

RESOLUTION NO. 5798

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Glorietta Bay, LLC

Purpose

A 50-foot by 11.3 foot-wide railroad crossing signal equipment easement for the Wheelhouse project.

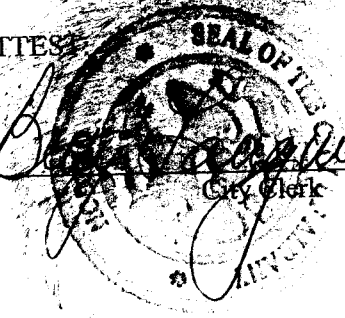
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 24TH DAY OF JUNE 2009.



Mayor

ATTES



[Handwritten signature]

City Clerk

EASEMENT FOR RAILROAD CROSSING SIGNAL EQUIPMENT

THIS AGREEMENT, made and entered into this 15th day of June, 2009, by and between the Glorietta Bay 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 and railroad crossing equipment for the purpose of placing railroad crossing signal equipment 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 equipment and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

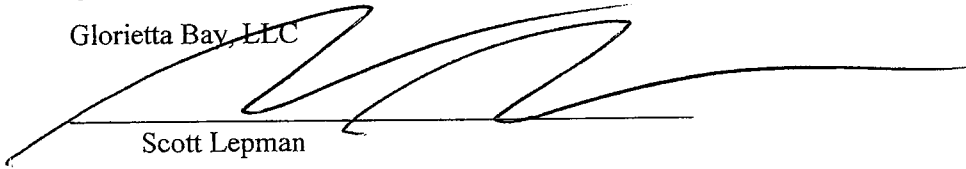
This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:
See legal description on attached Exhibit A and maps on attached 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, other than the crossing equipment, shall be constructed on this easement.

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

GRANTOR:

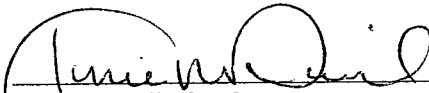
Glorietta Bay, LLC



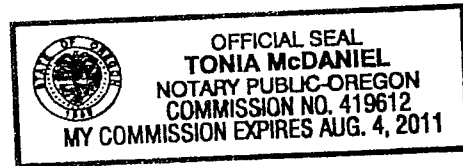
Scott Lepman

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

The instrument was acknowledged before me this 15th day
of June, 2009, by Scott Lepman, by and through
Glorietta Bay, LLC, as his voluntary act and deed.



Notary Public for Oregon
My Commission Expires: Aug 4, 2011



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 ⁵⁷⁹⁸ do hereby
accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day
of June, 2009.



City Manager

ATTEST


City Clerk

Exhibit A

Legal Description for Westech Engineering
Wheelhouse project---Albany, Oregon
June 3, 2009

Easement
GLORIETTA BAY, LLC to City of Albany

A tract of land lying in vacated Jackson Street as described in Document Number 2008-15365, Linn County Records, being in Section 6, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon and being more particularly described as follows:

Beginning at the southwesterly corner of Block 108, HACKLEMAN'S ADDITION to Albany, Oregon;

Thence South $81^{\circ} 46' 02''$ West along the southerly line of the vacated portion of Jackson Street, a distance of 18.50 feet to a point;

Thence North $8^{\circ} 16' 01''$ West parallel with the westerly line of said Block 108, a distance of 11.30 feet;

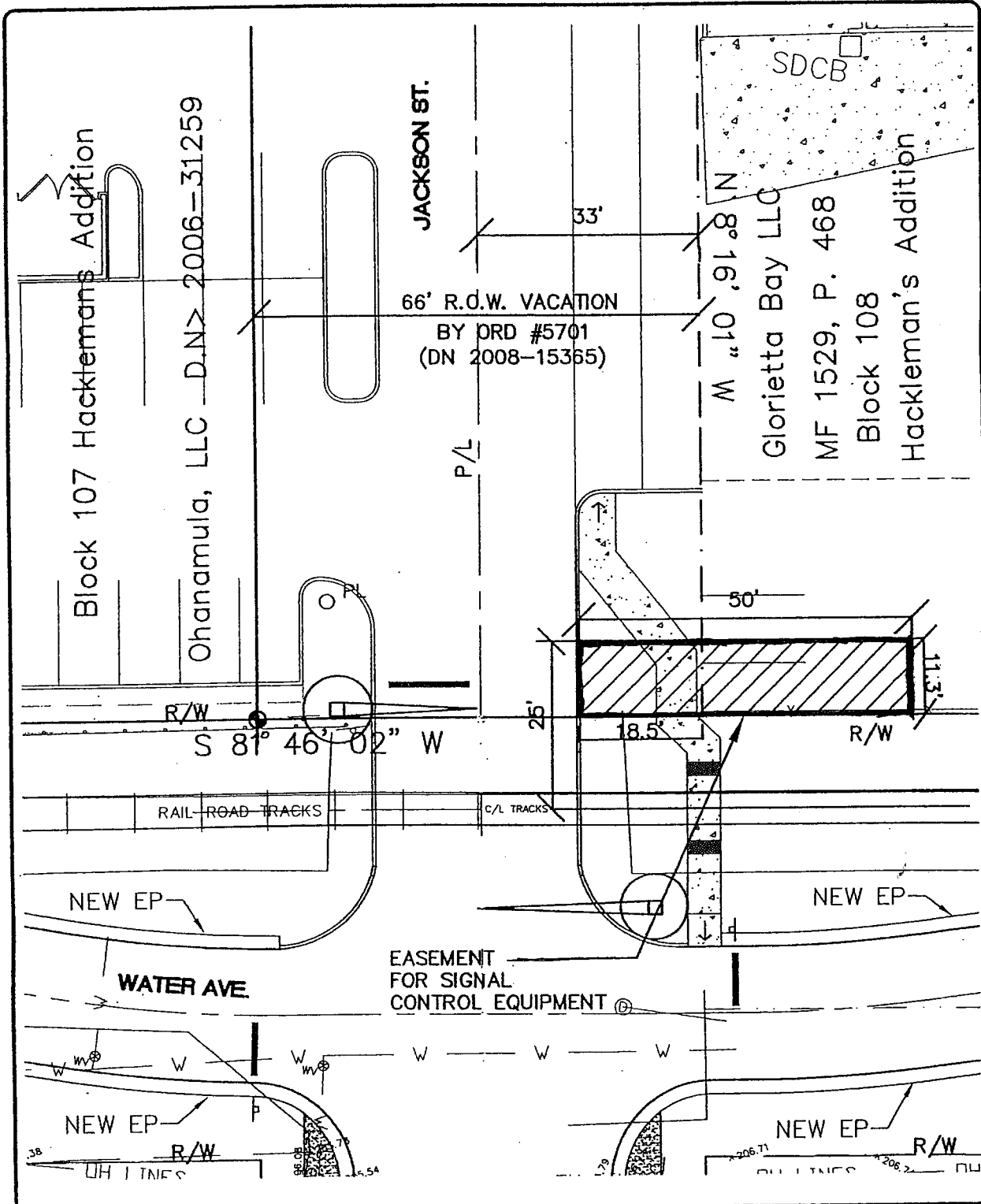
Thence North $81^{\circ} 46' 02''$ East parallel with the southerly line of the vacated portion of Jackson Street, and parallel with the southerly line of said Block 108, a distance of 50.00 feet to a point;

Thence South $8^{\circ} 16' 01''$ East 11.30 feet to a point on the southerly line of said Block 108;

Thence South $81^{\circ} 46' 02''$ West along the said southerly line, a distance of 31.50 feet to the point of beginning.

Prepared by:
Edward L. Query
Barker Surveying
3657 Kashmir Way S.E.
Salem, OR 97317
503-588-8800

Exhibit B



<p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>88-81 Fairview Industrial Dr. S.E., Suite 300, Salem, OR 97302 Phone (503) 686-2474 Fax (503) 686-0086</p>	SCALE	WHEELHOUSE	ALBANY, OR	SHEET
	HORIZ: 1"=20'			1
	VERT: -			OF
	DSN. JW			1
	DRN. EBF			JOB NUMBER
CRD. JW			2678.0000.0	
DATE: JUNE 09				

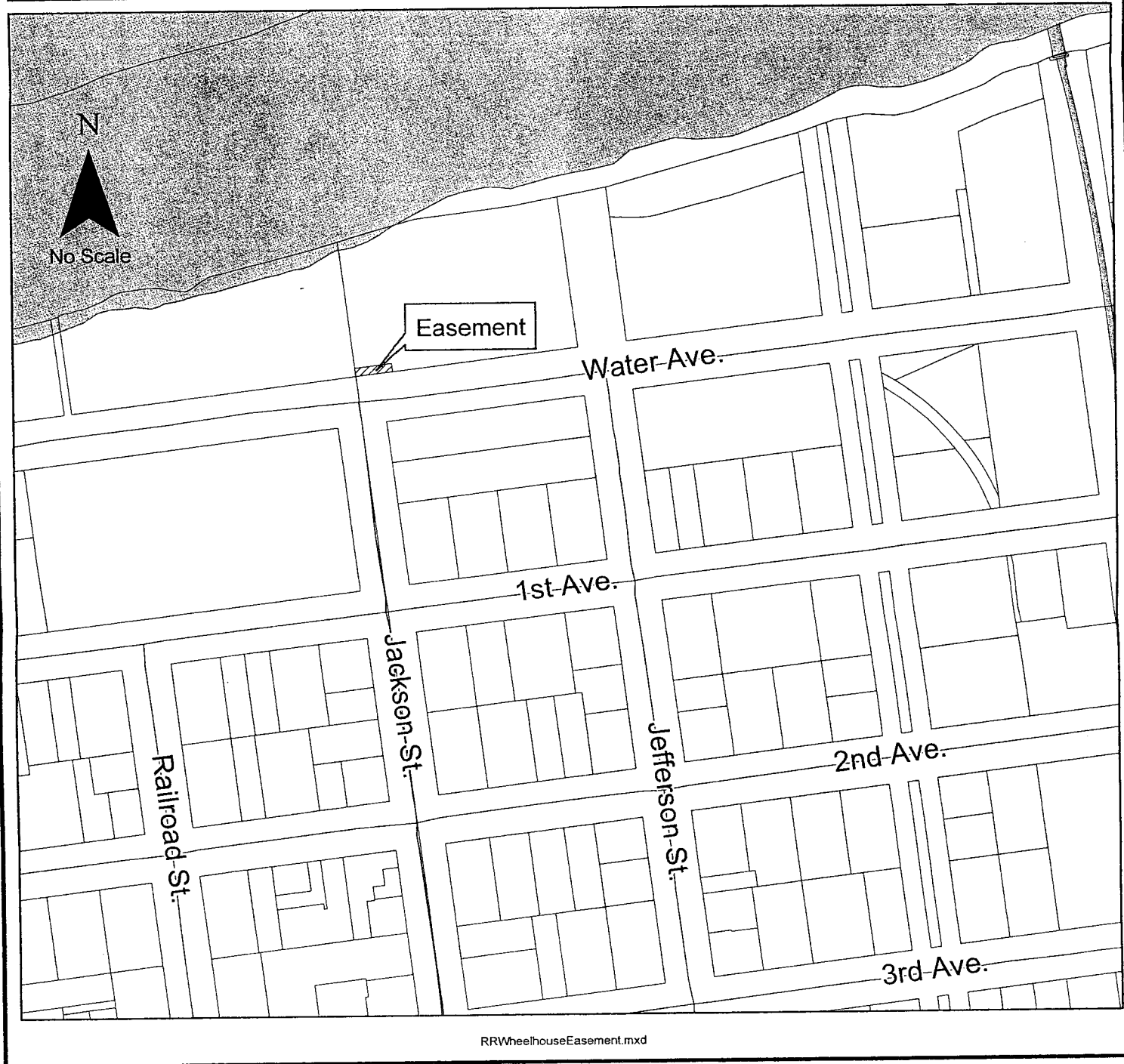
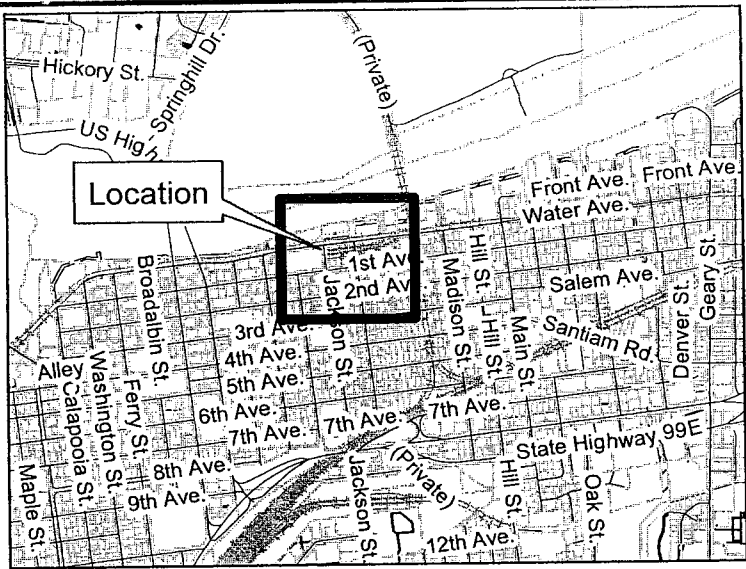
EXHIBIT C

11SO3W06DC00100

A 50-foot by 11.3 foot-wide
railroad crossing signal equipment
easement for the Wheelhouse project.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-11763**
E-EAS
Cnt=1 Str=7 M. FISHER **06/30/2009 11:30:43 AM**
\$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:

NA

1. Name/Title of Transaction - by ORS 205.234 (a)

EASEMENT FOR RAILROAD CROSSING SIGNAL EQUIPMENT

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

Glorietta Bay LLC

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. 5798

Recorded Document Recorder File No. 5336