

A RESOLUTION ACCEPTING THE FOLLOWING WARRANTY DEED:

Grantor

Purpose

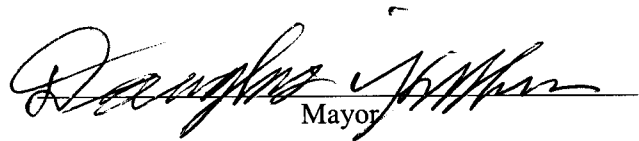
**TIMBERHILL CORPORATION; MARY MORRIS, TRUSTEE OF THE EVELYN F. BRANDIS FAMILY CHARITABLE TRUST NO. 1; MARY MORRIS, TRUSTEE OF THE EVELYN F. BRANDIS FAMILY CHARITABLE TRUST NO. 2; JOHN BRANDIS, JR.; SUSAN B. DECKER; AND GAIL (TRINITY) O. LIND**

A warranty deed transferring ownership of a parcel of land that lies over and adjacent to portions of Burkhart Creek and the diversion ditch connecting Burkhart Creek to Truax Creek, as required by conditions of approval of a land partition.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this warranty deed.

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 SEPTEMBER 2007.

  
Mayor

ATTEST:

  
City Clerk

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **TIMBERHILL CORPORATION; MARY MORRIS, TRUSTEE OF THE EVELYN F. BRANDIS FAMILY CHARITABLE TRUST NO. 1; MARY MORRIS, TRUSTEE OF THE EVELYN F. BRANDIS FAMILY CHARITABLE TRUST NO. 2; JOHN BRANDIS, JR.; SUSAN B. DECKER; and GAIL (TRINITY) O. LIND;** hereinafter collectively called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto **THE CITY OF ALBANY, OREGON, A MUNICIPAL CORPORATION,** hereinafter called the GRANTEE, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Linn and State of Oregon, to wit:

As shown on the attached map labeled Exhibit "A".

SUBJECT TO: All those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the 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.

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 FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.


The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$1.00.

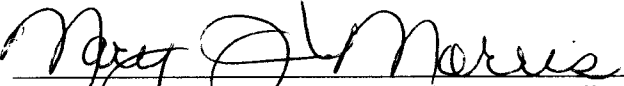
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

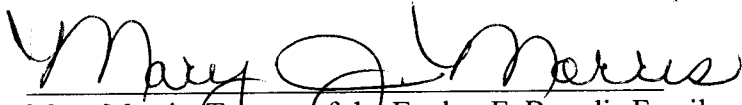
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

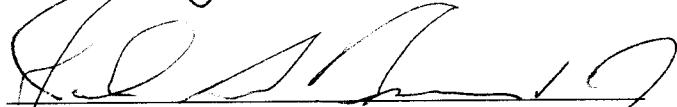
**GRANTORS:**

**TIMBERHILL CORPORATION, an Oregon corporation**

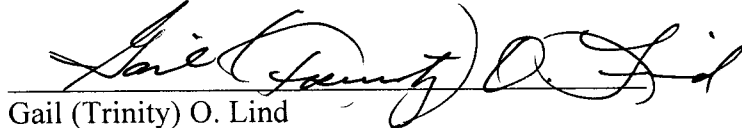
By:   
Tanya Durkee, President

  
Mary Morris, Trustee of the Evelyn F. Brandis Family  
Charitable Trust No. 1

  
Mary Morris, (Trustee of the Evelyn F. Brandis Family  
Charitable Trust/No. 2

  
John Brandis, Jr.

  
Susan B. Decker

  
Gail (Trinity) O. Lind



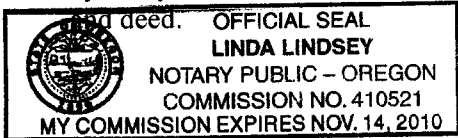
STATE OF OREGON )  
County of Multnomah ) ss.

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of June, 2007, by Tanya Durkee, on behalf of Timberhill Corporation, as her voluntary act and deed.

Elizabeth L. Pinkley  
Notary Public for Oregon  
My Commission Expires: 8-7-2007

STATE OF OREGON )  
County of Benton ) ss.

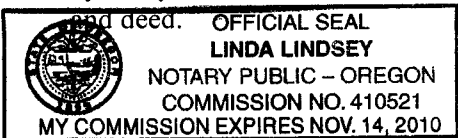
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of June, 2007, by Mary Morris, on behalf of the Evelyn F. Brandis Family Charitable Trust No. 1, as her voluntary act



Linda Lindsey  
Notary Public for Oregon  
My Commission Expires: 11.14.10

STATE OF OREGON )  
County of Benton ) ss.

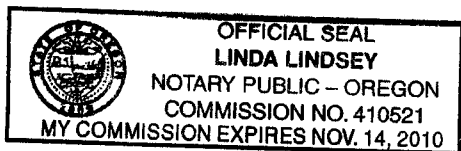
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of June, 2007, by Mary Morris, on behalf of the Evelyn F. Brandis Family Charitable Trust No. 2, as her voluntary act



Linda Lindsey  
Notary Public for Oregon  
My Commission Expires: 11.14.10

STATE OF OREGON )  
County of Benton ) ss.

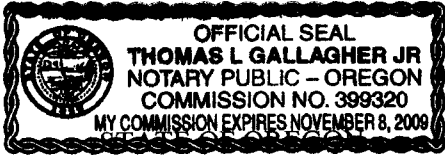
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of June, 2007, by John Brandis, Jr. as his voluntary act and deed.



Linda Lindsey  
Notary Public for Oregon  
My Commission Expires: 11.14.10

STATE OF OREGON )  
County of Benton ) ss.

The foregoing instrument was acknowledged before me this 13 day of June, 2007,  
by Susan B. Decker as her voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 11-8-09

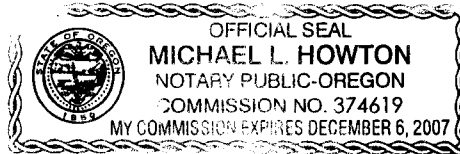
County of Baker ) ss.

The foregoing instrument was acknowledged before me this 31 day of May, 2007,  
by Gail (Trinity) O. Lind as her voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission Expires: 12-6-07

**CITY OF ALBANY:**

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



Wes Hare  
I, ~~Steve Bryant~~ as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5483, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of September 2007.

Wes Hare  
City Manager

ATTEST: [Signature]  
City Recorder

KNOX BUTTE ROAD COUNTY ROAD # 7

LEGAL DESCRIPTION:  
PARCEL 2, PARTITION PLAT NO.  
2007 - 73 ,  
RECORD OF PARTITION PLATS,  
COUNTY OF LINN, STATE OF  
OREGON.

PROPERTY TO BE CONVEYED,  
SEE LEGAL DESCRIPTION ABOVE.



SCALE 1" = 200'



**PACWEST ENGINEERING**  
1530 Ninth Avenue SE  
Albany, OR 97322  
Phone (541) 926-7634  
Fax (541) 926-7539

DWG: EXHIBITA.DWG  
DATE: 08/13/07  
PROJECT: 05-073

**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-24909**  
D-WD  
Cnt=1 Stn=1 COUNTER **10/19/2007 02:44:20 PM**  
\$30.00 \$11.00 \$10.00 **\$51.00**



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:  
Exempt \_\_\_\_\_  
\_\_\_\_\_

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

WARRANTY DEED \_\_\_\_\_

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

Timberhill Corporation; Mary Morris, Trustee of the Evelyn F. Brandis Family Charitable Trust No. 1; Mary Morris, Trustee of the Evelyn F. Brandis Family Charitable Trust No. 2; John Brandis, Jr.; Susan B. Decker; and Gail (Trinity) O. Lind \_\_\_\_\_

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

\$1.00 \_\_\_\_\_

Resolution No. 5483

Recorded Document Recorder File No. 4983