

RESOLUTION NO. 5425

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION:

Grantor

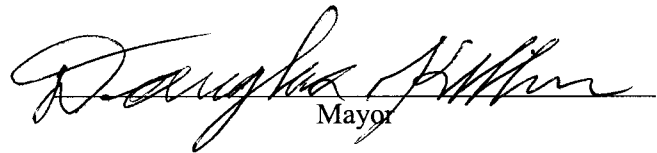
Paul S Hightower
Patricia D Hightower

Purpose

Dedicate Right-of-Way for 2nd Avenue Periwinkle
Creek Bridge project.

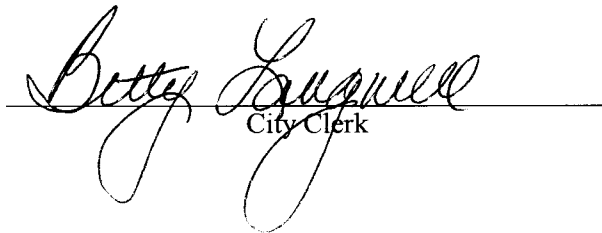
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication deed.

DATED AND EFFECTIVE THIS 25TH DAY OF APRIL 2007.



Mayor

ATTEST:



City Clerk

RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Paul S. Hightower and Patricia D. Hightower, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantors by deed recorded in MF Volume 1488, Page 123, Linn County deed records, and being more particularly described as follows:

See attached Legal Description labeled Exhibit A, attached Right-of-Way Map labeled Exhibit B, and attached Vicinity Map labeled Exhibit C.

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 right-of-way dedicated herein is in consideration of \$7,370.00, receipt of which is acknowledged by the Grantor, and in further consideration of \$3,000.00, receipt of which is acknowledged by the Grantor, for compensation for the loss of the deodar cedar tree and four other at risk trees, and in further consideration of \$755.00, receipt of which is acknowledged by the Grantor, for private improvements to be completed by the property owner, and in further consideration of improvements to protect Grantor's property as shown on Sheet 1 and 4 dated January 23, 2007, emailed to Mr. and Mrs. Hightower on January 24, 2007, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

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

GRANTORS:

Paul S Hightower
Paul S Hightower

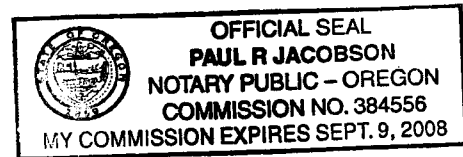
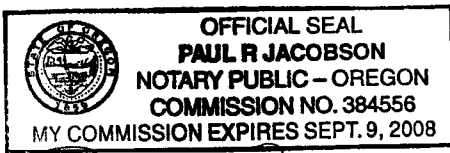
Patricia D Hightower
Patricia D Hightower

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

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

The foregoing instrument was acknowledged before me this 16th day of March, 2007, by Paul S Hightower as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 16th day of March, 2007, by Patricia D Hightower as his/her voluntary act and deed.



Paul R Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

Paul R Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

CITY OF ALBANY:

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

Diane Tamiguel Dennis Pro Tem

I, ~~Wes Hare~~, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5425, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of April 2007.

Diane Tamiguel Dennis
City Manager Pro Tem

ATTEST:

Betty Langwell
City Clerk

EXHIBIT A

2nd Avenue Crossing of Periwinkle Creek
October 13, 2006
Page 1 of 4

City Project No. BR-06-01
Map & Tax Lot No. 11 3W 5CC-8500
File No. 002

PARCEL 1 (Right-Of-Way Dedication)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Bargain and Sale Deed to Paul S. and Patricia D. Hightower, as described in MF Volume 1488, Page 123, recorded September 16, 2003, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Southerly Side of Center Line</u>
14+31.67		14+66.67	59.18 in a straight line to 69.06
14+66.67		14+77.80	69.06 in a straight line to 30.28

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

Bearings based on C.S. 24272 filed on April 6, 2006, Linn County, Oregon.

The parcel of land contains 1,114 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue, being more particularly described as follows:

Beginning at a point on the retraced centerline of S.E. Second Avenue Station 10+00.00 as recorded under Survey Number C.S. 24272, Linn County Survey Records, said point bears N 07°05'29" W, 33.00 feet from a found 3/4" iron bolt at the southwest corner of Hackelmanns 4th addition to Albany, Oregon, Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon;

Thence N 82°54'31" E, 700.00 feet to Station 17+00.00 and the terminus of this retraced centerline.

(CONTINUED ON PAGE 2)

PARCEL 2 (Temporary Construction Access)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Bargain and Sale Deed to Paul S. and Patricia D. Hightower, as described in MF Volume 1488, Page 123, recorded September 16, 2003, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly and westerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Southerly Side of Center Line</u>
14+31.67		14+80.25	59.18 in a straight line to 72.89
14+80.25		14+88.27	72.89 in a straight line to 41.94
14+88.27		14+87.50	41.94 in a straight line to 29.58

EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

ALSO: EXCEPTING therefrom Parcel 1.

The parcel of land contains 554 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue described herein, being more particularly described in Parcel 1.

PARCEL 3 (Temporary Construction Access)

A parcel of land lying in the Southwest One-Quarter of the Southwest One-Quarter of Section 5 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon and being a portion of that property described in Bargain and Sale Deed to Paul S. and Patricia D. Hightower, as described in MF Volume 1488, Page 123, recorded September 16, 2003, Linn County Deed Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

The widths in feet of said strip of land above referred to are as follows:

<u>Station</u>	to	<u>Station</u>	<u>Width on Southerly Side of Center Line</u>
15+36.45		15+59.16	26.01 in a straight line to 30.13

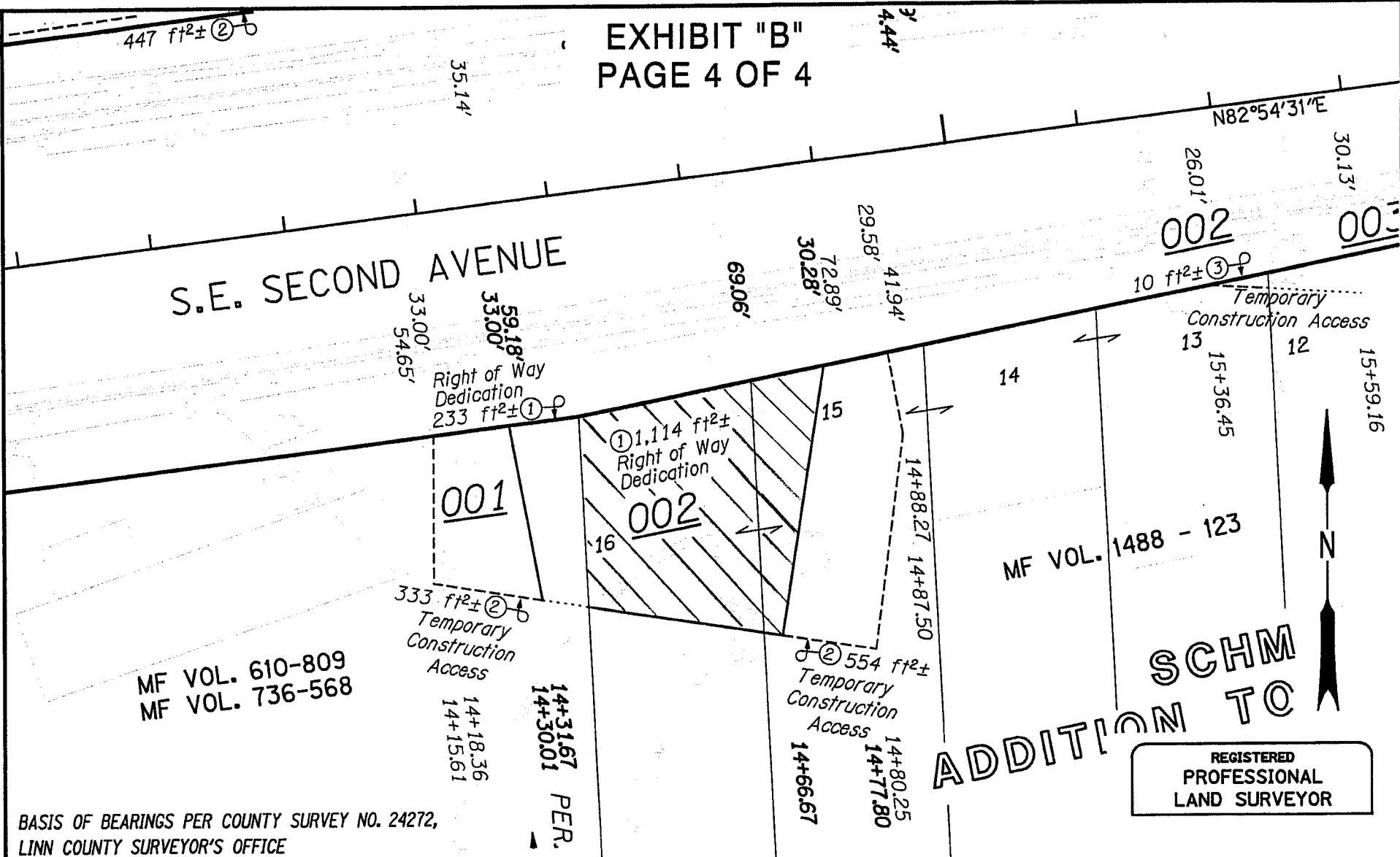
EXCEPTING therefrom that portion lying within the existing right-of-way of S.E. Second Avenue.

The parcel of land contains 10 square feet, more or less.

The stationing used to describe this parcel is based on the retraced centerline of S.E. Second Avenue described herein, being more particularly described in Parcel 1.

EXHIBIT "B"
PAGE 4 OF 4

S.E. SECOND AVENUE



BASIS OF BEARINGS PER COUNTY SURVEY NO. 24272,
LINN COUNTY SURVEYOR'S OFFICE

CITY OF ALBANY			
SECTION	BR-06-01, 2ND AVENUE CROSSING OF PERIWINKLE CREEK		
DRG. NO.	FILE 002	KEY NO.	N/A
HIGHWAY	N/A		
COUNTY	LINN COUNTY		
SCALE :	1"=20'		
DATE :	OCTOBER 13, 2006		

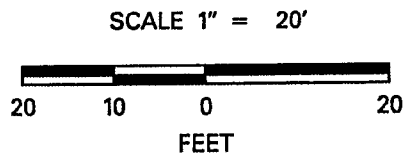


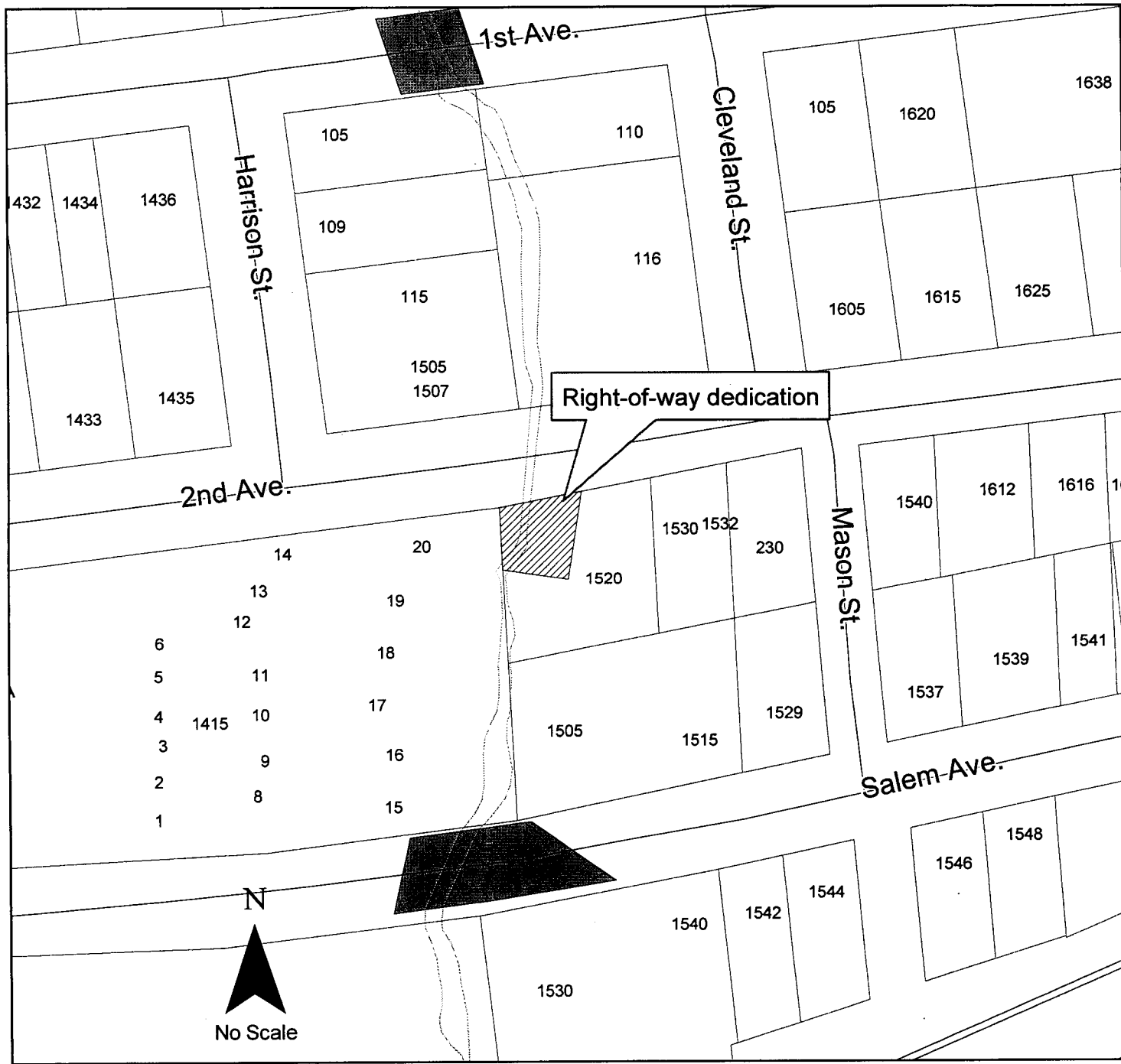
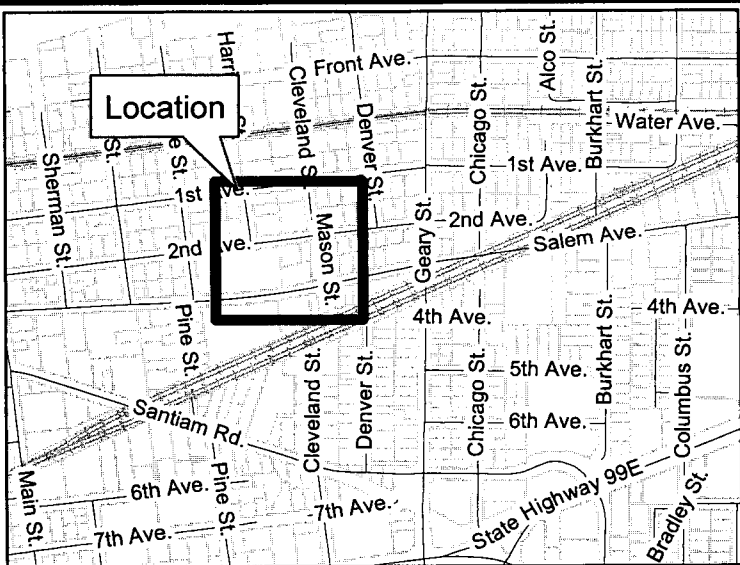
EXHIBIT C

11SO3W05CC08500

BR-06-01;
2nd Avenue Crossing of
Periwinkle Creek



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-13424**
E-ROW
Cnt=1 Stn=1 COUNTER **06/01/2007 02:31:05 PM**
\$40.00 \$11.00 \$10.00 **\$61.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

City of Albany Assessment Clerk _____

PO Box 490 _____

Albany, OR 97321 _____

1. Name/Title of Transaction - by ORS 205.234 (a)

Right-of-Way _____

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Paul S. Hightower and Patricia D. Hightower _____

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany _____

4. True and Actual Consideration (if there is one), ORS 93.030

\$7,370.00 _____

Resolution No. 5425

Recorded Document Recorder File No. 4906