

RESOLUTION NO. 5822

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

Grantor

Purpose

Layne and Kimberly A. Westberg

Expanding the right-of-way of Patrick Lane by 18 feet, as required by a condition of approval for Fabian Estates development.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication 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 AUGUST, 2009.



Mayor

ATTEST:



Betty Langwell
City Clerk


Grantor:

Layne and Kimberly A. Westberg
4075 Camela Dr. NW
Albany, OR 97321

After Recording Return To:

City of Albany Recorder
P.O. Box 490
Albany, OR 97321

DEDICATION DEED

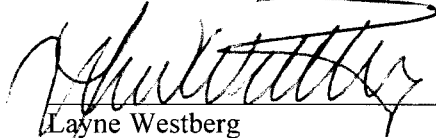
KNOW ALL MEN BY THESE PRESENTS that **Layne and Kimberly A. Westberg**, husband and wife, hereinafter referred to as Grantor, hereby dedicate to the **City of Albany**, a Municipal Corporation, hereinafter called "City," for right-of-way purposes, all that real property situated in Benton County, Oregon, particularly described in Exhibit "A" and shown in the map attached hereto as Exhibit "B." 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.

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.

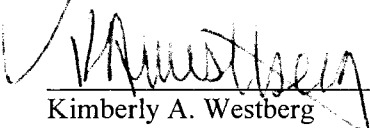
The right-of-way dedicated herein is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 25th day of July 2009.

GRANTOR:



Layne Westberg



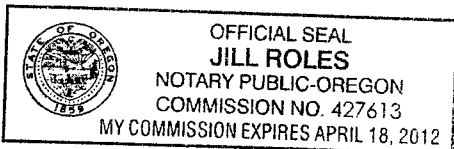
Kimberly A. Westberg

~~CITY OF ALBANY, OREGON~~

~~_____
Wes Hare, City Manager~~

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

The instrument was acknowledged before me this 25th day of July, 2009, by Layne Westberg.

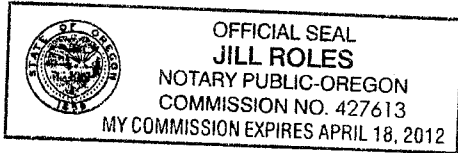




NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-18-2012

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

The instrument was acknowledged before me this 31st day of July, 2009,
by Kimberly A. Westberg.



Jill Roles
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-18-2012

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution No. _____ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2009.

City Manager

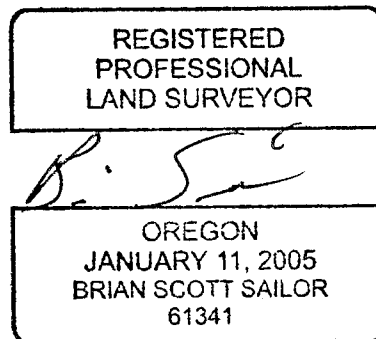
ATTEST:

City Recorder

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION

Beginning at a 3/4 inch iron rod at the Northeast corner of that property conveyed to Layne D. and Kimberly A. Westberg in Benton County Deed Record Microfilm 232012-97 and being located in Section 36 of Township 10 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon; thence along the West line of said Westberg property South 00°15'42" East 255.80 feet to a 3/4 inch iron rod at the Southwest corner of said Westberg property, also being on the North right-of-way line of NW Maier Lane (a 30 foot right-of-way); thence along the South line of said Westberg property South 89°54'40" East 30.00 feet; thence along a 12.00 foot radius curve to the left 18.85 feet (the long chord of which bears North 45°15'42" West 16.97 feet); thence North 00°15'42" West 243.88 feet to a point on the North line of said Westberg property; thence along said North line North 89°54'40" West 18.00 feet to the point of beginning.

The basis of bearings for the above described legal description is Benton County Survey No. 10356. The area contained within this description consists of 4,635 square feet of land, more or less.



RIGHT OF WAY EXHIBIT

LOCATED IN THE SW 1/4 OF SECTION 36,
TOWNSHIP 10 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF ALBANY, BENTON COUNTY, OREGON

DATE: JULY 29, 2009



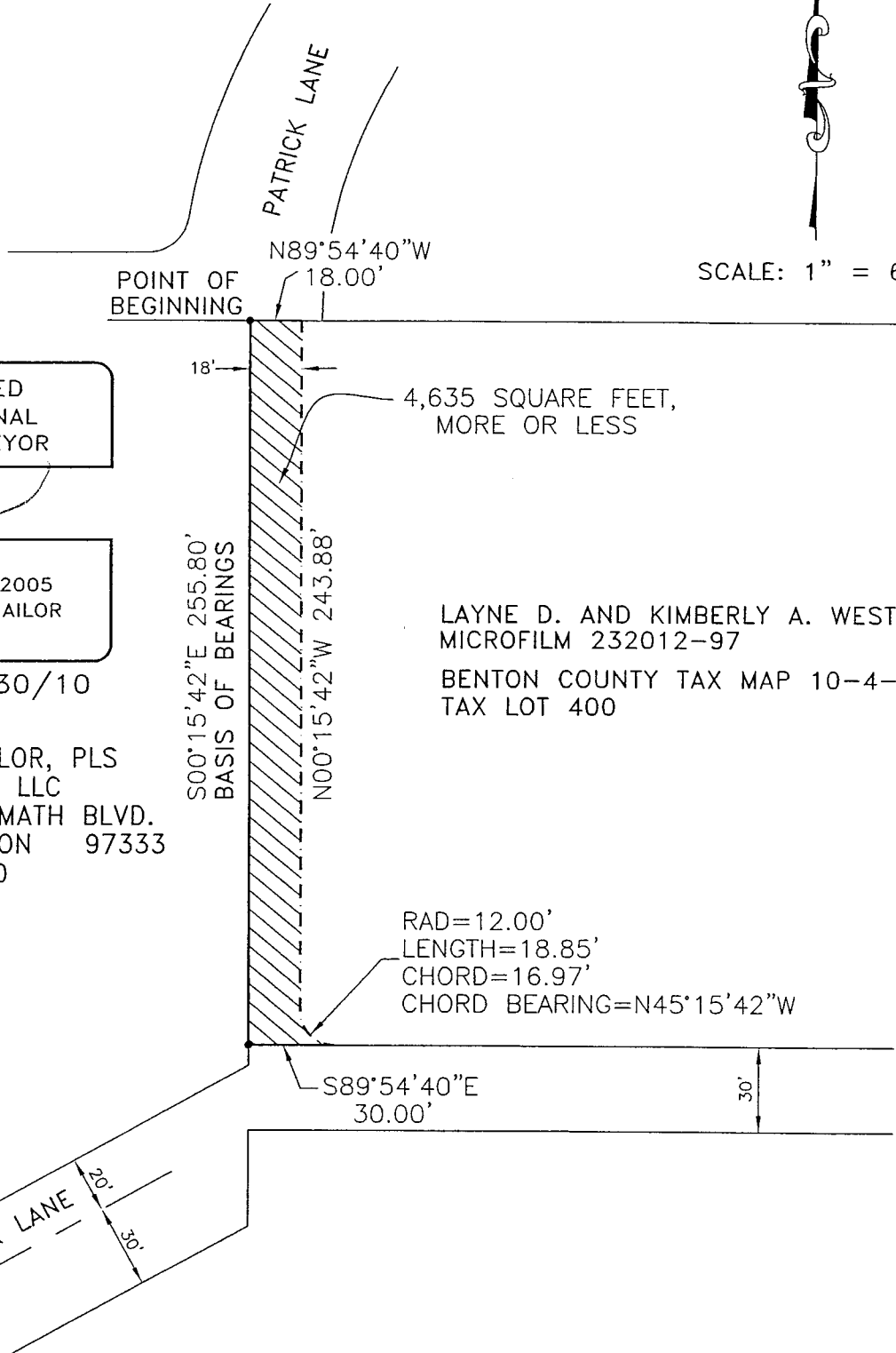
SCALE: 1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

B. S. Sailor
OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES 6/30/10

BRIAN SCOTT SAILOR, PLS
COLE SURVEYING, LLC
6765 S.W. PHILOMATH BLVD.
CORVALLIS, OREGON 97333
(541) 929-5500



9863ROW2

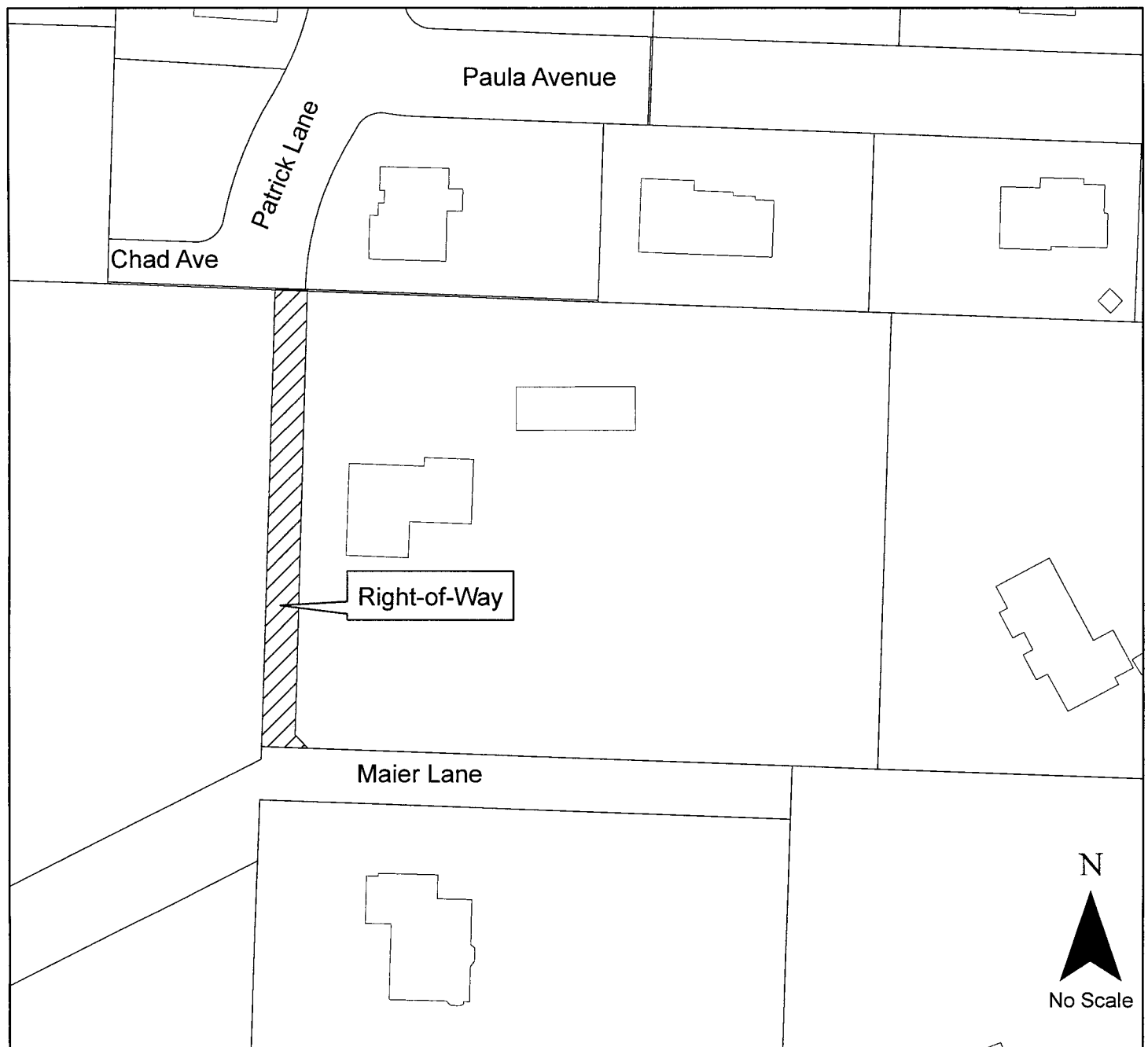
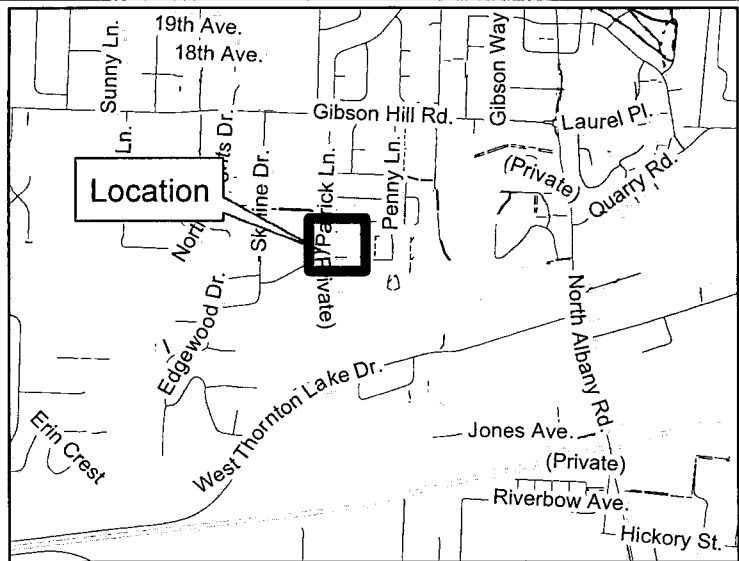
EXHIBIT C

10SO4W36CD00400

Expanding the right-of-way of Patrick Lane by 18-feet, as required by a condition of approval for Fabian Estates development.



Geographic Information Services



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City of Albany Recorder _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

NA _____

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

DEDICATION DEED

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

Layne and Kimberly A. Westberg _____

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 _____

BENTON COUNTY, OREGON **2009-455785**
DE-DD
Cnt=1 Stn=9 KH **08/19/2009 01:51:56 PM**
\$30.00 \$11.00 \$10.00 \$15.00 **\$66.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



Resolution No. 5822

Recorded Document Recorder File No. 5371