

RESOLUTION NO. 6113

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

CHS INC
c/o CHS INC-MS260
PO Box 64089
St. Paul, MN 55164

Purpose

A 5-foot wide sidewalk easement on the south side of Ninth Avenue as part of the Jackson Street improvement project, ST-12-01.


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

DATED AND EFFECTIVE THIS 28TH DAY OF MARCH 2012.

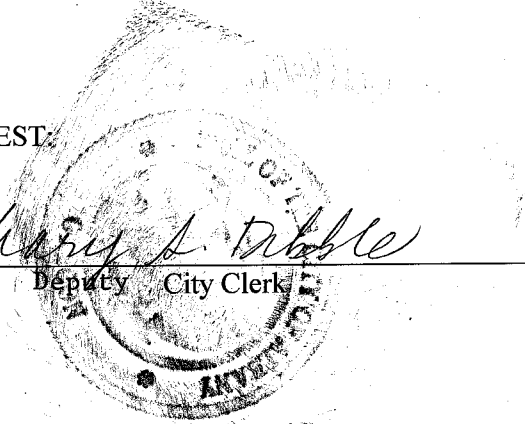


Mayor

ATTEST:



Deputy City Clerk



EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 13th day of March, 2012, by and between CHS INC, 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, a permanent easement and right-of-way, (the "Easement"), including the right to enter upon the real property hereinafter described, and to construct, maintain, and repair a public sidewalk for the purpose of providing pedestrian access and sidewalks over, across, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public sidewalk and the further 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 Easement hereby granted consists of:

A 5-foot wide sidewalk easement on the south side of Ninth Avenue as part of the Jackson Street improvement project, (the "Property").

See legal description on attached Exhibit A and maps on attached Exhibit B and Exhibit C.

2. The 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 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 Property to original or better condition.
6. No permanent structure shall be constructed on this Easement.

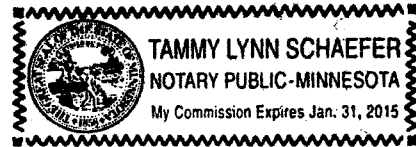
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

John McEnroe

STATE OF Minnesota
County of DeKalb) ss.
City of Waverly (Grove Heights)

The foregoing instrument was acknowledged before me this 13th day of March, 2012, by John McEnroe (Title) Executive Vice President on behalf of CHS INC as his/her voluntary act and deed.



Tammy Lynn Schaefer
Notary Public for
My Commission Expires: 1/31/15

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 6113, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of May 2012.

Wes Hare
City Manager

ATTEST:

Mary A. Dibble
Deputy City Clerk

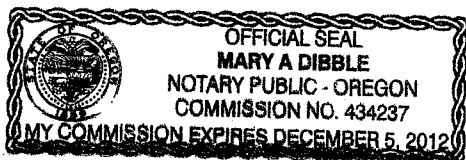


Exhibit A

Legal Description for sidewalk easement

A five foot wide sidewalk easement south of the north property line of the CHS INC property described in Linn County, Oregon deed records MF1150-0955, in the NE 1/4 Section 7, T11South, R3West, Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows;

A five foot wide by 68 foot long strip lying south of, parallel to, and adjacent to the following described line, said line being along south right-of-way line of Ninth Avenue.

Beginning at the northeast property corner of said CHS INC property, said property also being Parcel "A" of the Minor Land Partition recorded in Linn County, Oregon, County Survey Number 19077, said point of beginning lying along the south right-of-way line of Ninth Avenue; thence South $81^{\circ}00'35''$ West 98.0 feet along the south right-of-way line of Ninth Avenue to the **True point of beginning**, thence continuing South $81^{\circ}00'35''$ West 68.0 feet to the end of the easement. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

The bearings used in this easement were based on Linn County, Oregon, County Survey Number 19077.

Exhibit B, Sidewalk Easement Map

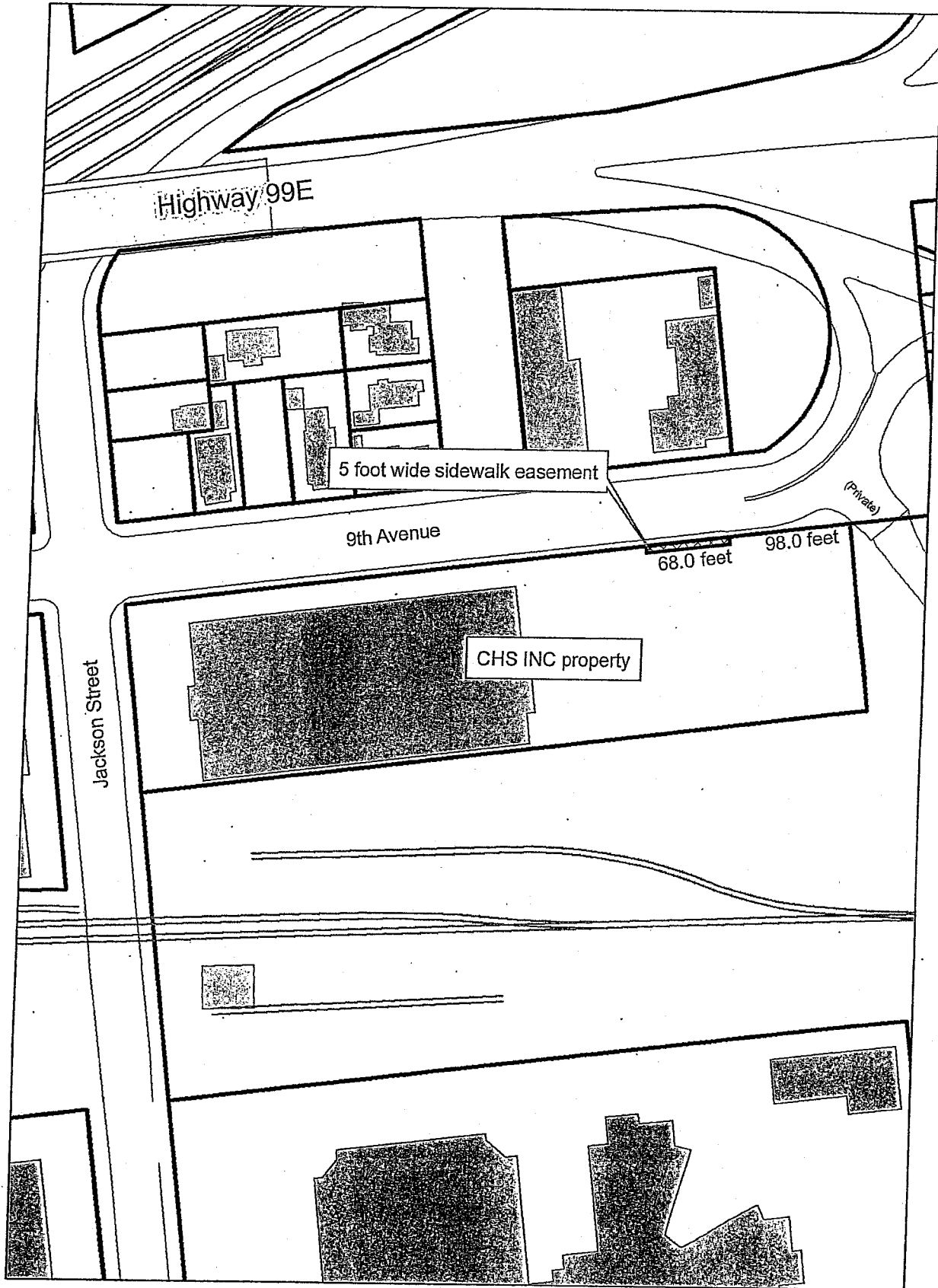
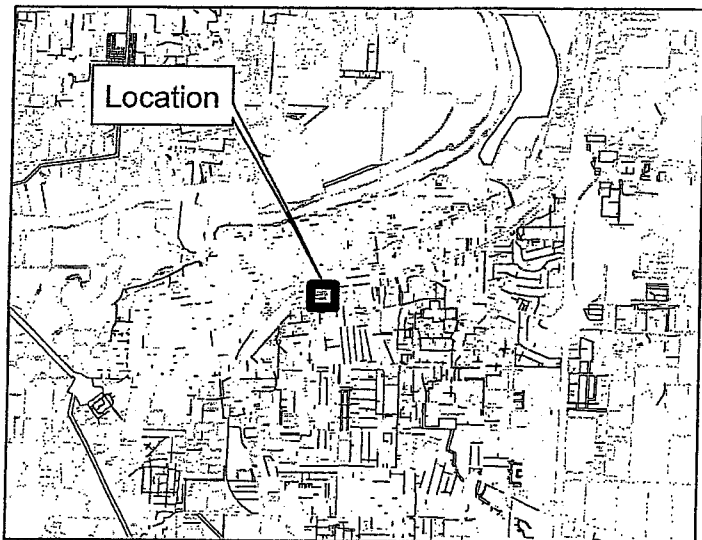


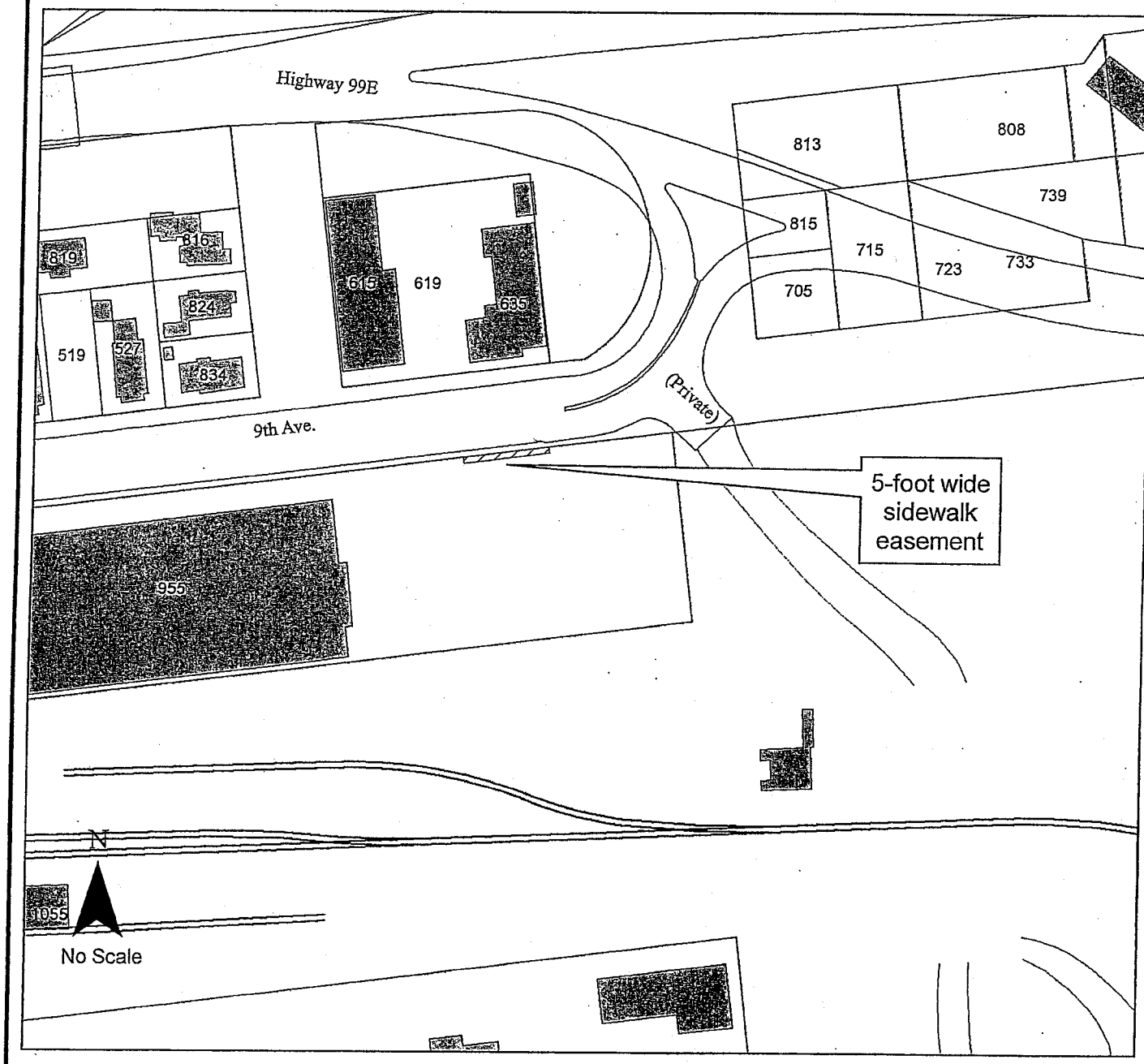
EXHIBIT C

11S03W07AC00302

A 5-foot wide sidewalk easement
on the south side of Ninth Avenue
as part of the Jackson Street
improvement project, ST-12-01



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2012-04621
E-EAS
Cnt=1 Stn=1 COUNTER 04/02/2012 10:54:24 AM
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



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)

Easement for Public Sidewalk

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

CHS Inc

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

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