



RESOLUTION NO. 7035

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

First Church of God, Albany, Oregon


Purpose

Accepting a 5-foot wide Public Sidewalk easement, as part of a sidewalk gap infill project.

11S04W01DA 00300

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

DATED AND EFFECTIVE THIS 28TH DAY OF JULY 2021.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC SIDEWALK

THIS AGREEMENT, made and entered into this 30th day of JUNE, 2021, by and between First Church of God, Albany, Oregon, 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 public sidewalks for the purpose of providing public pedestrian access 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, more particularly described as follows:

The northern 5 feet of even width of that property conveyed to First Church of God, Albany, Oregon, by a deed recorded in Benton County, Oregon, Deed Records M-215766-96.

Save and except that property previously dedicated to the City of Albany for street and utility right-of-way purposes by a deed recorded in Benton County Oregon Deed Records M-318590-02. As shown on the attached map labeled Exhibit A, attached hereto and make a part hereof this legal description.

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.

GRANTOR: First Church of God, Albany, Oregon.

[Signature]
Scott Konzelman

[Signature]
Tresa Beireis

President

Secretary

STATE OF OREGON
County of Linn

STATE OF OREGON
County of Linn

The instrument was acknowledged before me this
30th day of June, 2021
by Scott Konzelman, as President,
of First Church of God, Albany, Oregon.

The instrument was acknowledged before me this
30th day of JUNE, 2021
by Tresa Beireis, as Secretary,
of First Church of God, Albany, Oregon.

[Signature]
Notary Public for Oregon
My Commission Expires: August 23, 2022

OFFICIAL STAMP
TIFFANY MARIE SHANNON
NOTARY PUBLIC - OREGON
COMMISSION NO. 977801
MY COMMISSION EXPIRES AUGUST 23, 2022

[Signature]
Notary Public for Oregon
My Commission Expires: August 23, 2022

OFFICIAL STAMP
TIFFANY MARIE SHANNON
NOTARY PUBLIC - OREGON
COMMISSION NO. 977801
MY COMMISSION EXPIRES AUGUST 23, 2022

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 _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of 2021.

City Manager

ATTEST:

City Clerk

EXHIBIT A

11S04W01DA00300

A 5 foot wide Public Sidewalk Easement, as part of a sidewalk gap infill project



Geographic Information Services

