

RESOLUTION NO. 6367

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Monty D. Spencer

Purpose

A variable-width slope and retaining wall easement along North Albany Road required for the construction of ST-13-03, North Albany Road Reconstruction.


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

DATED AND EFFECTIVE THIS 5TH DAY OF NOVEMBER 2014.



Mayor

ATTEST:



City Clerk

SLOPE AND RETAINING WALL EASEMENT

THIS AGREEMENT, made and entered into this 11th day of Oct., 2014, by and between Monty D. Spencer, 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, including the right to enter upon the real property hereinafter described, and to maintain and repair the slope and a retaining wall adjacent to the right-of-way for the purpose of protecting the slope over, across, and through the lands hereinafter described, together with the right to excavate and refill the slope to allow construction and maintenance of a retaining wall, and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said slope and retaining wall.

This agreement is subject to the following terms and conditions:

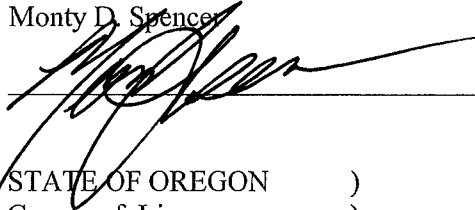
1. The easement hereby granted consists of:

A variable-width slope and retaining wall easement along the frontage of North Albany Road. 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 \$250.00, 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. Upon performing any maintenance, the City shall return the site to original or better condition.
5. No permanent structure, with the exception of the City's retaining wall, 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:

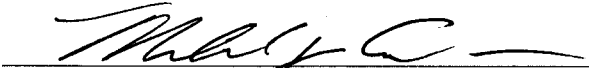
Monty D. Spencer



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

The foregoing instrument was acknowledged before me this 11th day of October, 2014, by Monty D. Spencer, as his voluntary act and deed.





Notary Public for Oregon
My Commission Expires: September 14, 2017

CITY OF ALBANY:

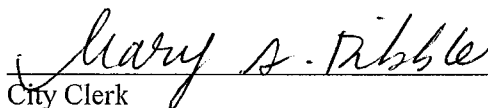
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6367 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 5 day of November, 2014.



City Manager

ATTEST:



City Clerk



EXHIBIT "A"

Legal Description

North Albany Road Easement

A Tract of land for easement purposes located over a portion of that Spencer Tract described by deed recorded in M-330307-02 in the Benton County, Oregon Deed Records that is more particularly described as follows:

Beginning at a point on the east right-of-way line of North Albany Road that is North 03°48'08" West 10.00 feet of a 5/8 inch rod said rod being North 89°50'21 East 12.03 feet of the northeast corner of Lot 4 of "NORTHWOOD" a subdivision recorded in Benton County, Oregon; thence South 89°57'38" West 25.05 feet; thence North 02°00'11" East 15.53 feet to a point on the north line of said Spencer Tract; thence North 89°48'45" East, along said north line, 23.44 feet to a point on the east right-of-way line of North Albany Road; thence South 03°48'08" East 15.62 feet to the Point of Beginning.

March 05, 2014
EXHIBIT "A"
Spencer easement 1
(12-116) JJC:ls

File Ref: z:/projects/2012/12-116/surveying/documents/spencer1.doc

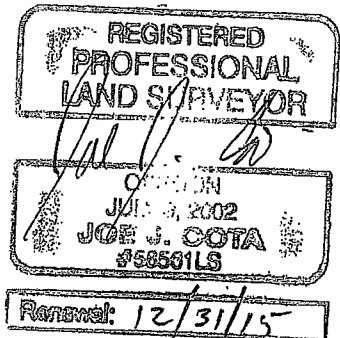


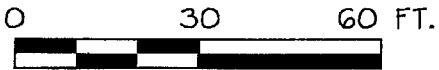
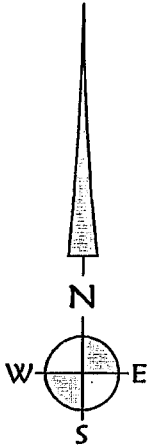
EXHIBIT "B"

MARCH 4, 2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

Renewal: 12/31/15

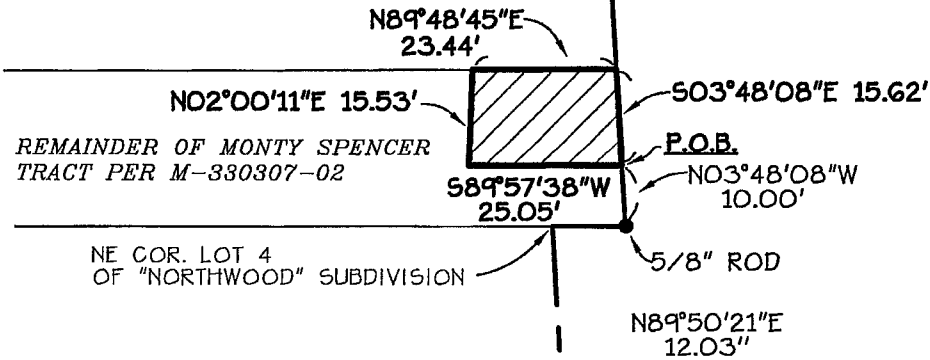


SCALE: 1" = 30'

NORTH ALBANY ROAD

NW QUARRY ROAD

TANGENT I.P. INC TRACT
IDENTIFIED AS PARCEL II OF
M-366475-04



K & D

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

Date: 3/4/2014 Time: 10:58
Scale: 1=30
File: dwg\2012\12-116\12-116_spencer.dwg (Brianpu54)

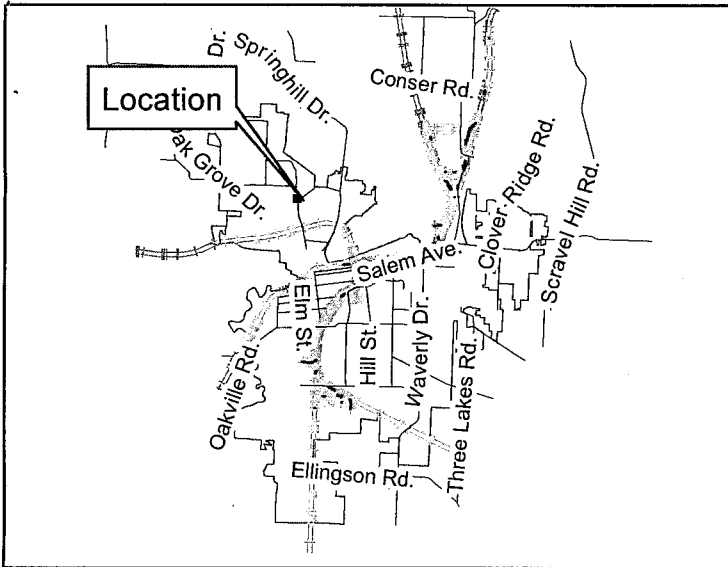
EXHIBIT C

11S04W36DC00602

A variable-width slope and retaining wall easement along North Albany Road required for the construction of ST-13-03, North Albany Road Reconstruction



Geographic Information Services



**INVOICING: Charge to City of Albany,
Attn: Finance Dept, Mary Dibble
PO Box 490, Albany, OR, 97321**

**RECORDING RECIEPT: Email to
mary.dibble@cityofalbany.net**

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Monty D. Spencer

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

Easement

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

Monty D. Spencer

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

\$ 250.00

BENTON COUNTY, OREGON **2014-525237**
DE-EAS
Cnt=1 Stn=5 MR **11/13/2014 11:46:32 AM**
\$30.00 \$11.00 \$22.00 \$10.00 \$20.00 **\$93.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



2014-11-13 11:46:32 AM