

RESOLUTION NO. 4416

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC SIDEWALK:

Grantor

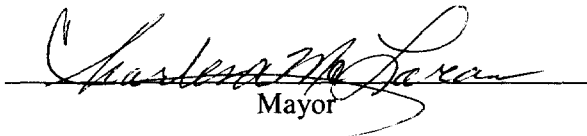
MARILYN L. ZERR

Purpose

A permanent public sidewalk easement more particularly described in the attached legal description labeled "EXHIBIT A", shown in the attached map labeled "EXHIBIT B", and located in the attached Vicinity Map.

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

DATED THIS 25TH DAY OF APRIL 2001.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 9th day of April 2001, by and between **MARILYN L. ZERR**, 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 Grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, easement and right-of-way, including the right to enter upon the real property hereinafter described, and to install maintain and repair public sidewalk for the purpose of conveying public access over, through, and across the lands hereinafter described, together with the 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:

A 5.0-foot-wide permanent public sidewalk easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
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 Grantor 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 structure or other obstruction shall be constructed by Grantor on this easement.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

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

GRANTORS:

CITY OF ALBANY:

Marilyn L. Zerr
MARILYN L. ZERR

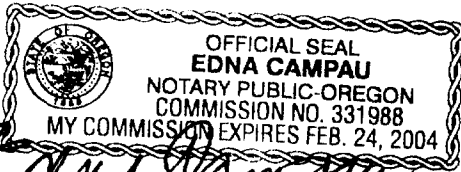
STATE OF OREGON)
County of Linn) ss.
City of Albany)

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 4416, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25 day of April 2001.

The foregoing instrument was acknowledged before me this 9TH day of APRIL 2001 by Marilyn L. Zerr as her voluntary act and deed.

Steve Bryant
City Manager


Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2004

ATTEST:
Ken Tampo
City Recorder



EXHIBIT A

A 5.0-foot-wide permanent public sidewalk easement across that property conveyed to Marilyn L. Zerr, described in Volume 215, Page 261, Linn County Microfilm Deed Records, said easement being the western 5-feet as shown on the attached map labeled "EXHIBIT B" and further described below.

The western 5.0 feet of the following described property:

Beginning on the West line of and South 1 11' East 130.81 feet from the Northwest corner of the South half of the Leander C. Burkhart DLC No. 50, Section 8, Township 11 South, Range 3 West of the Willamette Meridian; thence South 89 46' East 526.36 feet to the Northerly right-of-way line of the old C. & E. Railroad; thence South 72 39' West along said right-of-way line 547.87 feet to the West line of said DLC No. 50; thence North 1 11' West 165.55 feet to the place of beginning. AND excepting out that portion lying East of the South extension of the West line of Chicago Street (formally State Street), lying and being in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon.

ALSO beginning 296.36 feet South of the Northeast corner of the South half of the Leander C. Burkhart DLC No. 50 in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon.

Containing 0.019 acres of land, more or less.

10th Avenue

Chicago Street

Geary Street

5-foot Sidewalk Easement

5'

Exhibit B

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Engineering

Ron Irish

Apr 2, 2001

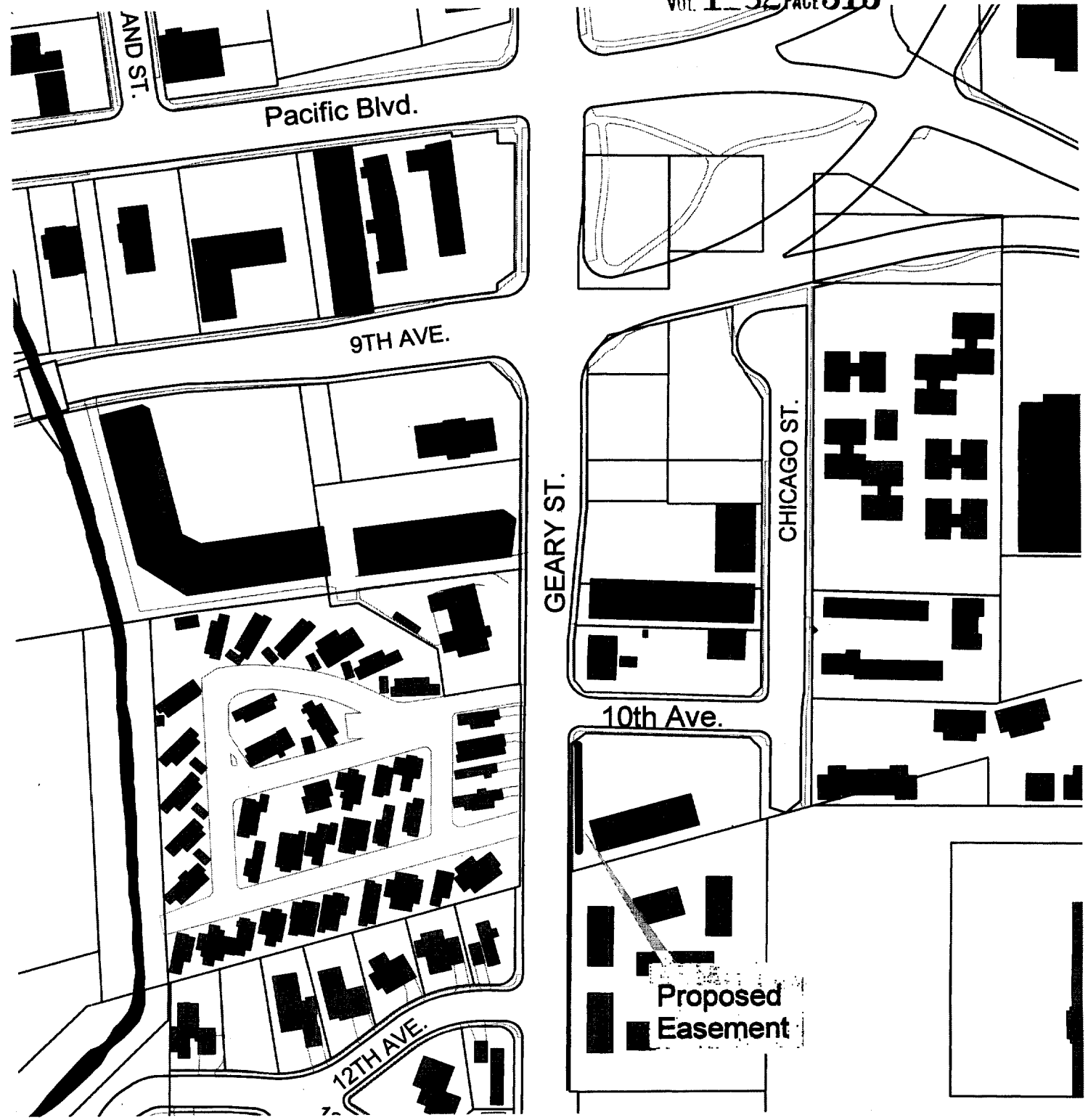
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0 100 Feet



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.





VICINITY MAP



Ron Irish/John Downing

Engineering

john1 J:\AV_PROJ\SITE_MAP.APR

Apr 10, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



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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 SR, Deputy

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Recorded Document Recorder File No. 3803