

RESOLUTION NO. 2424

BE IT RESOLVED by the Albany City Council that it does hereby accept the following deed:

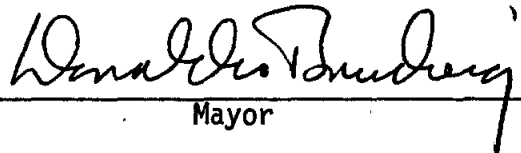
GRANTOR

State of Oregon by and through
its Department of Transportation,
Parks and Recreation Division

PURPOSE

Acceptance of 70 acres
for "Takena Landing"

DATED THIS 14TH DAY OF SEPTEMBER, 1983.



Mayor

ATTEST:



City Recorder



KNOW ALL MEN BY THESE PRESENTS, That the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Parks and Recreation Division, Grantor, hereby conveys unto the CITY OF ALBANY, Oregon, a municipal corporation, Grantee, the following described property, to wit:

A parcel of land lying in Section 32, Township 10 South, Range 3 West, W.M. and in Sections 5 and 6, Township 11 South, Range 3 West, W.M., Benton County, Oregon and being a portion of that property described in that deed to Cloverdale Farms, Inc., recorded March 25, 1970, Instrument No. 2086, in M-17805, Microfilm Records of Benton County, Oregon, the said parcel being described as follows:

Beginning on the North line of said property at a point East 891 feet, North 660 feet, East 2397.75 feet and South 330 feet from the Southwest corner of said Section 32; thence East along said property line 660 feet; thence North along said property line 330 feet; thence East along said property line to the Willamette River as presently located; thence Southwesterly along said river to the Easterly line of that property designated as Parcel 6 and acquired by the State of Oregon, by and through its State Highway Commission, in that certain Final Judgement dated May 14, 1971, entered as Circuit Court Case No. 24524, Benton County, Oregon; thence Northwesterly along said Easterly line to the Southerly line of a tract of land thereafter described as Tract "A"; thence South 63° 12' East, along said Southerly line 140 feet, more or less, to an angle point in said Southerly line; thence along said Southerly line as follows: 19' East 210.6 feet; North 54° 50' East 151.5 feet; North 69° 23' East 191.35 feet; North 83° 29' East 395.4 feet; North 86° 33' East 270.6 feet; North 81° 02' East 491.8 feet; North 58° 08' East 502.1 feet; North 73° 55' East 149.5 feet, more or less to the Westerly right of way line of the Southern Pacific Transportation Co.; thence leaving said Southerly line North 6° 59' 30" East 195.30 feet; thence North 66° 16' 30" East 3544.10 feet; thence North 51° 52' East 1282.05 feet; thence Northeasterly in a straight line 1060 feet, more or less, to the point of beginning.

EXCEPT therefrom that portion lying within the right of way of the Southern Pacific Transportation Company.

Tract "A" herein referred to is described as follows:

Beginning at the intersection of the center line of the existing Spring Hill Road and the South line of the John Q. Thornton D.L.C. No. 37, Township 11 South, Range 3 West, W.M.; thence South 25° 02' 30" West 1466.3 feet; thence South 11° 46' West 763 feet; thence South 7° 55' East 149.8 feet; thence South 63° 12' East 265.8 feet; thence South 86° 19' East 210.6 feet; thence North 54° 50' East 151.5 feet; thence North 69° 23' East 191.35 feet; thence North 83° 29' East 395.4 feet; thence North 86° 33' East 270.6 feet; thence North 81° 02' East 491.8 feet; thence North 58° 08' East 502.1 feet; thence North 73° 55' East 149.5 feet, more or less, to the Westerly right of way line of the Southern Pacific Company; thence Northerly along said Westerly right of way line to its intersection with the center line of said Spring Hill Road; thence South 15° 51' 30" West 476.35 feet, more or less, to the point of beginning.

Subject to all easements, restrictions and reservations of record.

It is understood that this conveyance is made and delivered upon the following express conditions, reservations and restrictions:

1. That there is reserved unto the State of Oregon, its successors, and assigns, all minerals, as defined in ORS 273.775(1), and all geothermal resources, as defined in ORS 273.775(2), together with the right to make such use of the surface as may be reasonably necessary for prospecting for, exploring for, mining, extracting, reinjecting, storing, drilling for, and removing such minerals and geothermal resources; provided, however, that the right hereby reserved to use the surface for any of the above activities shall be subordinate to that actual use of the surface of the premises deeded herein, or any part thereof, being made by the surface rights owner at the time that the State's lessee conducts any of the above activities. In the event such use of the premises by a surface rights owner would be damaged by one or more of the activities described above, then such owner shall be entitled to compensation from State's lessee to the extent of the diminution in value of the real property, based on the actual use by the surface rights owner at the time that State's lessee conducts any of the above activities.

2. That if the above described property hereinafter referred to as "premises" or any portion thereof is used for purposes other than public park, scenic and recreation purposes, title to premises or portions thereof used for purposes other than public park, scenic and recreation purposes shall automatically revert to and vest in Grantor.

3. That premises have been acquired with federal financial assistance pursuant to the LWCF, 16 USC Sections 460D, 4601-4 through 11. Therefore, pursuant to 16 USC Section 4601-8 (f)(3), premises shall not be converted to any other than public outdoor recreation use without the approval of the Secretary of the Interior. Requirements for approval of any conversions of premises use are set forth in 16 USC Section 4601-8 (f)(3). This document has been recorded to provide notice to potential property use convertors of this restrictive covenant upon premises use.

4. Subject to the reservations set out in that deed recorded July 20, 1973, No. 41974, Records of Benton County, Oregon.

5. A master development plan for the premises shall be prepared by the Grantee and shall be approved in writing by the Grantor before any improvement or alterations are made to the premises. The Grantor shall also approve in writing any future changes to the master plan.

6. No trees, brush, or other plant materials shall be destroyed, cut, or removed from premises unless such action is in accordance with and necessary to implement the master plan.

7. Any building, structure, improvement, or development of any kind constructed or placed upon premises shall be in accordance with the master plan for premises.

8. No billboards, outdoor advertising structures, or advertisement of any kind shall be hereafter erected, displayed, placed, or maintained upon premises. Any signs erected on the premises shall conform to the master plan and be designed to inform or give direction to the users of the premises.

9. No material of any kind shall hereafter be dumped, placed, or stored upon premises.

No monetary consideration is being received by Grantor for this deed.

Dated this 20th day of SEPTEMBER, 1983.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Parks and Recreation Division

By David G. Talbot
David G. Talbot, Administrator,
Parks and Recreation Division

STATE OF OREGON, County of Marion

Sept 20, 1982. Personally appeared David G. Talbot, who being sworn, stated that he is the Administrator for the State of Oregon, Department of Transportation, Parks and Recreation Division, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:

Ray H. Wilson
Notary Public for Oregon

My Commission expires Jan 27 1985

The above deed is hereby accepted by Grantee in accordance with the terms and conditions set out therein.

CITY OF ALBANY, Oregon

By William Barrons

By [Signature]

STATE OF OREGON } ss. 45684
County of Benton }

I hereby certify that the within
instrument was received for record

83 SEP 27 PM 12:25

and assigned N^o 51797 1983

in the Microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BURK

DIRECTOR OF RECORDS & ELECTIONS

By

Margaret Almon
DEPUTY



MI18.5L

LINN COUNTY
BENTON COUNTY

WILLAMETTE RIVER

SGV

OREGON ELECTRIC

WILLAMETTE GREENWAY
WILLAMETTE RIVER

BENTON, LINN COUNTIES
AERIAL PHOTOGRAPH BY JAN. 1974
SECTION LINE APPROX. POSITION
OVER NILE APPROX. POSITION
SHEET 1000 1000

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Recorded Document Recorder File No. 1489