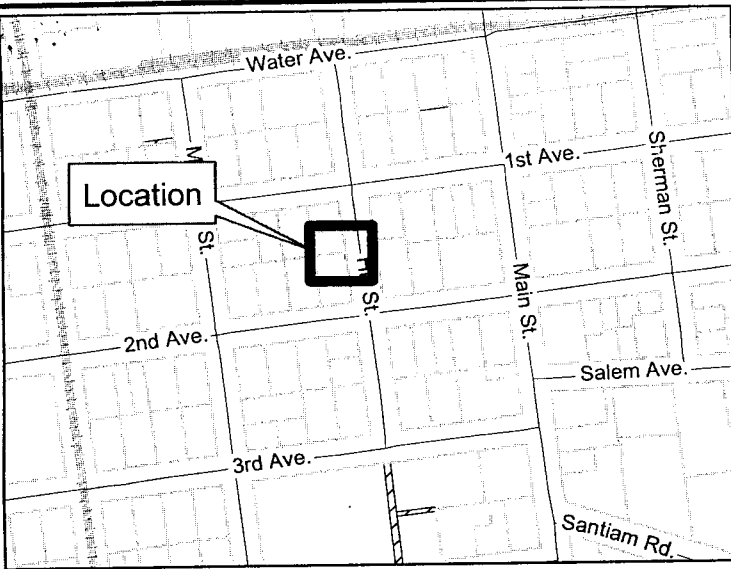
# EXHIBIT C

11S03W06DD00700

A variable width sidewalk easement to allow a public sidewalk to avoid an existing large tree.



Geographic Information Services



**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-22314**  
E-EAS  
Cnt=1 Stn=1 COUNTER **12/01/2008 11:31:47 AM**  
\$30.00 \$11.00 \$10.00 **\$51.00**



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:

City of Albany - Exempt

\_\_\_\_\_

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

EASEMENT FOR PUBLIC SIDEWALK

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

Robert K. and Elizabeth K. Alexander

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. 5712

Recorded Document Recorder File No. 5239