

RESOLUTION NO. 5489

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Michael F. and Linda Lou Quinn

Purpose

A 24-foot wide Emergency Vehicle Access Easement.

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

DATED AND EFFECTIVE THIS 26TH DAY OF SEPTEMBER 2007.



Mayor

ATTEST:



City Clerk

EMERGENCY VEHICLE ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 12th day of September, 2007, by and between Michael F. and Linda Lou Quinn, 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 an emergency vehicle accessway for the purpose of allowing emergency vehicles access over, across, and through 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 access easement.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:
A 24-foot wide Emergency Vehicle Access Easement. 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.

GRANTORS:

[Signature]
Michael F. Quinn

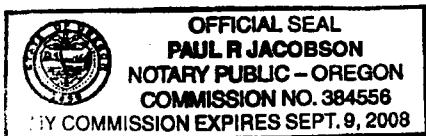
[Signature]
Linda Lou Quinn

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

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

The foregoing instrument was acknowledged before me this 12th day of September, 2007, by Michael F. Quinn as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 19th day of September, 2007, by Linda Lou Quinn as her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 9/9/2008

[Signature]
Notary Public for Oregon
My Commission Expires: 9/9/2008

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5489, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of September 2007.

[Signature]
City Manager

ATTEST:
[Signature]
City Clerk

EXHIBIT "A"
(Emergency Vehicle Access Easement)

Quinn to City

A tract of land for easement purposes located in that Quinn Parcel recorded by Land Sales Contract in Volume MF 1695, Page 84 of the Linn County, Oregon Deed Records on March 31, 2005, said easement tract being more particularly described as follows:

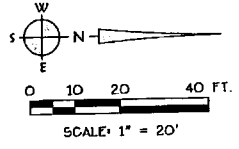
Commencing at a point on the south line of "Derringer Subdivision", a subdivision of record in Linn County, Oregon, that is North 86°04'20" West 10.52 feet from the southwest corner of Lot 12, Block 2 of said "Derringer Subdivision"; thence South 02°15'45" East, along said south line, 16.48 feet; thence South 34°35'38" West 24.94 feet to a point on the west line of that tract identified as AREA "B" on C.S. No. 24494, a survey of record filed in the office of the Linn County, Oregon Surveyor, which point being the TRUE POINT OF BEGINNING of the hereinafter described land for easement purposes; thence South 14°34'06" West 35.95 feet; thence South 01°35'00" East 94.86 feet; thence South 16°39'47" West 24.40 feet; thence South 00°00'00" East 17.12 feet to a point on the south line of said Quinn Parcel; thence South 89°15'24" West, along said south line of Quinn Parcel, 24.00 feet; thence North 00°00'00" West 24.85 feet; thence North 17°12'15" East 23.06 feet; thence North 01°35'00" West 122.18 feet; thence North 39°02'19" East 30.87 feet; thence North 01°35'40" West 16.40 feet to a point on the said south line of "Derringer Subdivision"; thence South 86°04'20" East 13.97 feet; thence South 01°35'00" East 38.01 feet to the TRUE POINT OF BEGINNING.

August 30, 2007
EXHIBIT "A"
QUINN TO CITY
EMERGENCY VEHICLE ACCESS EASEMENT
(07-32) JRB:ls
File Ref: nlm/shared documents/legal/07-32 Exh A Quinn to City emer access.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630
RENEWAL DATE 12/31/07

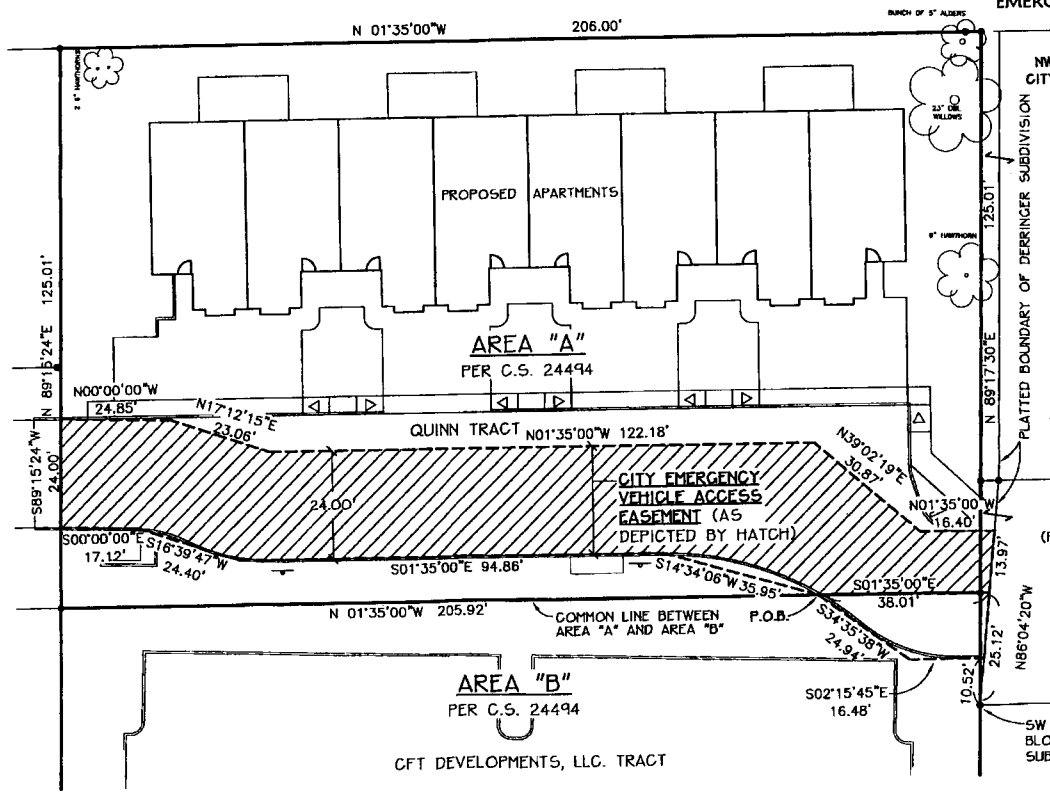
EXHIBIT "B"
EMERGENCY VEHICLE ACCESS EASEMENT

OVER QUINN TRACT
 LOCATED IN
 NW 1/4 SEC. 8, T. 11 S., R. 3W., WM,
 CITY OF ALBANY, LINN COUNTY, OREGON.
 AUGUST 29, 2007



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (503) 938-2563

Date: 8/29/2007 Time: 10:19
 Viewtbl: 26&25'0" Scale: 1=20
 File: dwg\2007\07-32\32-ex1.dwg (Brian E)



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Jack R. Burrell
 OREGON
 12/14/89
 JACK R. BURRELL
 1630
 RENEWAL DATE 12/31/07

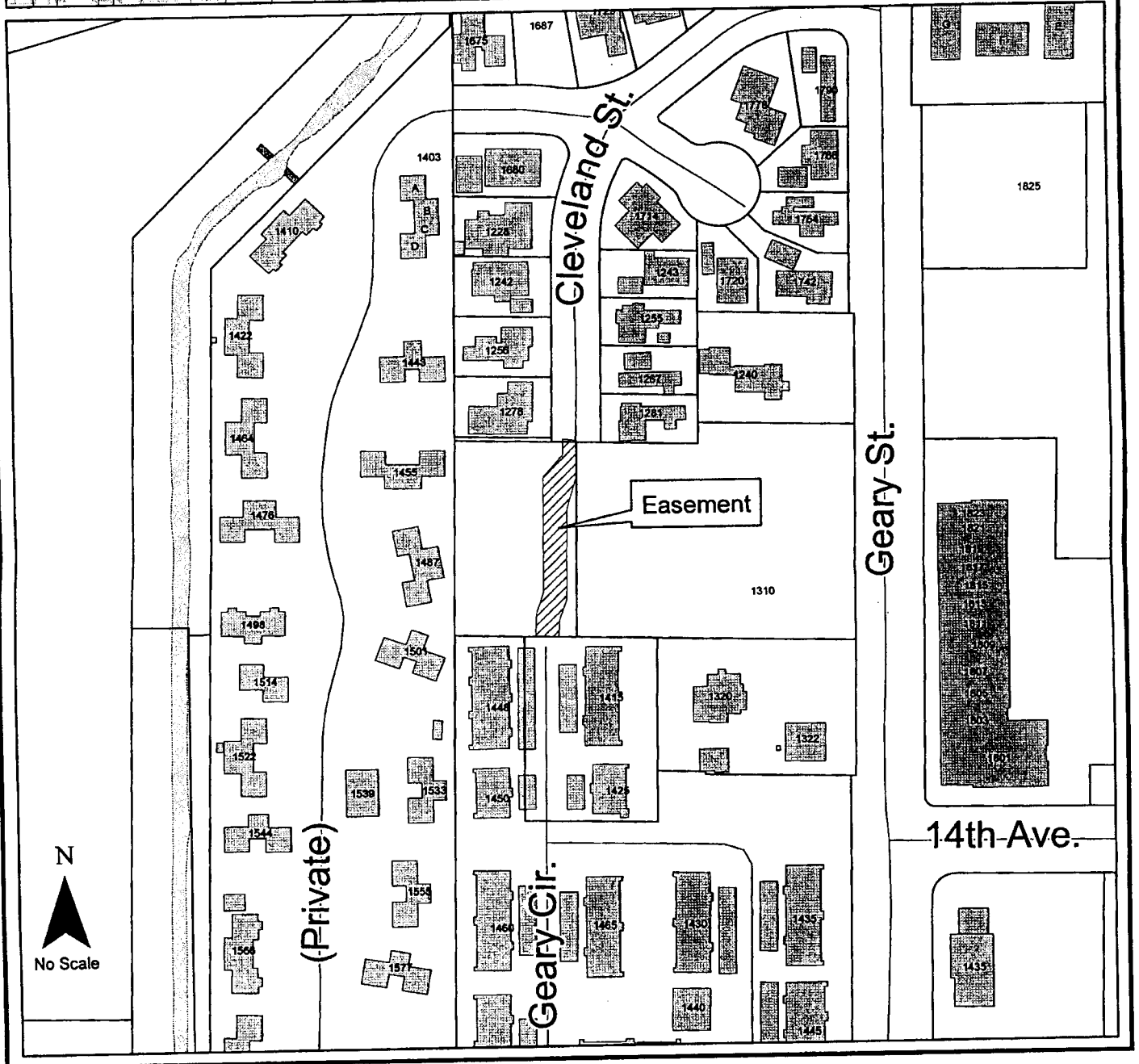
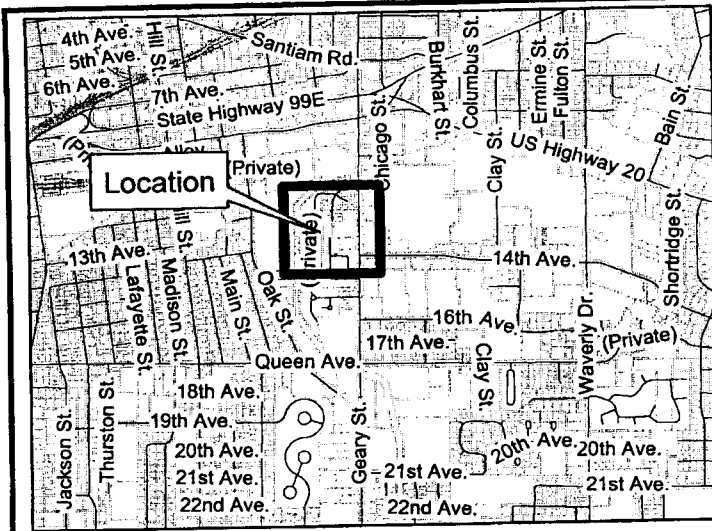
EXHIBIT C

11SO3W08BC01601

A 24-foot wide emergency vehicle access easement.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2007-24905
E-EAS
Cnt=1 Stn=1 COUNTER 10/19/2007 02:37:46 PM
\$30.00 \$11.00 \$10.00 \$51.00



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)

EMERGENCY VEHICLE ACCESS EASEMENT

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

Michael F. and Linda Lou Quinn

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

Resolution No. 5489

Recorded Document Recorder File No. 4987