

RESOLUTION NO. 4806

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT OF WAY DEDICATION AND EASEMENT:

Grantor

Schneider Homes, Inc.

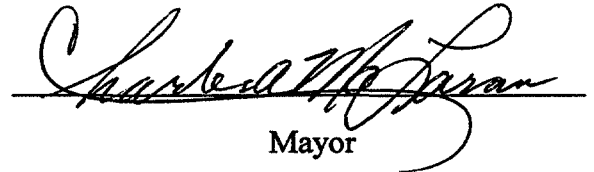
Purpose

RIGHT OF WAY DEDICATION, more particularly described as Track 1 in attached EXHIBIT A and shown as Track 1 in attached EXHIBIT B; and a PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown in attached EXHIBIT B.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of- way dedication and easement; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 12th DAY OF MARCH 2003.



Mayor

ATTEST:



City Recorder

RIGHT-OF-WAY DEDICATION
AND
PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **Schneider Homes, Inc.**, hereinafter called Grantor, does dedicate to the City of Albany, a Municipal Corporation, herein called "City" for right-of-way and easement purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded in M 899-165, Linn County deed records, and being more particularly described as follows:

RIGHT OF WAY DEDICATION, more particularly described as Tract 1 in attached EXHIBIT A and shown as Tract 1 in attached EXHIBIT B; and a

PUBLIC UTILITY EASEMENT, more particularly described as Tract 2 in attached EXHIBIT A and shown in attached EXHIBIT B.

The Grantor covenants 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 same against all persons who may lawfully claim the same.

The deed and easement dedicated herein are in consideration of \$4,022.00, 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.

WITNESSETH:

This agreement is subject to the following terms and conditions:

1. The public utility easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easements at any time that it may see fit, for construction, maintenance, evaluation, and repair purposes, together with the right to excavate and refill ditches and/or trenches for the location of the said utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said utilities.
2. Upon performing any maintenance, the City shall return the site to original or better condition.
3. No permanent structure shall be constructed on the easement.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year written below.

GRANTOR: SCHNEIDER HOMES, INC.

By: [Signature]
Gerald E. Schneider, President

Date: 1-30-03

GRANTOR: SCHNEIDER HOMES, INC.

By: [Signature]
Harry J. Schneider, Vice President

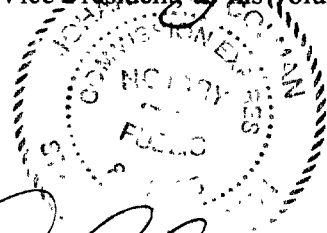
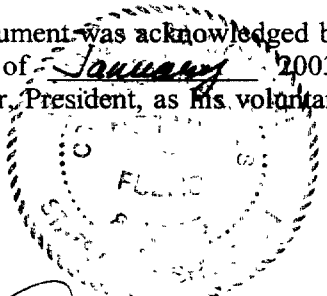
Date: 1-30-03

STATE OF WASHINGTON)
County of King) ss.
City of Tukwila)

STATE OF WASHINGTON)
County of King) ss.
City of Tukwila)

The foregoing instrument was acknowledged before me this 30 day of January 2003, by Gerald E. Schneider, President, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 30 day of January 2003, by Harry J. Schneider, Vice President, as his voluntary act and deed.



[Signature]
Notary Public for Oregon Washington
My Commission Expires: 8-15-05

[Signature]
Notary Public for Oregon Washington
My Commission Expires: 8-15-05

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4806 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of March 2003.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

EXHIBIT "A"

City of Albany
 Vestee: Schneider Homes, Inc., A Washington Corporation
 Tax Map No. 11S04W24DA-001300

Tract 1 (Right-of-Way)

Beginning at a point on the South right-of-way line of S.W. 53 rd Avenue at its intersection with the West line of that Tract of Land described in M.F. 899, Page 165, Records for Linn County, Oregon, which point bears South 00°44'22" East 1795.12 feet and North 89°38'00" West 347.91 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No.77 situated in Section 24, Township 11 South, Range 4 West, Willamette Meridian in Linn County, Oregon;

thence South 89°38'00" East along said right-of-way line, a distance of 307.16 feet to the Northwest corner of that parcel of land conveyed to the State of Oregon as described in Volume 436, Page 743, Deed Records;

thence South 46°46'16" East 8.80 feet to a point on the Westerly right-of-way line of U.S. Highway 99E;

thence Southeasterly along said right-of-way line on the arc of an offset spiral curve to the left (the chord of which bears South 04°25'43" East 20.72 feet) a distance of 20.72 feet;

thence North 54°06'37" West 35.50 feet;

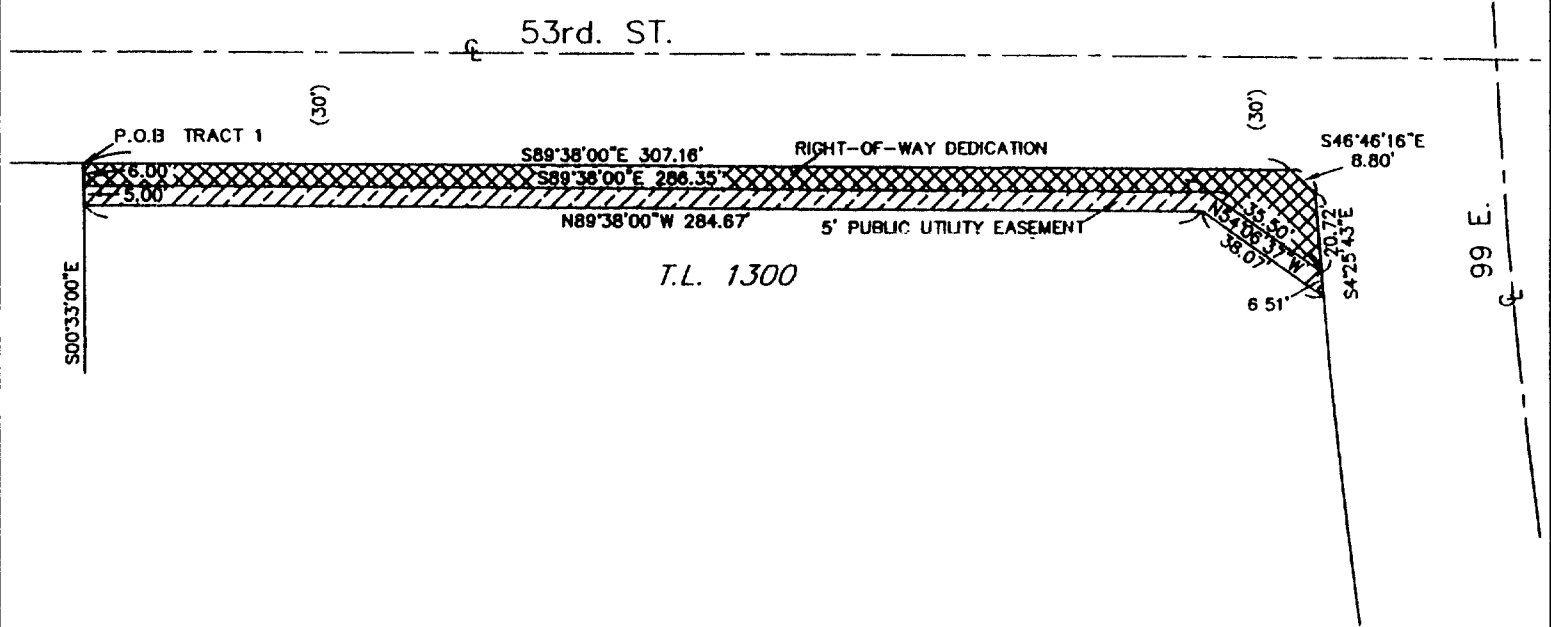
thence North 89°38'00" West 286.35 feet to the West line of said tract described in M.F. 899, Page 165;

thence North 00°33'00" West 6.00 feet to the Point of Beginning and containing 2142.2 square feet of land, more or less.

Tract 2 (Public Utility Easement)

1. A 5.00 foot wide strip of land lying parallel with and contiguous to the Southerly line of Tract

Contains 1611.5 square feet of land, more or less.



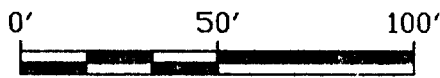
RIGHT OF WAY
PUBLIC UTILITY EASEMENT



EXHIBIT "B"

STREET IMPROVEMENT
S.W. 53rd AVENUE

SCHNEIDER HOMES, INC.
5310 PACIFIC BLVD. SUITE 1
ALBANY, OREGON 97321
M.F. 899 PAGE 165



TAX MAP 114W24DA - 01300
LINN COUNTY, OREGON

CITY OF ALBANY
DEPARTMENT OF
PUBLIC WORKS

ACQUISITION MAP

P.N. ST-98-01

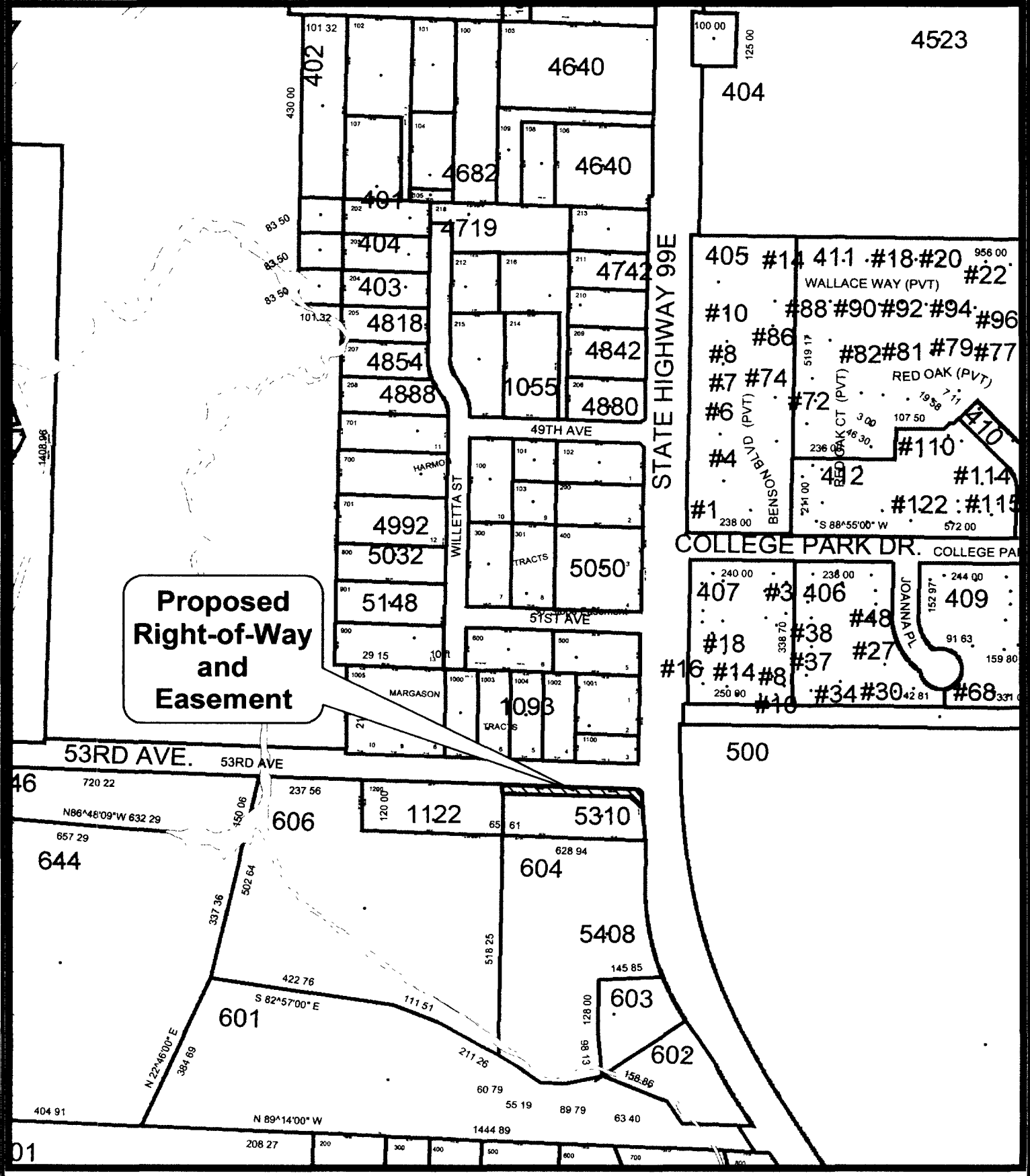
BY: B.S.C. DATE: 12-24-02

Street Improvement
S.W. 53rd Avenue
ST-98-01

VICINITY MAP VOL 1400 PAGE 65



1 inch equals 300 feet



STATE OF OREGON
County of Linn

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

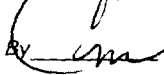
STEVE DRUCKENMILLER
Linn County Clerk

M 25
S 70
A 14
O 5

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2003 MAR 20 P 1:20

MF1400

By  Deputy PAGE 61

Resolution No. 4806

Recorded Document Recorder File No. 4184