

RESOLUTION NO. 3605

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Erma I. Cushing

Purpose

A permanent sidewalk easement 2 feet in even width across that property in Linn County Deed Records, Volume 173, Page 211.

DATED this 28th day of February 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## SIDEWALK EASEMENT

THIS AGREEMENT, made and entered into this 15 day of Feb., 1996, by and between <sup>Erma</sup> ~~Irma~~ I. Cushing, herein 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 grantors have this day bargained and sold and by these presents do 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:

That portion of a 2-foot wide permanent sidewalk easement located across that property conveyed to Richard J. Cushing and Irma I. Cushing in Volume 173, Page 211, Linn County Deed Records, and more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a point on the North line of a tract of land conveyed to Richard J. Cushing and Irma I. Cushing, by deed described in Volume 173, Page 211, Linn County Deed Records, said point being 515.50 feet North 01°42'51" West and 35.01 feet South 89°57'59" West and 364.34 feet North 01°44'09" West and 619.11 feet South 89°56'22" West from the Southeast corner of the Leander C. Burkhart Donation Land Claim No. 50, in Section 11, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 0°02'01" East 105.39 feet to the True Point of Beginning; thence South 0°02'01" East 232.28 feet to the beginning of a 10.00 foot radius curve to the right; thence along the arc of said curve, 15.71 feet, the chord of which bears South 44°57'59" West 14.14 feet to a point at the end of said curve; thence South 89°57'59" West 250.30 feet; thence South 0°02'01" East 17.00 feet; thence North 89°57'59" East 2.00 feet to a point; thence North 0°02'01" West 19.00 feet to a point; thence North 89°57'59" East 252.30 feet to the beginning of a 8.00 foot radius curve to the left; thence along the arc of said curve; 12.57 feet, the chord of which bears North 44°57'59" East 12.57 feet to a point at the end of said curve; thence North 0°02'01" West 232.28 feet to a point; thence North 89°55'12" East 2.00 feet to the point beginning.

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 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 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 Grantors have hereunto fixed their hands and seals the day and year above written.

**GRANTOR:**

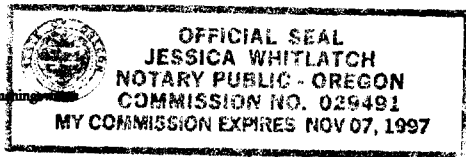
Erma I. Cushing  
Erma I. Cushing

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

The foregoing instrument was acknowledged before me this 15 day of Feb, 1996, by Erma I. Cushing as his/her/their voluntary act and deed. ERMA

Jessica Whitlatch  
Notary Public for Oregon

My Commission Expires: 11/7/97



**CITY OF ALBANY:**

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3605, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of February, 1996.

Steve Bryant  
City Manager

ATTEST:

Jessica Whitlatch  
City Recorder

# EXHIBIT A

VOL 0792 PAGE 160

**BRITWOOD**  
MF VOLUME 15

**SUB.**  
PAGE 10

HELD  
1/2" IR  
CS 14460  
-0.2'

8      7      6      5

S 89°56'22" W      339.51'

**PERIWINKLE**  
MF VOLUME 122

41.5'  
53.14'  
48.05'  
30.05'

S 02°06'53" E

TAX LOT 3101  
[N 02°05' W 364.93'] CS 14460  
(S 02°08' E 5.53 CH)

ORIGINAL PROPERTY LINE

2.681 ACRES

(MF VOLUME 173,

**SCHOOL**  
PAGE 648

364.27'

2' SIDEWALK EASEMENT

N 00°02'01" W  
337.33'  
202.28'

TRUE POINT OF BEGINNING

ADJUSTED PROPERTY LINE

C-3

$\Delta = 90^{\circ}00'00''$   
 $R = 10.00'$   
CHORD = N 44°57'59" E 14.14'  
L = 15.71'

HELD DISTANCE  
33.45' M  
[S89°57'59"W  
33.45'] CS 14460

N 00°02'01" W  
17.00'

2' SIDEWALK EASEMENT

N 89°57'59" E 250.30'

C-3

①

**ERMINE**  
VOLUME 15

ADJUSTED PROPERTY LINE

DISTURBED  
5/8" IR  
PLAT \*  
0.48' SOUTH OF LINE  
-0.3'

5/8" IR  
PLAT \*  
-0.3'

11-30-80

1-30-80

MONUMENT NOTES

80



STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature], Deputy

M  
R 75  
S 70  
A  
O

MAR 13 3 25 PM '96

MF 792

PAGE 158

25

Resolution No. 3605

Recorded Document Recorder File No. 2727