

RESOLUTION NO. 5823

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Layne and Kimberly A. Westberg

A permanent slope easement along Patrick Lane as required by a condition of approval for the Fabian Estates development.

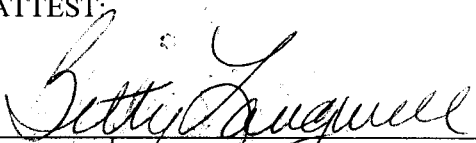
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 12TH DAY OF AUGUST 2009.



Mayor

ATTEST:



City Clerk

Grantor:

Layne and Kimberly A. Westberg
4075 Camela Dr. NW
Albany, OR 97321

After Recording Return To:

City of Albany Recorder
P.O. Box 490
Albany, OR 97321

SLOPE EASEMENT

THIS AGREEMENT, made and entered into this 31st day of July, 2009 by and between **Layne and Kimberly A. Westberg**, husband and wife, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, hereinafter called "City."

WITNESSETH:

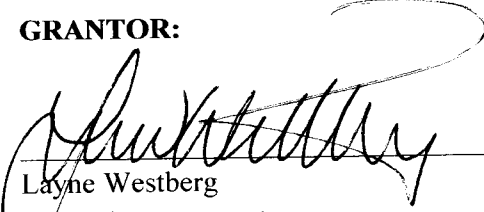
That for and in consideration of the total compensation to be paid by the City, the Grantors have this day bargained and sold and by these presents do bargain, sale, convey and transfer unto the City of Albany an easement including the right to enter upon the real property hereinafter described, for the purpose of removing trees, bushes, and undergrowth in order to construct and maintain the cut or fill slopes for Patrick Lane.

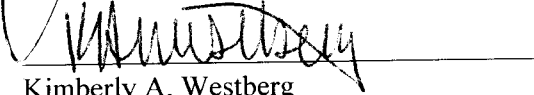
This Agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of the real property in Benton County, Oregon, more particularly described in Exhibit "A" attached hereto, and shown in the map attached hereto as Exhibit "B."
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 they may see fit, for construction, maintenance, evaluation, and/or repair purposes.
3. The easement granted is in consideration of \$1.00 and in further consideration of the public improvements to be placed upon said property and the benefits Grantors may obtain therefrom.
4. 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.
5. Upon performing maintenance, the City shall return the site to original or better condition.

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

GRANTOR:



Layne Westberg


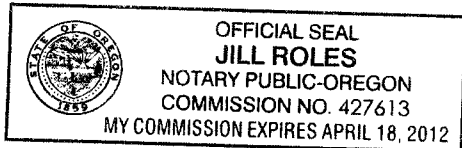
Kimberly A. Westberg

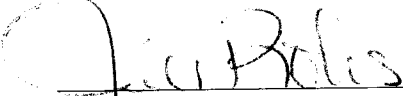
~~CITY OF ALBANY, OREGON~~

~~Wes Hare, City Manager~~

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

The instrument was acknowledged before me this 31st day of July, 2009,
by Layne Westberg.

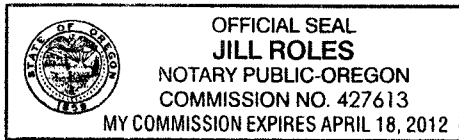


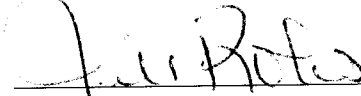


NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-18-2012

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

The instrument was acknowledged before me this 31st day of July, 2009,
by Kimberly A. Westberg.





NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-18-2012

(NOTARY BLOCKS ON NEXT PAGE)

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 No. 9823 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of August, 2009.

Wes Hare

City Manager

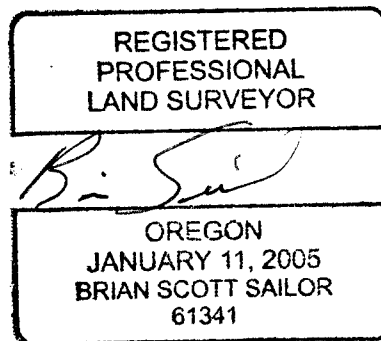
ATTEST:
Debbie Langmuir

City Recorder

LEGAL DESCRIPTION FOR 15 FOOT WIDE SLOPE EASEMENT

Commencing at a 3/4 inch iron rod at the Northwest corner of that property conveyed to Layne D. and Kimberly A. Westberg in Benton County Deed Record Microfilm 232012-97 and being located in Section 36 of Township 10 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon; thence along the West line of said Westberg property South $00^{\circ}15'42''$ East 255.80 feet to a 3/4 inch iron rod at the Southwest corner of said Westberg property, also being on the North right-of-way line of NW Maier Lane (a 30 foot right-of-way); thence along the South line of said Westberg property South $89^{\circ}54'40''$ East 30.00 feet to the TRUE POINT OF BEGINNING; thence along a 12.00 foot radius curve to the right 18.85 feet (the long chord of which bears North $45^{\circ}15'42''$ West 16.97 feet); thence North $00^{\circ}15'42''$ West 243.88 feet to a point on the North line of said Westberg property; thence along said North line South $89^{\circ}54'40''$ East 15.00 feet; thence South $00^{\circ}15'42''$ East 255.80 feet to a point on the South line of said Westberg property; thence along said South line North $89^{\circ}54'40''$ West 3.00 feet the point of beginning.

The basis of bearings for the above described legal description is Benton County Survey No. 10356.



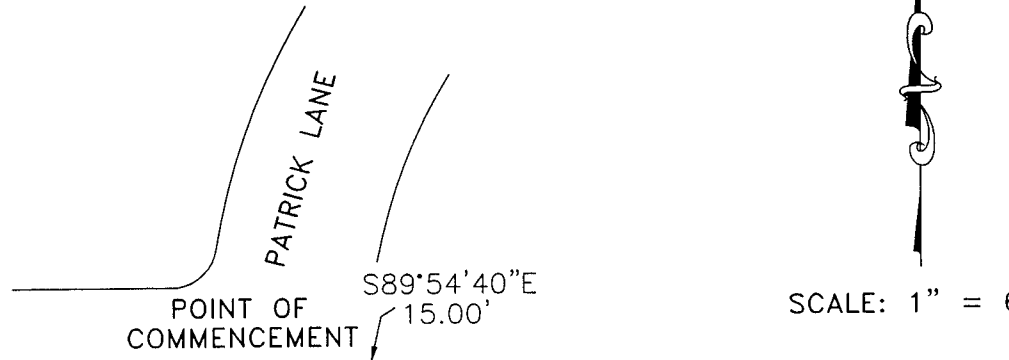
15' WIDE SLOPE EASEMENT EXHIBIT

LOCATED IN THE SW 1/4 OF SECTION 36,
TOWNSHIP 10 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF ALBANY, BENTON COUNTY, OREGON

DATE: JULY 29, 2009



SCALE: 1" = 60'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES 6/30/10

BRIAN SCOTT SAILOR, PLS
COLE SURVEYING, LLC
6765 S.W. PHILOMATH BLVD.
CORVALLIS, OREGON 97333
(541) 929-5500

LAYNE D. AND KIMBERLY A. WESTBERG
MICROFILM 232012-97
BENTON COUNTY TAX MAP 10-4-36CD
TAX LOT 400

S00°15'42"E 255.80'
BASIS OF BEARINGS

N00°15'42"W 243.88'

S00°15'42"E 255.80'

15'

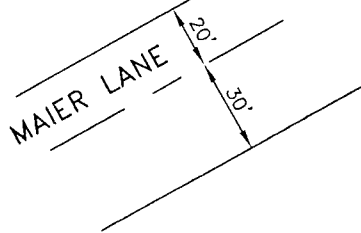
RAD=12.00'
LENGTH=18.85'
CHORD=16.97'
CHORD BEARING=N45°15'42"W

S89°54'40"E
30.00'

N89°54'40"W
3.00'

30'

POINT OF
BEGINNING



9863SLOPE

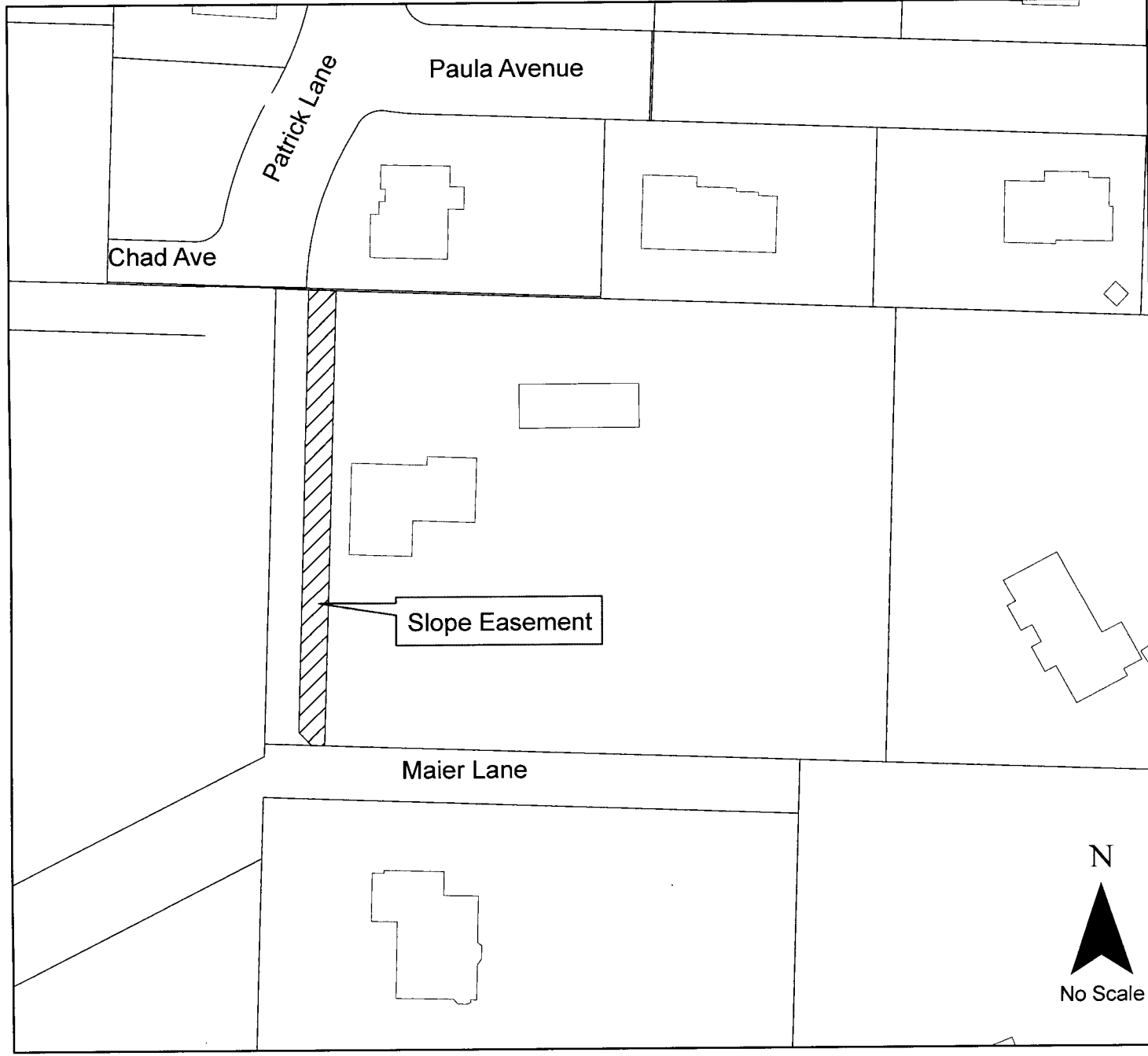
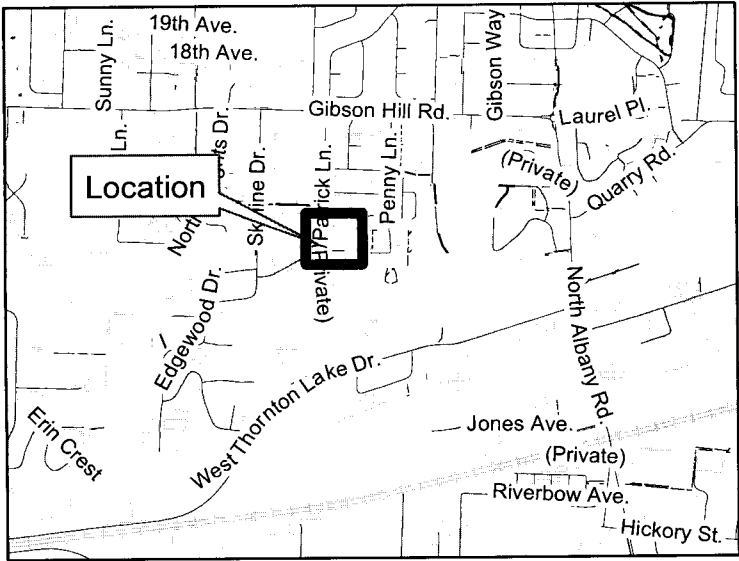
EXHIBIT C

10SO4W36CD00400

A permanent slope easement along Patrick Lane as required by a condition of approval for Fabian Estates development.



Geographic Information Services



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

NA

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

SLOPE EASEMENT

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

Layne and Kimberly A. Westberg

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

BENTON COUNTY, OREGON **2009-455788**
DE-EAS **08/19/2009 01:51:56 PM**
Cnt=1 Stn=9 KH
\$35.00 \$11.00 \$10.00 \$15.00 **\$71.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



Resolution No. 5823

Recorded Document Recorder File No. 5369