



RESOLUTION NO. 7319

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Eyecare Associates Albany Building LLC

Purpose

A variable width water easement over existing water mains, as part of SP-18-23, Eyecare Associates Office Building east of 2125 Pacific Boulevard SW.

11S04W13AA03309

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

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.

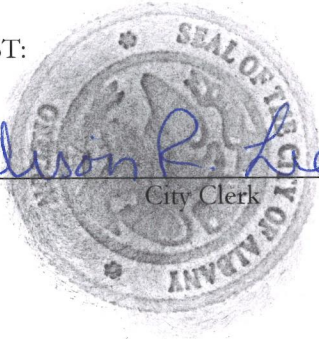
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Mayor

ATTEST:

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City Clerk



## WATER EASEMENT

THIS AGREEMENT, made and entered into this 10 day of April, 2024, by and between Eyecare Associates Albany Building LLC, 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 utilities for the purpose of conveying public utilities services 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 utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities..

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 Exhibit B and Exhibit 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.



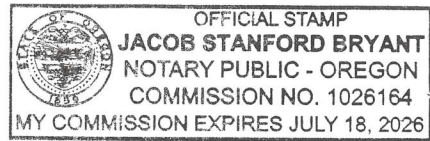
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

Steven P Freeburg  
Steven P Freeburg  
*member*  
Member of Eyecare Associates Albany Building LLC

STATE OF OREGON  
County of Linn

The instrument was acknowledged before me this 10<sup>th</sup> day  
of April, 2024 by  
Steven P Freeburg, member, on behalf of Eyecare Associates  
Albany Building LLC.

J. Bryant  
Notary Public for Oregon  
My Commission Expires: 7/18/26



CITY OF ALBANY:

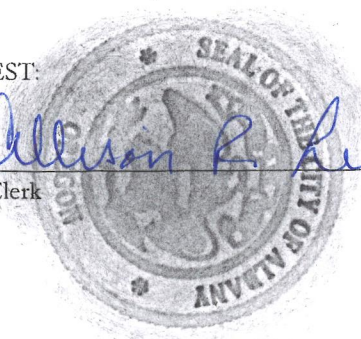
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number  
7319, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms  
thereof this 9<sup>th</sup> day of May 2024

Peter Troedsson  
City Manager

ATTEST:

Allison R. Reisse  
City Clerk



Waterline Easement  
Legal Description  
Exhibit "A"

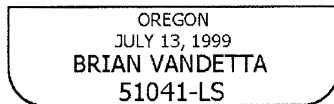
An area of land located in the Northeast ¼ of the Northeast ¼ of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County and being more specifically described as follows:

Beginning at the Northwest corner of the land described in Linn County Deed No. 2022-19981; thence along the West line of said land South 00°22'40" West 12.67 feet; thence leaving the West line of said land South 87°13'53" East 222.62 feet; thence South 07°01'02" East 133.17 feet to a point along the South line of said land; thence along the South line of said land South 89°32'04" East 15.13 feet to the Southeast corner of said land along the Westerly right-of-way of the Albany Santiam Canal; thence Northerly along said right-of-way North 07°01'02" West 147.78 feet; thence leaving said right-of-way North 87°13'53" West 177.65 feet to a point along the North line of said land; thence along the North line of said land North 89°32'18" West 58.18 feet to the point of beginning.

The above-described area contains 5478 square feet (0.12 acres). See exhibit "B" for a map of the described area.



Brian Vandetta  
2023.10.02 14:09:13-07'00'



EXPIRES 06-30-2024

Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

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TAX MAP: 11S-04W-12DD  
TAX LOT: 3400

TAX MAP: 11S-04W-12DD  
TAX LOT: 3402

S0°22'40"W 12.67'

N89°32'18"W 58.18'

POINT OF BEGINNING  
NORTHWEST CORNER OF LINN  
COUNTY DEED NO. 2022-19981

S87°13'53"E 222.62'

N87°13'53"W 177.65'

15.00

WATERLINE EASEMENT

TAX MAP: 11S-04W-13AA  
TAX LOT: 3302

LINN COUNTY DEED NO. 2022-19981  
OWNER: EYECARE ASSOCIATES  
ALBANY BUILDING LLC  
TAX MAP: 11S-04W-13AA  
TAX LOT: 3309

TAX MAP: 11S-04W-13AA  
TAX LOT: 3304

S89°32'04"E 15.13'

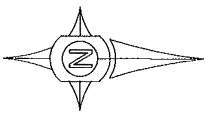
S7°01'02"E 133.17'

N7°01'02"W 147.78'  
ALBANY SANTIAM  
CANAL (50' R/W)

15.00

LEGEND  
R/W NO. BLVD  
RIGHT OF WAY NUMBER BOULEVARD

SCALE:  
0' 40'



SHEET 1  
of 1

Date 9/13/2023  
Project # 23-021  
Drawn: NDJ  
Checked: BSV

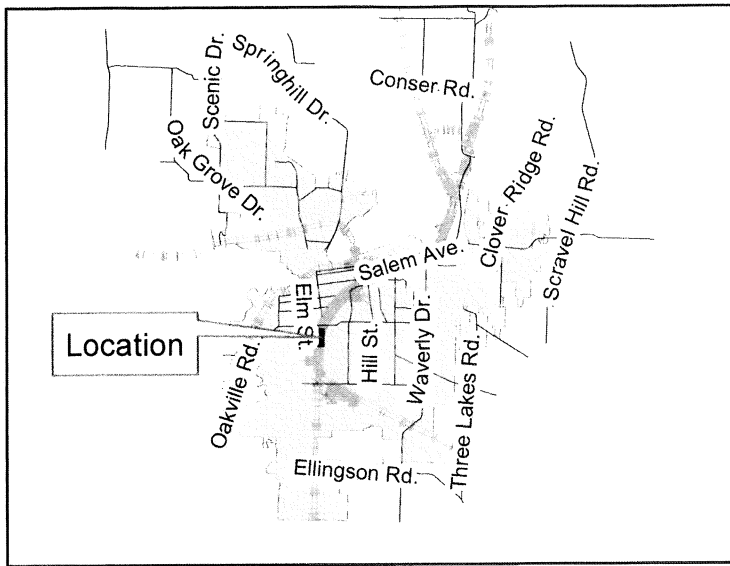
EXHIBIT "B"  
EYECARE ASSOCIATES ALBANY  
BUILDING LLC  
PUBLIC WATERLINE EASEMENT  
11S-04W-13AA 3309

UDELL ENGINEERING &  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON,  
97355 541-451-5125

# EXHIBIT C

11S04W13AA03309

A Variable width Water Easement  
as part of Eyecare Associates  
development, SP-18-23



Geographic Information Services

