



RESOLUTION NO. 7240

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Willamette River View Holdings II, LLC

Purpose

A variable width access easement along Alco Street required as part of SP-01-19, The Banks apartments development.

11S03W05BD00300

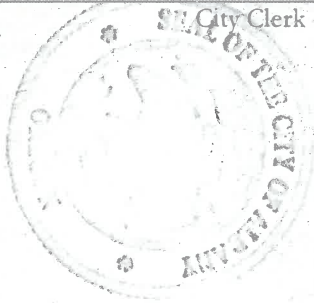
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF JUNE 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## ACCESS EASEMENT

THIS AGREEMENT, made and entered into this 31<sup>st</sup> day of May, 2023, by and between Willamette River View Holdings II, 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 utilities and the access for the purpose of providing access to City utilities and property 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 access and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public access.

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<sup>1</sup>, 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.

*Patrick Morley*

Robyn Morley

*Patrick*

Member of Willamette River View Holdings, LLC

STATE OF OREGON

County of Linn

The instrument was acknowledged before me this 31<sup>st</sup> day of May, 2023, by

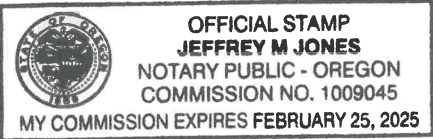
*Patrick*

Robyn Morley, member, on behalf of Willamette River View Holdings II, LLC.

*Jeffrey M. Jones*

Notary Public for Oregon

My Commission Expires: 2/25/25



**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 7240, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15th day of June 2023.

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #5805

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Power Access Easement Description

A tract of land located in the Southeast One-Quarter of Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon and being more particularly described as follows:

Commencing at the northeast corner of Block 1 of the plat "Woodle's Riverside Addition to Albany"; thence South  $43^{\circ}22'41''$  East 132.29 feet to the west right-of-way line of Alco Street NE (15.00 feet from centerline) and the Point of Beginning; thence leaving said west right-of-way line, North  $08^{\circ}22'43''$  West 37.49 feet to a line that is parallel with and 6.00 feet westerly of, when measured at right angles to, said west right-of-way line; thence along said parallel line North  $00^{\circ}49'53''$  East 61.96 feet; thence leaving said parallel line, South  $89^{\circ}10'07''$  East 6.00 feet to said west right-of-way line; thence along said west right-of-way line, South  $00^{\circ}49'53''$  West 98.96 feet to the Point of Beginning.

The above described tract of land contains 482 square feet, more or less.

Bearings for this description are based on State Plane Grid bearing, Oregon State Plane, North Zone 3601, NAD83(2011) Epoch: 2010.0000, Distance shown are International Foot ground values.

5/18/2023

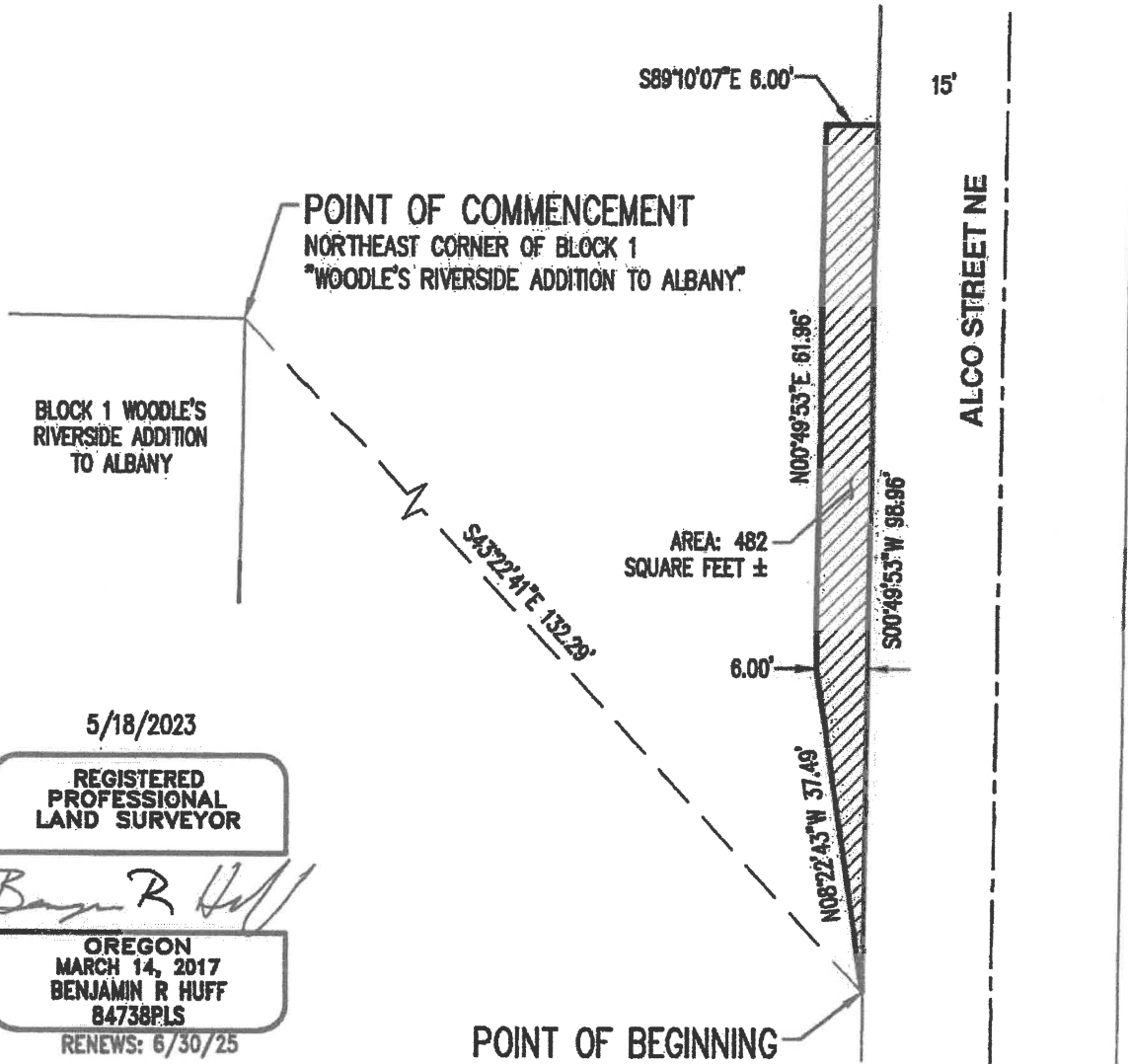
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS

RENEWS: 6/30/23

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF  
 SEC. 5, T11S, R3W, W.M., CITY OF ALBANY,  
 LINN COUNTY, OREGON



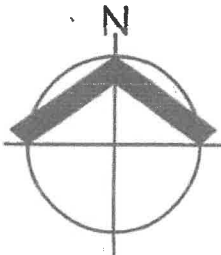
5/18/2023

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Benjamin R Huff*

OREGON  
 MARCH 14, 2017  
 BENJAMIN R HUFF  
 84738PLS

RENEWS: 6/30/25



SCALE: 1" = 20 FEET



POINT OF BEGINNING

POWER ACCESS EASEMENT MAP

AKS ENGINEERING & FORESTRY, LLC  
 3700 RIVER RD N, STE 1  
 KEIZER, OR 97303  
 503.400.6028 WWW.AKS-ENG.COM



EXHIBIT  
 B

DRWN: AC  
 CHKD: JFS  
 AKS JOB:  
 5805

# EXHIBIT C

11S03W05BD00300

A variable width Access Easement  
as part of The Banks apartments  
development, SP-01-19



Geographic Information Services

