



RESOLUTION NO. 7252

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

Chase Orchards Homeowners Association

Purpose

Accepting a variable width sidewalk easement as part of ST-22-01, Queen Avenue Rehabilitation: City Limits to Highway 99E.

11S04W13BA - 02500

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

DATED AND EFFECTIVE THIS 28TH DAY OF JUNE 2023.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 12th day of June, 2023, by and between the Chase Orchards Homeowners Association, 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 sidewalk for the purpose of pedestrian access and sidewalks over, across, through, and under 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: 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.

Darin Klarr
Chase Orchards Homeowners Association
Darin Klarr, Treasurer

STATE OF OREGON
County of Linn

The instrument was acknowledged before me this 12 day
of June, 2023, by Darin Klarr, as Treasurer
of the Chase Orchards Homeowners Association.



Rachel Allyne Lee Newell
Notary Public for Oregon
My Commission Expires: June-7th-2025

CITY OF ALBANY:

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

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____, 2023.

City Manager

ATTEST:

City Clerk

EXHIBIT A
Legal Description

PERMANENT PUBLIC SIDEWALK EASEMENT

A permanent public sidewalk easement across that property conveyed to the Chase Orchards Homeowners Association, described in Volume 936, Page 450, Linn County Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B" and vicinity map labeled "EXHIBIT C".

Beginning at a point at the intersection of the south right-of-way line of Queen Avenue and the northwest corner of Lot 19, Chase Orchards Phase 1, said point being the POINT OF BEGINNING; thence S51°16'42"W 3.61 feet along the south right-of-way line of Queen Avenue to the TRUE POINT OF BEGINNING; thence S18°41'53"W 24.14 feet; thence S51°16'42"W 56.02 feet; thence N66°11'57"W 14.65 feet to the south right-of-way line of Queen Avenue; thence N51°16'42"E 83.12 feet along the south right-of-way line of Queen Avenue to the TRUE POINT OF BEGINNING.



EXHIBIT B
PUBLIC SIDEWALK EASEMENT
CHASE ORCHARDS HOMEOWNERS ASSOCIATION

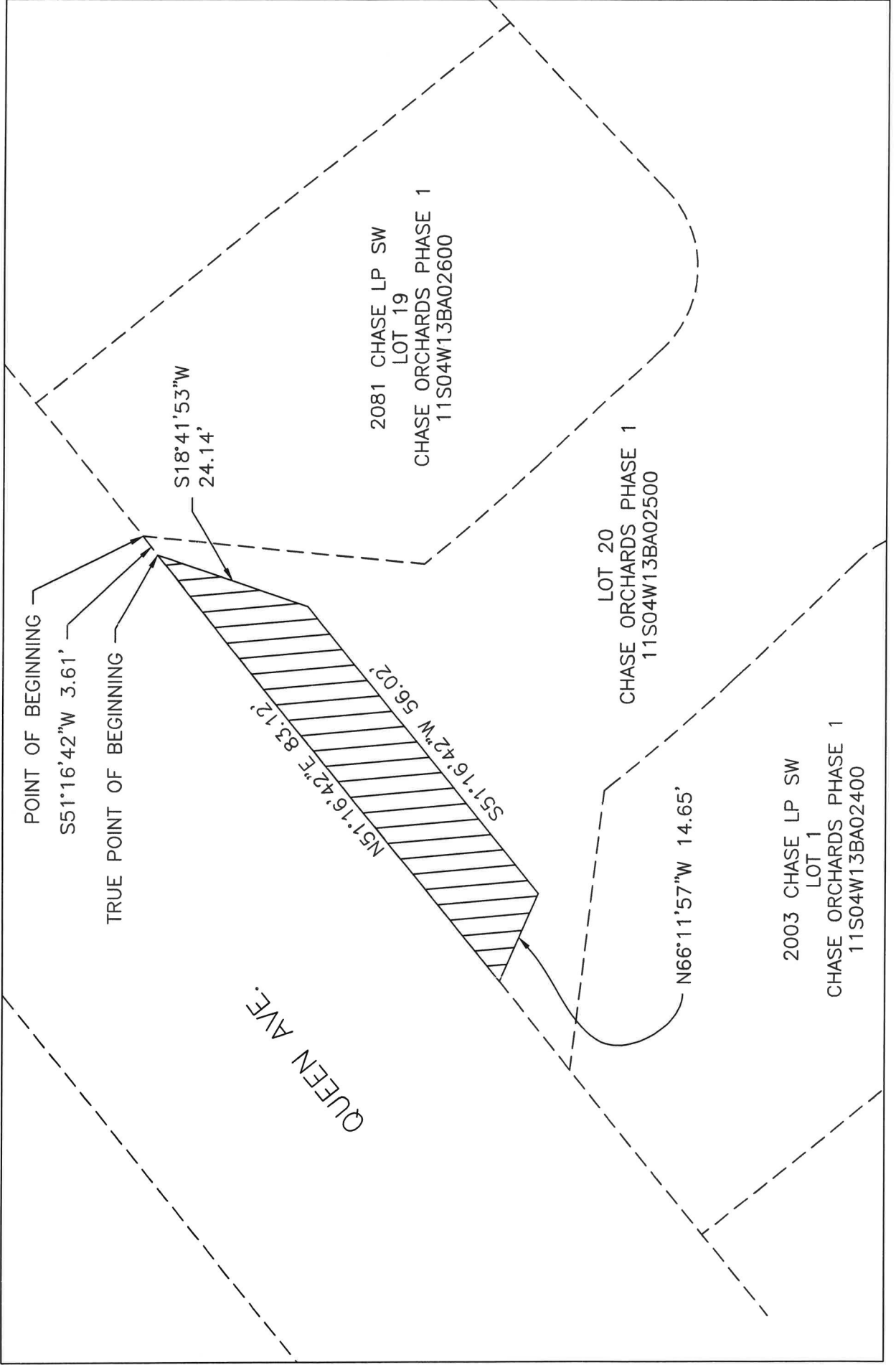
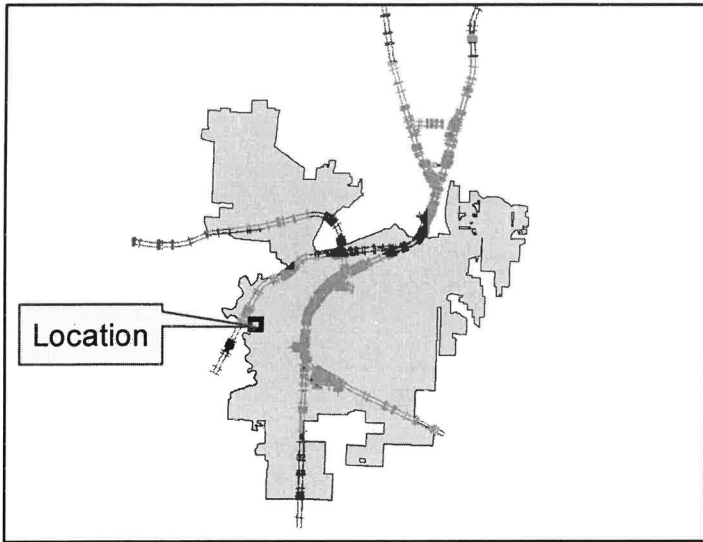


EXHIBIT C

11S04W13BA02500

A variable-width sidewalk easement
as part of ST-22-01, Queen Avenue
Rehabilitation: City Limits to Highway 99E.



Geographic Information Services

