

A RESOLUTION DECLARING A NECESSITY THAT THE CITY ACQUIRE CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ALBANY, LINN COUNTY, OREGON, FOR THE PURPOSE OF CREATING A MULTIMODAL TRANSPORTATION FACILITY.

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Albany is duly authorized and empowered to exercise the power of eminent domain to acquire interests in private property for public use; and

WHEREAS, the properties that are the subject of this resolution are necessary for the renovation and construction of a multimodal transportation facility.

NOW, THEREFORE, BE IT RESOLVED as follows:

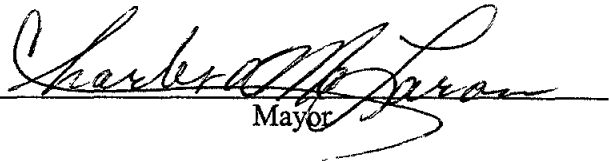
Section 1: Based upon the above findings, which are incorporated herein by reference and hereby adopted, the City Council of the City of Albany does hereby find, declare, and determine that it is necessary to acquire the real property more particularly described in Attachments "A," "B," "C," and "D," attached hereto and incorporated herein in order to renovate and construct a multimodal transportation facility to serve the people of the City of Albany.

Section 2: The parcels of real property described herein are necessary for the renovation and construction of the multimodal transportation facility and it is in the public interest to acquire these properties for the creation of this facility. The multimodal transportation facility is necessary and in the public interest and is planned, designed, located, and will be constructed, in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

Section 3: The City of Albany and its attorneys and its representatives are hereby authorized to attempt to agree with the owners and all other persons in interest in the real properties described herein as Attachments "A," "B," "C," and "D," as to the compensation to be paid for the property and any remaining damage, if any, to the balance of any property owed but not acquired. In the event no satisfactory agreement can be reached, then the attorneys and representatives of the City of Albany are hereby directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the property described above and that upon the filing of such proceedings, possession of the property and all interest therein may be taken immediately as such immediate possession is necessary and in the public interest.

Section 4: Upon the trial of any suit or action instituted to acquire the easement described above, or any settlement in lieu of trial, the attorneys and representatives for and on behalf of the City of Albany are hereby authorized to make such stipulation, agreement, settlement, or admission, as, in their judgment, may be in the best interest of the City of Albany.

DATED AND EFFECTIVE THIS 26th DAY OF FEBRUARY 2003.



Mayor

ATTEST:



City Recorder

June 28, 2002

Exhibit "A"

Page 1/2

Rim Rock Investor's Group, Inc.
534 NW 2nd Street
Corvallis, OR 97330
11 3W 7CB 00100

RIM ROCK INVESTOR'S GROUP, INC. TO CITY OF ALBANY

A tract of land in a portion of Lot 2, Block "A", Central Addition, in the southwest $\frac{1}{4}$ of Section 7, T.11S., R.3W., Willamette Meridian, City of Albany, Linn County, Oregon, said tract being more particularly described as follows:

BEGINNING at a point on the north line of said Lot 2 (being the south right of way line of 12th Avenue), said point being S07°13'49"E 20.117 meters and N82°46'11"E 54.017 meters from a $\frac{1}{2}$ inch iron rod marking the southwest corner of Block 99, "Monteith's Addition"; thence N82°46'11"E 15.017 meters to the northwesterly right of way line of Pacific Boulevard (Highway 99 East); thence S32°13'47"W along said right of way line 13.179 meters to the beginning of a 10.220 meter non-tangent curve concave southwesterly; thence, leaving said northwesterly right of way line, and proceeding along the arc of said curve, which chord bears N40°21'45"W 12.151 meters, and which central angle subtends 72°56'50", 13.012 meters to the **POINT OF BEGINNING**.

Said tract of land contains 59.8 square meters, more or less.



SW CORNER BLOCK 99,
"MONTEITH'S ADDITION"

S07°13'49"E 20.117m

20.117m

TWELFTH AVENUE

POB

N82°46'11"E
15.017m

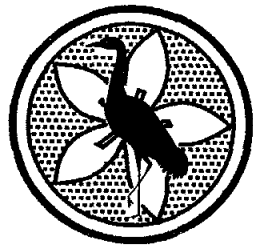
N82°46'11"E 54.017m

S32°13'47"W
13.179m

PACIFIC BOULEVARD
(HWY 99 EAST)

30.480m

BLOCK A of
"CENTRAL ADDITION"



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	13.012m	10.220m	72°56'50"	N40°21'45"W	12.151m

CRANE & MERSETH
Engineering/Surveying

6566 SE LAKE Rd, SUITE D
MILWAUKIE, OREGON 97222

PH (503) 654-2005
FAX (503) 654-2575

PROJECT NO 154-026f
JUNE 28, 2002

RIM ROCK INVESTORS GROUP, LLC
11 3W 7CB 00100

SW 1/4 SECTION 7, T 11 S, R 3 W, WILLAMETTE MERIDIAN
CITY OF ALBANY, LINN COUNTY, OREGON

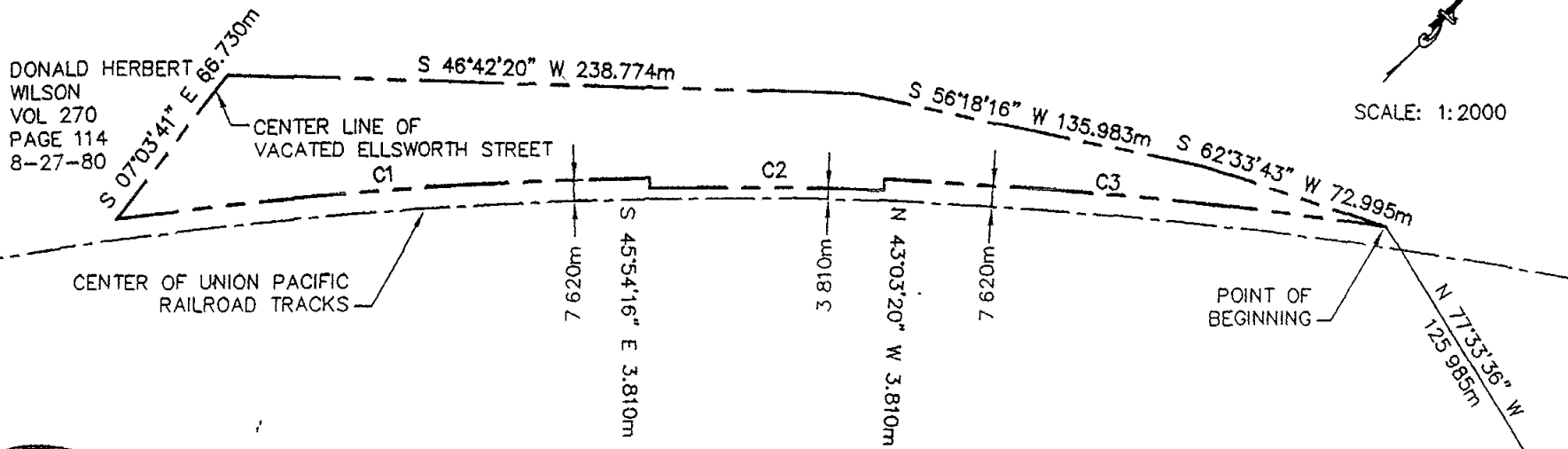
EXHIBIT B**Legal Description of Sale Parcel**

A tract of land in the northwest $\frac{1}{4}$ of Section 7, T.11.S, R.3W., Willamette Meridian, City of Albany, Linn County, Oregon, said tract being more particularly described as follows:

BEGINNING at a point on the southeasterly right of way line of Pacific Boulevard (also known as Highway 99 East), said point being $N77^{\circ}33'36''W$ 125.985 meters (413.231 feet) from a $\frac{5}{8}$ inch iron rod marking the southeast corner of Block 18, "Hackleman's Second Addition To The City Of Albany"; thence $S62^{\circ}33'43''W$ along said southeasterly right of way line 72.995 meters (239.424 feet) to a point on the east line of Block 7, "Hackleman's 2nd Addition To The City Of Albany" that measures 50.292 meters (164.958 feet) from the northwest corner thereof; thence $S56^{\circ}18'16''W$ 135.983 meters (446.024 feet) to a point on the southerly extension of the east line of Block 71, "Eastern Addition" that measures 44.394 meters (145.612 feet) from the southeast corner thereof; thence $S46^{\circ}42'20''W$ 238.774 meters (783.179 feet) to the centerline of vacated Ellsworth Street; thence, leaving said Pacific Boulevard right of way line, $S07^{\circ}03'41''E$ along said centerline 66.730 meters (218.874 feet) to the beginning of a curve concave southeasterly of radius 1,800.553 meters (5,905.814 feet); thence, on said curve and parallel with and 7.620 meters (24.994 feet) northwesterly of the center of the Union Pacific Railroad Company tracks as existing in November, 2000, through a central angle of $06^{\circ}25'23''$ (which chord bears $N40^{\circ}53'03''E$ 201.739 meters [661.704 feet]), an arc distance of 201.845 meters (662.052 feet) to a point; thence $S45^{\circ}54'16''E$ along a radial line 3.810 meters (12.497 feet) to a point lying a radial distance of 3.810 meters (12.497 feet) northwesterly of the center of the aforementioned railroad tracks, said point being on a curve concave southeasterly of radius 1,796.743 meters (5,893.317 feet); thence, on said curve and parallel with said tracks, a central angle of $02^{\circ}50'56''$ (which chord bears $N45^{\circ}31'12''E$ 89.331 meters [293.006 feet]), an arc distance of 89.340 meters (293.035 feet) to a point; thence $N43^{\circ}03'20''W$ along a radial line 3.810 meters (12.497 feet) to a point lying a radial distance of 7.620 meters (24.994 feet) northwesterly of the center of said railroad tracks, said point be on a curve concave southeasterly of radius 1,800.553 meters (5,905.814 feet); thence on said curve and parallel with said tracks through a central angle of $06^{\circ}07'58''$ (which chord bears $N50^{\circ}00'39''E$ 192.633 meters [631.836 feet]) an arc distance of 192.725 meters (632.138 feet) to the **POINT OF BEGINNING**.

Said tract of land contains 13,503.0 square meters (3.336 acres), more or less.

PACIFIC BOULEVARD (HIGHWAY 99 EAST)



DONALD HERBERT
WILSON
VOL 270
PAGE 114
8-27-80

SCALE: 1:2000

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	CHORD BEAR	CHORD	DELTA
C1	201.845m	1800.553m	N 40°53'03" E	201.739m	06°25'23"
C2	89.340m	1796.743m	N 45°31'12" E	89.331m	02°50'56"
C3	192.725m	1800.553m	N 50°00'39" E	192.633m	06°07'58"



CRANE & MERSETH
Engineering/Surveying

6566 SE LAKE Rd. SUITE D
MILWAUKIE, OREGON 97222

PH: (503) 654-2005
FAX: (503) 654-2575

PROJECT NO 154-026
AUGUST 30, 2001

SANTA FE PACIFIC REALTY CORPORATION
TO
CITY OF ALBANY

NW 1/4 SECTION 7, T 11 S, R 3 W, WILLAMETTE MERIDIAN
CITY OF ALBANY, LINN COUNTY, OREGON

03 12:15

FIRST AMER. TITLE

541 967 6563 P.02

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That DONALD HERBERT WILSON

in consideration of \$250,000.00 PAID TO AN ACCOMMODATOR PURSUANT TO A 1031 *** Dollars. to him paid by the Grantee herein, does hereby grant, bargain, sell and convey unto MID-STATE PROPERTIES, INC.

Grantee the following described real property, situated in the County of LINN and State of Oregon, to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: REGULATIONS, INCLUDING LEVIES, LIENS, ASSESSMENTS, RIGHTS OF WAY AND EASEMENTS OF THE LINN SOIL AND WATER CONSERVATION DISTRICT. RESERVATION RECORDED AUGUST 27, 1980 IN MF VOLUME 270 PAGE 114.

*** EXCHANGE.

Parcel # 92938

To Have and to Hold the granted premises unto the said Grantee, its Heirs and Assigns forever. And the Grantor does covenant that he is lawfully seized in fee simple of the above granted premises free from all encumbrances.

and that he will and his heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 22nd day of OCT, 1996.

DONALD HERBERT WILSON

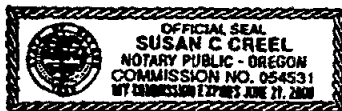
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST ANY FARMING OR FOREST PRACTICES AS DEFINED IN ORS 90.030

STATE OF OREGON

County of LINN } ss.

BE IT REMEMBERED, That on this 22nd day of OCT, 1996, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named DONALD HERBERT WILSON

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that HE executed the same freely and voluntarily IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Susan C Creel Notary Public for Oregon My Commission expires

STATE OF OREGON

County of } ss.

I certify that the within instrument was received for record on at o'clock, and was recorded in Book Page Record of Deeds of said county.

Recorder of Conveyances

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS.

MID-STATE PROPERTIES 3013 LAWRENCE SW ALBANY, OR 97321 Return to: FAISUE # 210695-L

1/15 - 0500-0780 H-2500

BY MIDDLETON WILLAMETTE VALLEY

EXHIBIT "A"

TRACT I:

The Southeast quarter of Block 98, MONTEITH'S SOUTHERN ADDITION TO THE CITY OF ALBANY, Linn County, Oregon, the division lines to run parallel with the boundary lines of said block, as the same appears of record on the maps and plats of said city and addition now on file and of record in the office of the County Recorder of said Linn County, Oregon, being the same premises conveyed to Standard Oil Company, Iowa, by J.W. Gusick, by deed dated May 2, 1891, and recorded May 8, 1891, in Linn County, Oregon, in Deed Book 40, Page 468.

EXCEPT that portion deeded to the State of Oregon, by deed dated January 5, 1939 and recorded January 18, 1939, in Deed Book 149, Page 129.

TRACT II:

The Northeast quarter of Block 98, MONTEITH'S SOUTHERN ADDITION TO THE CITY OF ALBANY, Linn County, Oregon, as the same appears on the maps and plats of said addition to said city, now on file and of record in the office of the Recorder of Conveyances in and for said county and state.

EXCEPT that portion deeded to the State of Oregon, by deed dated January 5, 1939 and recorded January 18, 1939, in Deed Book 149, Page 129.

TRACT III:

The West one-half of Elsworth Street in the City of Albany, Linn County, Oregon, lying between the South line of Eleventh Street and the North line of Twelfth Street in MONTEITH'S SOUTHERN ADDITION TO THE CITY OF ALBANY, Linn County, Oregon, as vacated by Ordinance No. 2740, dated March 25, 1963.

EXCEPTING that portion lying within the Southern Pacific Company's right-of-way.

TRACT IV:

A parcel of land lying in Lot 7, Block 98, MONTEITH'S SOUTHERN ADDITION TO THE CITY OF ALBANY, Linn County, Oregon, situated in Section 7, Township 11 South, Range 3 West of the Willamette Meridian, the same parcel being described as follows:

Beginning at the Southeast corner of said Lot 7, Block 98; thence South 81° 03' West, along the Southerly line of said Lot 7, a distance of 58.55 feet; thence North 30° 24' East, a distance of 92.31 feet to a point on the Easterly line of said Lot 7; thence South 8° 58' East, along the Easterly line of said Lot 7, a distance of 71.38 feet to the point of beginning.

Wilson

STATE OF OREGON
County of Linn

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OCT 23 11 18 AM '96

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

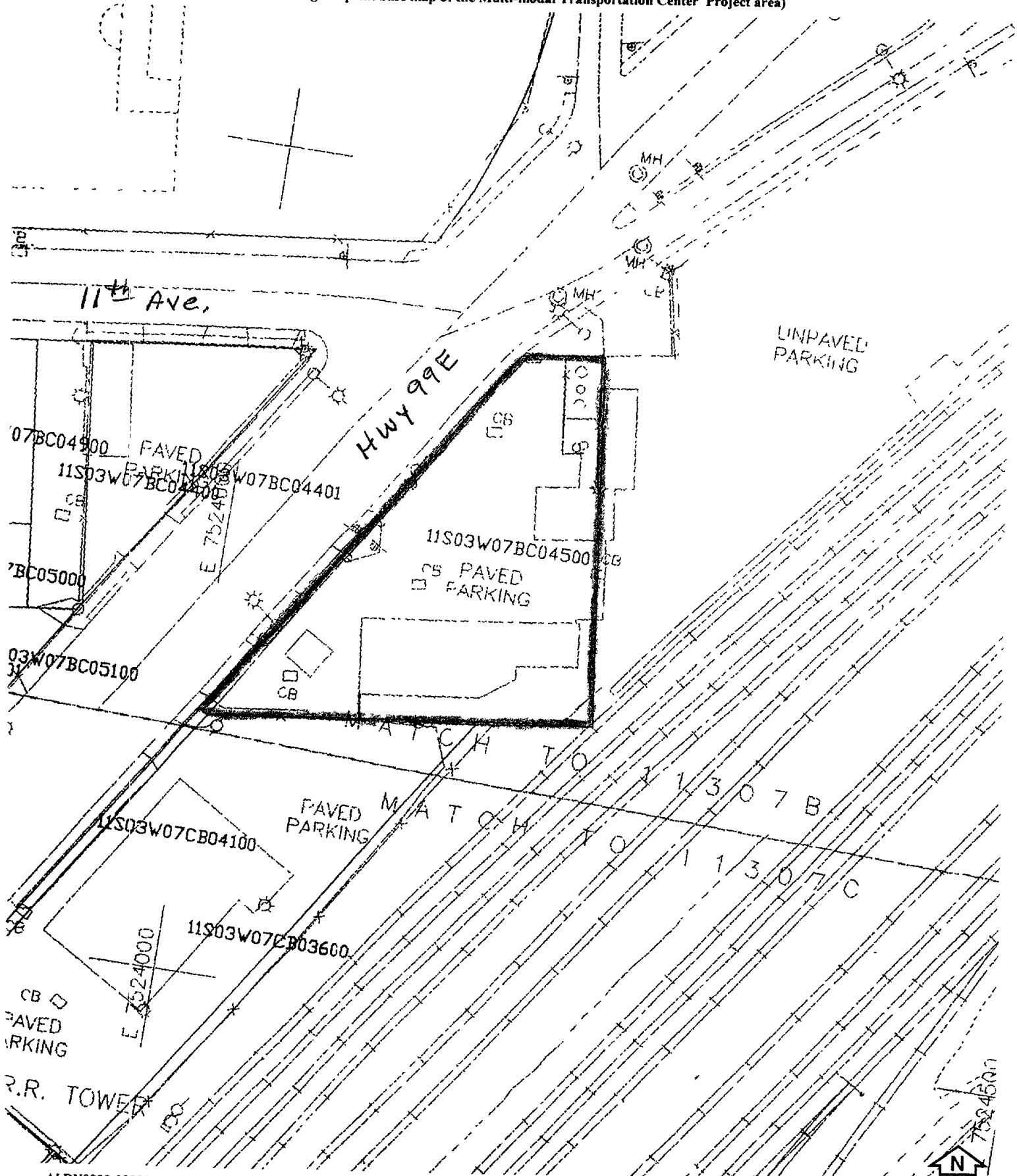
STEVE DRUCKENMILLER
Linn County Clerk

MF 832

[Signature], Deputy PAGE 792

SUBJECT PROPERTY SITE MAP

(from a building footprint base map of the Multi-modal Transportation Center Project area)



wilson

06-19-90

11-30-93-1-65-566

#2084

11-30-93-7CB 3600

FORM No. 903-WARRANTY DEED-STATUTORY FORM (Individual Grantor) VOL 534 PAGE 338

WARRANTY DEED-STATUTORY FORM INDIVIDUAL GRANTOR

RUSSELL W. TRIPP, Trustee

conveys and warrants to RODNEY W. TRIPP and MARTHA G. TRIPP under the RODNEY W. TRIPP Trust dated January 25, 1990

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Linn County, Oregon, to-wit:

See Exhibit "A" attached hereto & made a part hereof.

The said property is free from encumbrances except those of record

The true consideration for this conveyance is \$ 0000 Partnership dissolution distribution

Dated this 18th day of Oct, 1989

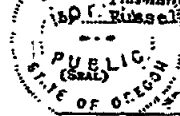
Russell W. Tripp Trustee

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

STATE OF OREGON, County of Linn

This instrument was acknowledged before me on Russell W. Tripp 1 Oct 18, 1989

Russell W. Tripp



Notary Public for Oregon My commission expires 5-30-93

Table with columns for Grantor (Tripp), Grantee (Tripp), and Recipient Address (Rodney W. Tripp, P.O. Box 747, Albany, Or 97321)

SPACE RESERVER FOR RECORDER'S USE

STATE OF OREGON, County of I certify that the within instrument was received for record on the day of 1989 at o'clock M., and recorded in book/reel/volume No. on page or as fee/lite/instrument/microfilm/reception No. Record of Deeds of said county. Witness my hand and seal of County afixd

06 - 19 - 90

EXHIBIT "A" VOL 534 PAGE 338
 LEGAL DESCRIPTION

Beginning at the point of intersection of the Southerly line of MONTEITH'S ADDITION to the City of Albany with the Southeasterly line of Pacific Highway U.S. 99E; thence Southwesterly along said Southeasterly line, 260 feet; thence Southeasterly at right angles from last described course, 125 feet to a point in a line parallel with and distant 15.0 feet Northwesterly, measured at right angles, from the center line of that certain spur tract ending in said Southerly line of MONTEITH'S ADDITION; thence Northeasterly along said parallel line, 360 feet to a point in said Southerly line; thence Westerly along said Southerly line, 160 feet to the point of beginning, Linn County, Oregon.

EXCEPTING THEREFROM that portion of the above described property lying within the limits of public roads and highways.

FURTHER EXCEPTING: Beginning at an iron rod at the point of intersection of the Southerly line of MONTEITH'S SOUTHERN ADDITION to the City of Albany, with the Southeasterly line of Pacific Highway U.S. 99E (100 feet wide); thence South 30°24'00" West along said Southeasterly line, 256.92 feet to the true point of beginning of the parcel of land to be described; thence continuing South 30°24'00" West along said Southeasterly line, 3.08 feet; thence South 59°36'00" East at right angles from the last described course, 120.55 feet to a point in a line parallel with and distant 15 feet Northwesterly, measured at right angles, from the center line of that certain Track No. 2108 (known as the Drill Track) of the Southern Pacific Transportation Company; thence North 30°39'10" East along said parallel line, 2.86 feet to a point distant South 59°29'38" East 120.56 feet from said true point of beginning; thence North 59°29'38" West 120.56 feet to the true point of beginning.

Tripp

JUN 19 2 37 PM '90

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STATE OF OREGON
 County of Linn

STEVE DRUCKENWILLER
 Linn County Clerk

I hereby certify that the attached was received and duly recorded by me in Linn County records.

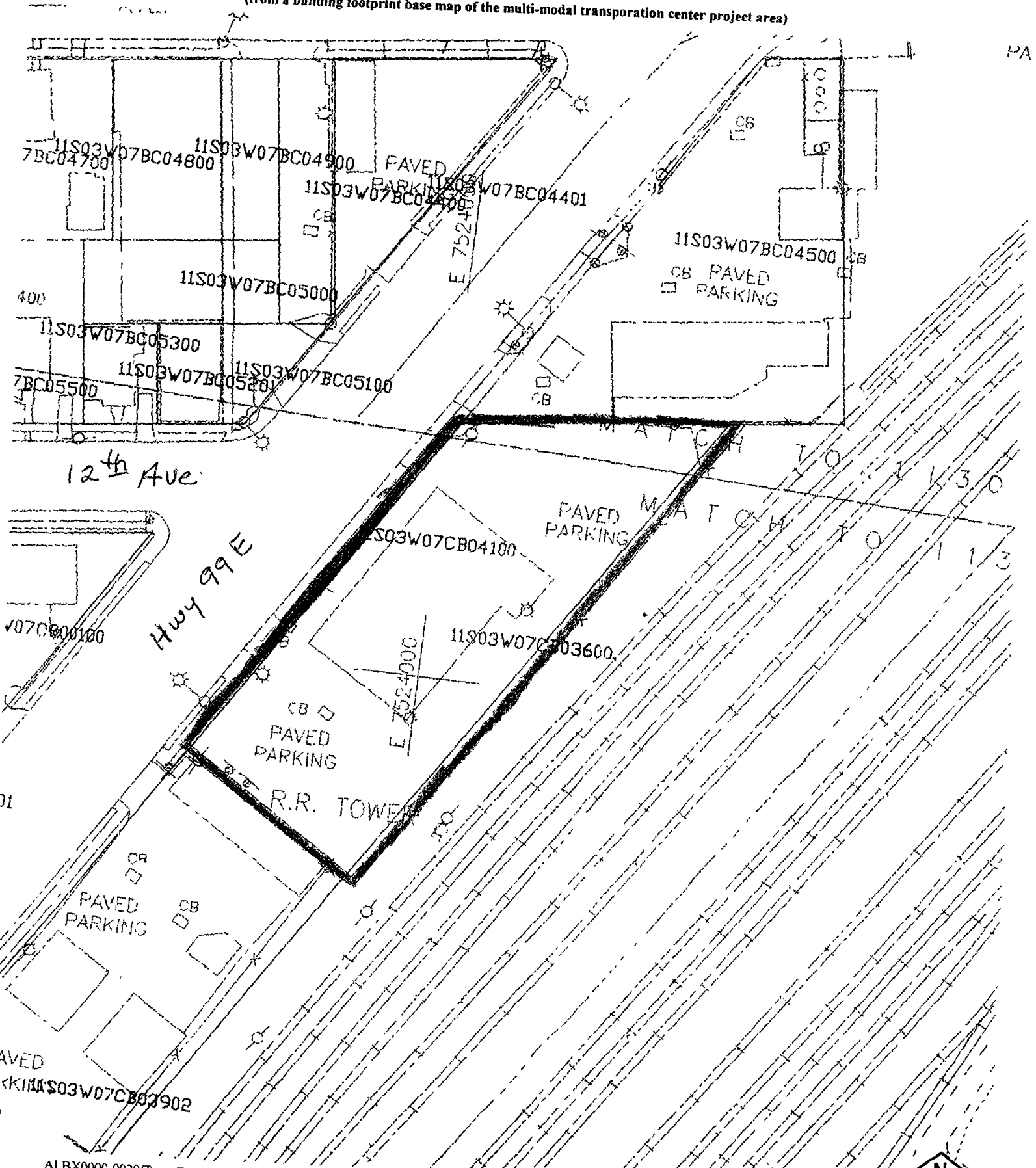
By *[Signature]*, Deputy

Volume 534 Page 338

JUN 19 1990

SUBJECT PROPERTY SITE MAP

(from a building footprint base map of the multi-modal transportation center project area)



PA