

RESOLUTION NO. 6195

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

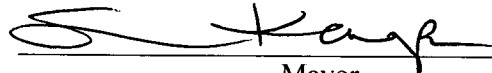
MTI Partners, LLC, a Wyoming Corporation

Purpose

A 20 foot wide Fire and Emergency Vehicle Access Easement across 173 Queen Avenue SE to provide emergency access to the back side of the Albany Self Storage site at 1669 Industrial Way, as part of the building expansion project at the MTI site.

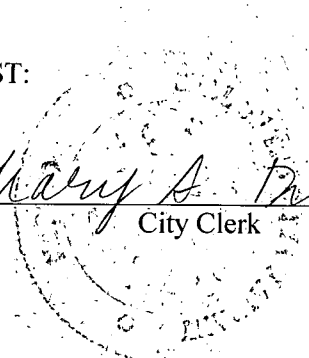
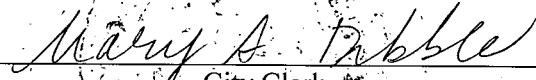
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 25TH DAY OF FEBRUARY 2013.



Mayor

ATTEST:

City Clerk

After Recording Return to:
City of Albany
333 Broadalbin SW
Albany, OR 97321

Grantor:
MTI Partners, LLC
173 Queen Ave. SE
Albany, OR 97322

Grantee:
City of Albany
333 Broadalbin SW
Albany, OR 97321

**ROAD ACCESS EASEMENT
FOR
FIRE AND EMERGENCY VEHICLES**

THIS AGREEMENT, made and entered into this 26th day of 2013, 2012, by and between **MTI Partners, LLC**, a Wyoming limited liability company, hereinafter called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, hereinafter called "City".

WITNESSETH:

That for and in consideration of the payment of \$1.00 paid by the City to Grantor, and the issuance of certain permits by the City to Grantor, Grantor does hereby bargain, sell, convey and transfer unto the City of Albany, a non-exclusive road easement for emergency access for fire and other emergency vehicles, over and across the lands of the Grantor with said Easement being depicted on Exhibit "1", attached hereto with the legal description being on page 1 of Exhibit "1" and the drawing of the Easement being contained on page 2 of Exhibit "1".

The purpose of this easement is to provide emergency and fire vehicles road access to the property described on Exhibit "B" in MF Vol. 735 at page 781 of the official records of Linn County, Oregon and thereby allow the easement recorded in MF Vol. 735 at page 776 of the official records of Linn County, Oregon to be terminated.

Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real property described on Exhibit "1" and that they have the lawful right to convey it or any part thereof and they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever. In the event that any damage occurs by the use of the Easement by the City, then the City shall return the Easement to the original or better condition.

Grantor agrees that they will not construct any buildings or other improvements that would impede access upon the easement as depicted on Exhibit "1". However, Grantor shall have the right to make such necessary construction, modifications and repairs of subsurface structures so long as Grantor returns the surface of the site to the original or better condition, and at no time blocks more than one-half of the Easement during any such construction.

IN WITNESS WHEREOF, the Grantor has hereunto fixed its hands and seals the day and year above written.

GRANTOR:

CITY OF ALBANY:

MTI PARTNERS, LLC

By Michael L. DeBonny

Title: CEO

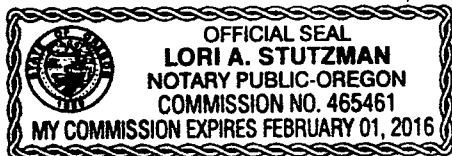
By Wes Hare

Title: City Manager

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

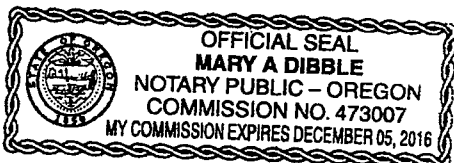
The foregoing instrument was acknowledged before me this 11th day of February, 2013 by Michael L. DeBonny, its CEO of MTI Partners, LLC, on behalf of the corporation.

Lori A. Stutzman
Notary Public for Oregon
My Commission Expires: February 1, 2016



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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6195 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of February, 2012. 2013.



Wes Hare
City Manager

ATTEST:

Mary A Dibble
City Recorder

N:\ATTY\EFSEFS Clients\STITZIE, JASON\ACCESS EASEMENT.FINAL.doc

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Exhibit "1"

A 20.00 foot wide strip of land for easement purposes over a portion of Lot 4 in Block 2 of the "SUPPLEMENTAL PLAT TO MARY B. INDUSTRIAL SUBDIVISION" a subdivision plat recorded in the Linn County, Oregon Book of Plats, the centerline of said 20.00 foot wide strip being more particularly described as follows:

Beginning at a point on the north line of said Lot 4 that is North 62°08'52" East 131.54 feet from the northwest corner of said Lot 4; thence South 27°47'10 East 4.85 feet; thence along the arc of a 40.00 foot radius curve to the left (long chord of which bears South 53°32'19" East 34.76 feet) a distance of 35.96 feet; thence South 79°17'29 East 13.21 feet; thence along the arc of a 35.00 foot radius curve to the right (long chord of which bears South 41°03'07" East 43.33 feet) a distance of 46.72 feet; thence South 02°48'45" East 92.98 feet; thence along the arc of a 35.00 foot radius curve to the left (long chord of which bears South 39°59'18" East 42.30 feet) a distance of 45.42 feet; thence South 77°09'50" East 8.37 feet; thence along the arc of a 35.00 foot radius curve to the right (long cord of which bears South 60°59'24" East 19.50 feet) a distance of 19.76 feet; thence South 44°48'58" East 11.26 feet to a point on the north right-of-way line of Queen Avenue which point being the terminus of the herein described centerline.

The side lines of the above described 20.00 foot wide strip of land shall begin on the north line of said Lot 4 and end on the north right-way line of Queen Avenue.

End of Description.

June 7, 2012

Exhibit "1"

(11-68) JJC:nm

File: Z:\Projects\2011\11-68\Surveys\Documents\11-68revised access easement.doc

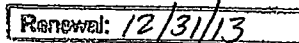
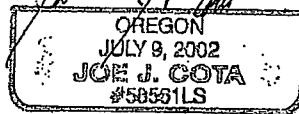


EXHIBIT MAP
 FOR
METAL TECHNOLOGY
 LOCATED IN
 THOMAS MONTEITH D.L.C. No. 64
 SW 1/4, SEC. 7, T. 11 S., R. 3 W., W.M.
 IN THE
 CITY OF ALBANY, LINN COUNTY, OREGON

JUNE 7, 2012

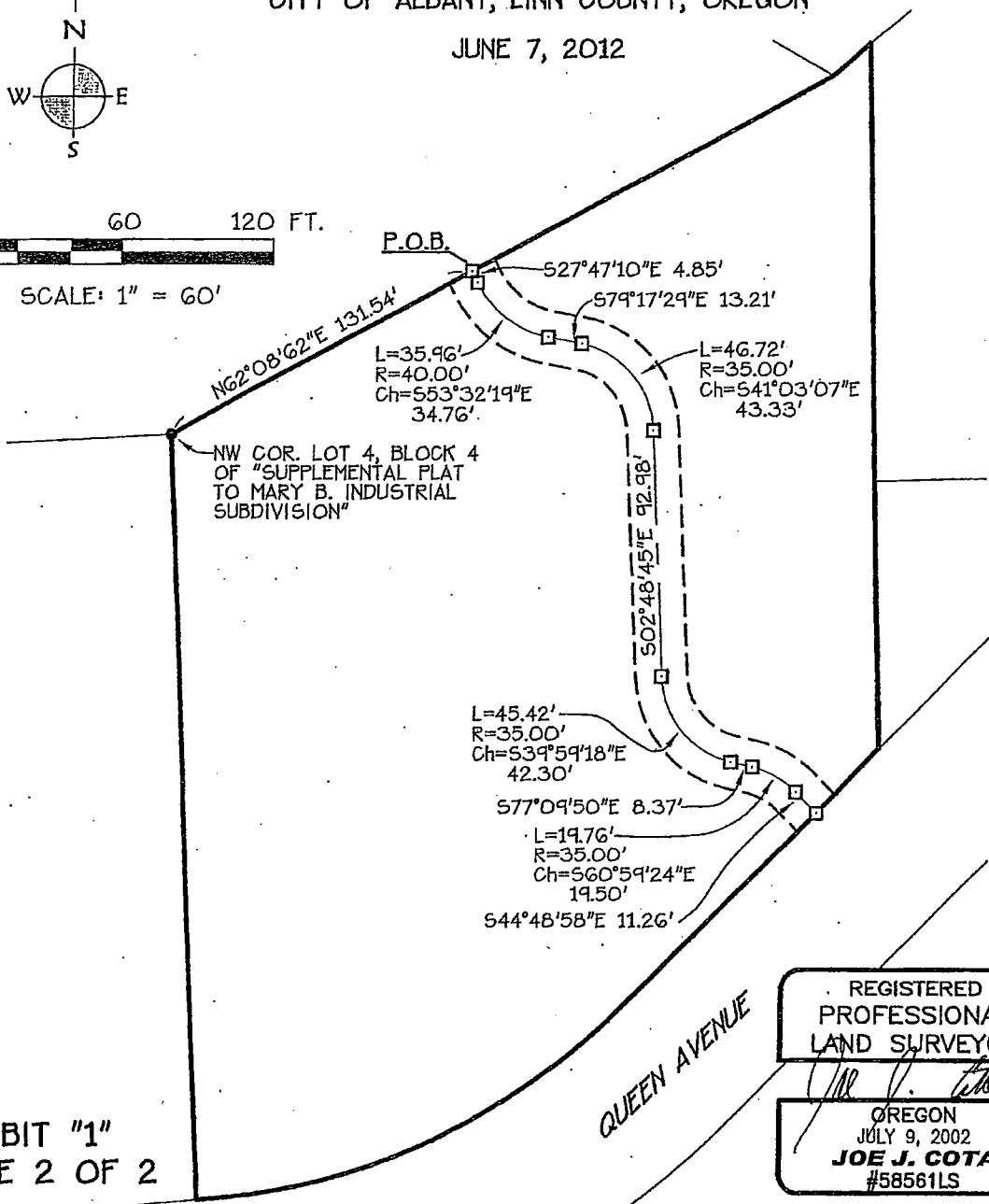
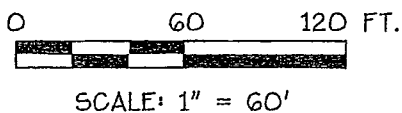
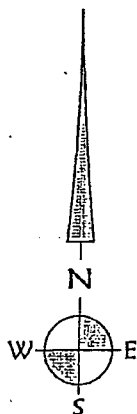


EXHIBIT "1"
 PAGE 2 OF 2

QUEEN AVENUE

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Joe J. Cota
 OREGON
 JULY 9, 2002
JOE J. COTA
 #58561LS

Renewal: 12/31/13



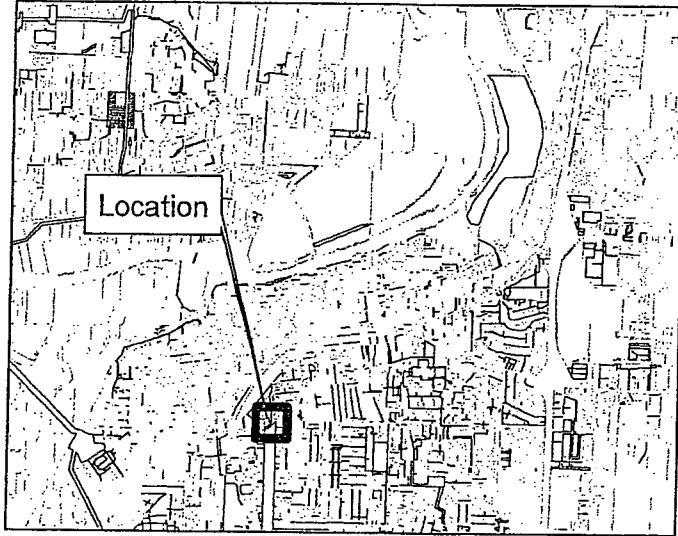
K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (641) 928-2583

Date: 6/7/2012 Time: 10:00
 Scale: 1=60
 File: dwg\2011\11-68-b\68b-exhbt.dwg (lan)

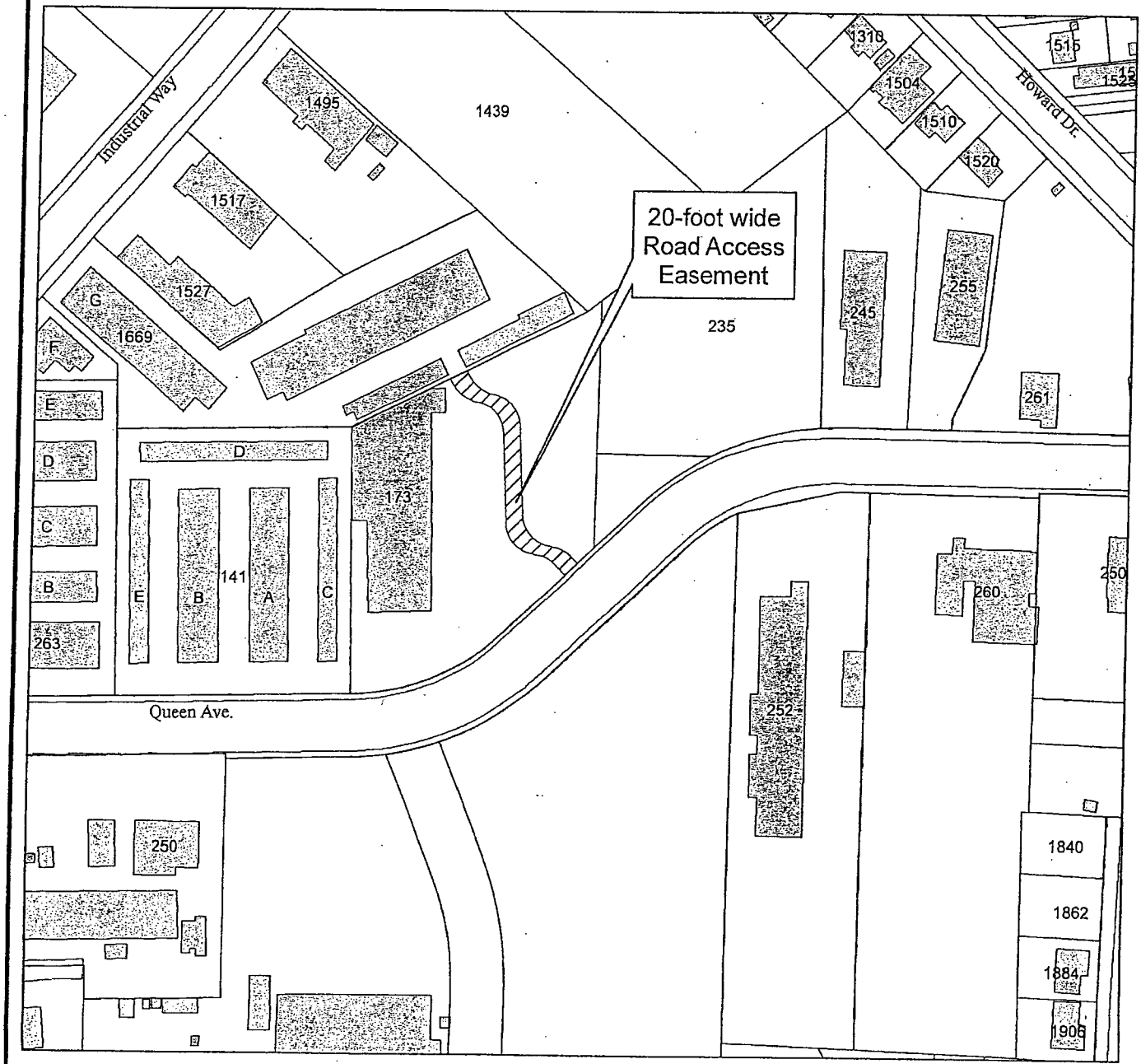
EXHIBIT 2

11S03W07CB02609

A 20 foot wide Road Access Easement for Fire and Emergency Vehicles, as part of the Metal Technology expansion project.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2013-03316**
E-RD
Cnt=1 Stn=1 COUNTER **02/27/2013 10:45:57 AM**
\$35.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$90.00**



00197967201300033160070078

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)

Road Access Easement

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

MTI Partners, LLC

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