

RESOLUTION NO. 2854

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following warranty deed:

Grantor

Phillips/Cruz Properties

Purpose

a right-of-way for street and utility purposes located north of Linn-Benton Community College property for the Lanier/Ellingson Intersection project.

DATED this 8th day of March, 1989.



Mayor

ATTEST:



City Recorder

OK

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That PHILLIPS/CRUZ PROPERTIES

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by THE CITY OF ALBANY, an Oregon municipality, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Linn and State of Oregon, described as follows, to-wit: Beginning at a 5/8" iron rod at the southeast corner of the parcel described in Volume 103, Page 442, Deed Records of Linn County, and lying S 89°14'39" E 30.00 feet from a 5/8" iron rod at the southwest corner of Lot 2, Block 1, College Green Subdivision, in the northeast 1/4, Section 25, T11S, R4W, W.M., City of Albany, Linn County, Oregon; thence along the east line of said parcel N 0°52'06" E 286.70 feet to a 5/8" iron rod on the south right-of-way line of Belmont Avenue; thence along said line S 89°19'00" E 60.00 feet to a 5/8" iron rod; thence leaving said right-of-way line S 0°52'06" W 128.78 feet to a 5/8" iron rod; thence along the arc of a 173.00-foot radius curve left (long chord S 32°01'54" E 187.94 feet) 198.68 feet to a point on the south line of said Lot 2; thence along said south line N 89°14'39" W 162.08 feet to the point of beginning; containing 21,733 square feet, more or less.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ XXXXX

However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 19th day of January, 19 89; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

SEE REVERSE FOR ACTUAL CONDITIONS

STATE OF OREGON,)
County of Multnomah) ss.
January 19, 1989

Personally appeared the above named JUDITH R. CRUZ

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Notary Public for Oregon
My commission expires: 11-15-89

Judith R. Cruz
Wilma M. Phillips
STATE OF OREGON, County of LINN) ss.
March 22, 1989

Personally appeared Steve Bryant and D. Gary Holliday who, being duly sworn, each for himself and not one for the other, did say that the former is the City Manager and that the latter is the Executive Director of the City of Albany

and that the seal attixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.
Before me: Notary Public for Oregon
My commission expires: 7/20/89

(OFFICIAL SEAL)
(If executed by a corporation, affix corporate seal)

GENERAL ACKNOWLEDGMENT

NO. 201

State of CALIFORNIA
County of SAN DIEGO } ss.

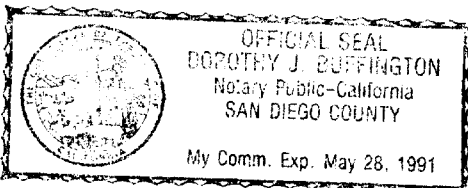
On this the 17th day of January 1989, before me,

Dorothy J. Buffington

the undersigned Notary Public, personally appeared

Wilma M. Phillips

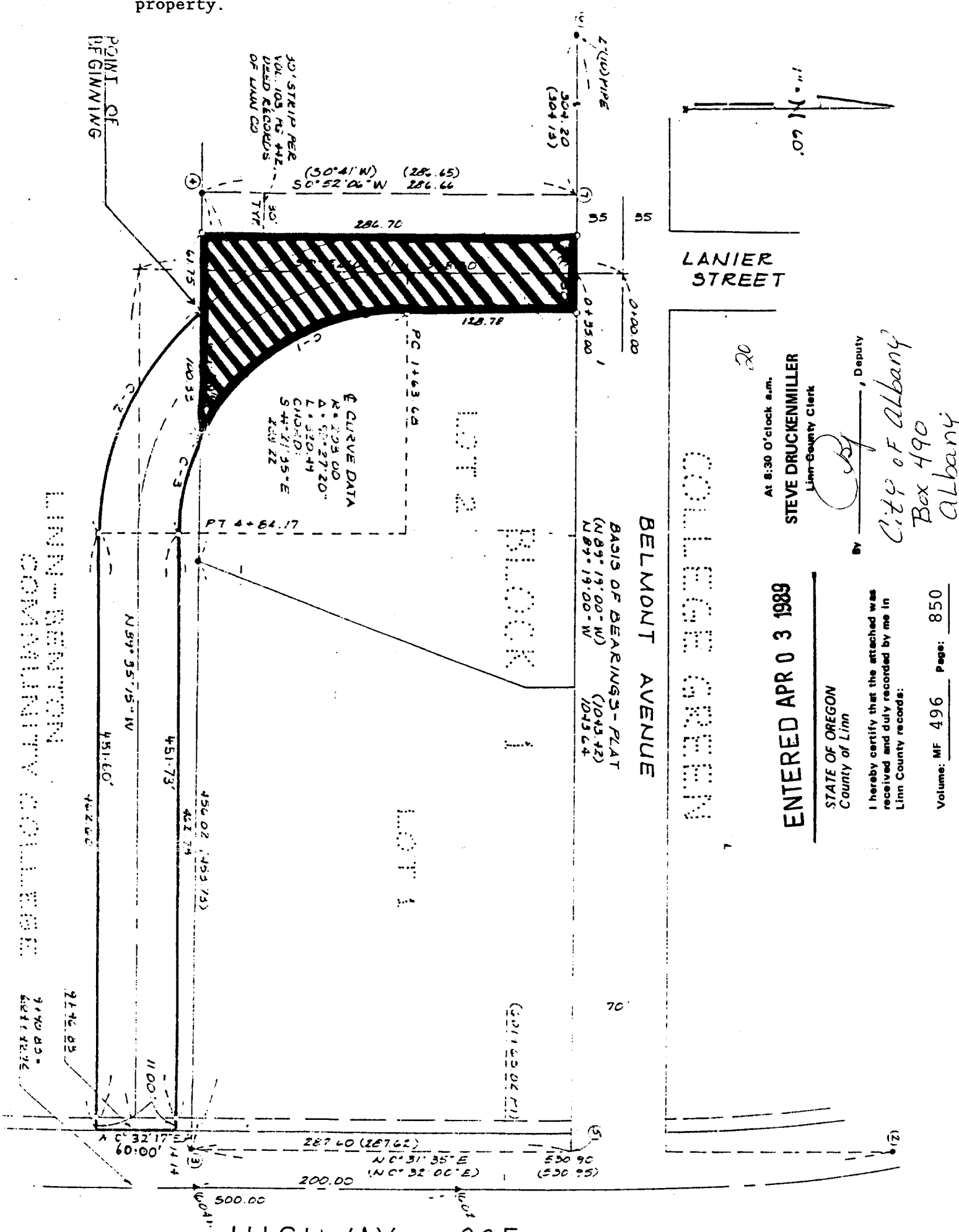
personally known to me
proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) who subscribed to the within instrument, and acknowledged that she executed it.
WITNESS my hand and official seal.



Dorothy J. Buffington
Notary's Signature

The actual consideration consists of or includes other property or value given or promised which is the whole consideration and is stated hereafter:

- 1) City of Albany agrees to construct a road in the 60-foot right-of-way which is the west 60 feet of Lot 2;
- 2) The property shall not be assessed the cost of any part of the proposed new road;
- 3) Any extra clean fill from the construction of the road shall be deposited on Lots 1 and 2;
- 4) The City of Albany will allow, subject to Linn-Benton Community College approval, a standard commercial driveway on the south side of the above described property, which driveway shall be directly across from the driveway proposed by Linn-Benton Community College;
- 5) The City of Albany staff will assist the grantor in applying for a zone change from the existing R-3 Zone to C-1 Zone on the above described property.



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Recorded Document Recorder File No. 1957