

RESOLUTION NO. 5824

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

Grantor

Purpose

**Gary and Patricia Davenport**

Expanding the right-of-way of Maier Lane and Patrick Lane by variable width, as required by a condition of approval for Fabian Estates development.

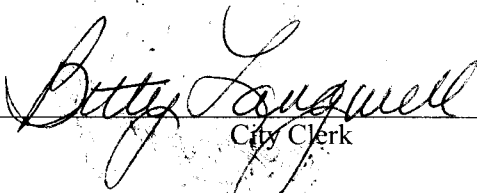
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication deed.

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:

  
\_\_\_\_\_  
City Clerk

**Grantor:**

Gary and Patricia Davenport  
P.O. Box 3184  
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 **Gary and Patricia Davenport**, 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 31<sup>st</sup> day of July 2009.

**GRANTOR:**

  
\_\_\_\_\_  
Gary Davenport

  
\_\_\_\_\_  
Patricia Davenport

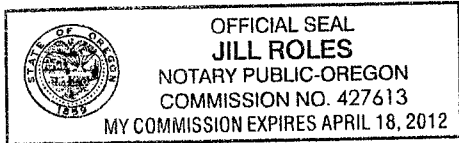
~~CITY OF ALBANY, OREGON~~

~~\_\_\_\_\_  
Wes Hare, City Manager~~

**(NOTARY BLOCKS CONTINUED ON NEXT PAGE)**

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

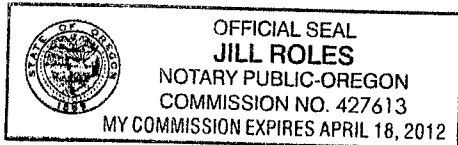
The instrument was acknowledged before me this 31<sup>st</sup> day of July, 2009,  
by Gary Davenport.



Jill Roles  
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 31<sup>st</sup> day of July, 2009,  
by Patricia Davenport.



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

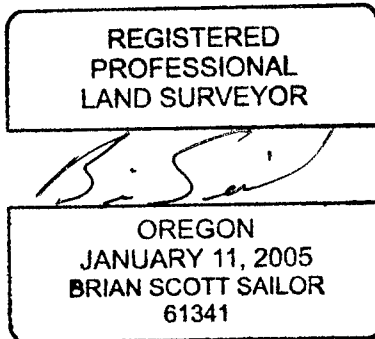
ATTEST:

\_\_\_\_\_  
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 Gary and Patricia A. Davenport in Benton County Deed Record Microfilm 2009-448051 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 East line of said Davenport property South 00°15'42" East 255.80 feet to a 3/4 inch iron rod at an angle point in said East line; thence South 00°07'30" East 7.23 feet to a 5/8 inch iron rod at the Southeast corner of said Davenport property, also being on the North right-of-way line of NW Maier Lane (a 50 foot right-of-way); thence along the South line of said Davenport property South 61°03'13" West 359.53 feet to a 5/8 inch iron rod at the Southwest corner of said Davenport property; thence along the West line of said Davenport property North 00°08'02" West 4.57 feet; thence North 61°03'13" East 274.04 feet; thence along a 100.00 foot radius curve to the left 107.02 feet (the long chord of which bears North 30°23'46" East 101.98 feet); thence North 00°15'42" West 172.91 feet; thence North 45°05'04" West 17.02 feet to a 5/8 inch iron rod at an interior angle point in said Davenport property; thence North 00°15'42" West 27.00 feet to a 5/8 inch iron rod at the most northerly Northwest corner of said Davenport property; thence along the most northerly line of said Davenport property South 89°54'40" East 35.00 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 8,502 square feet of land, more or less.

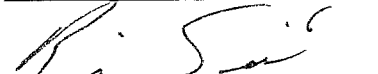


# RIGHT OF WAY EXHIBIT

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

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



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

GARY AND PATRICIA A. DAVENPORT  
MICROFILM 2009-448051  
BENTON COUNTY TAX MAP 10-4-36CC  
TAX LOT 3311



SCALE: 1" = 60'

PATRICK LANE

POINT OF BEGINNING

S89°54'40"E  
35.00'

N00°15'42"W  
27.00'

N45°05'04"W  
17.02'

N00°15'42"W 172.91'

S00°15'42"E 255.80'  
BASIS OF BEARINGS

23'

RAD=100.00'  
LENGTH=107.02'  
CHORD=101.98'  
CHORD BEARING=N30°23'46"E

8,502 SQUARE FEET,  
MORE OR LESS

S00°07'30"E  
7.23'

N61°03'13"E 274.04'

S61°03'13"W 359.53'

MAIER LANE

50' EXISTING RIGHT OF WAY

N00°08'02"W  
4.57'

9863ROW1

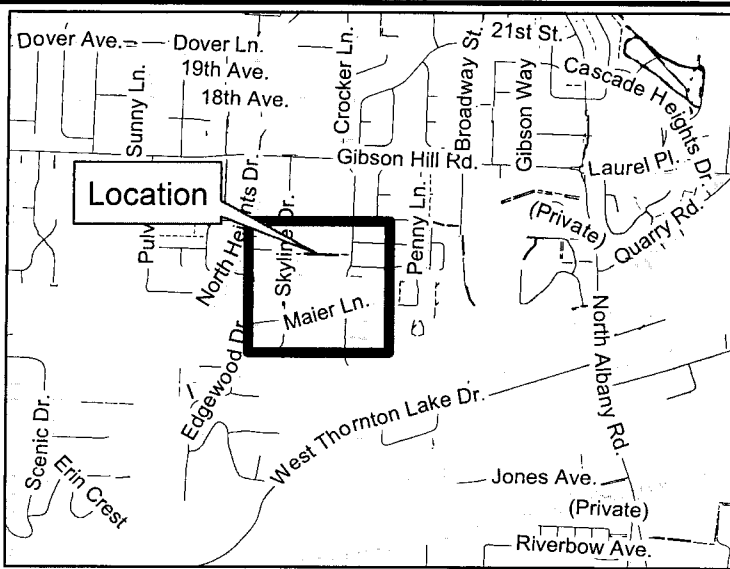
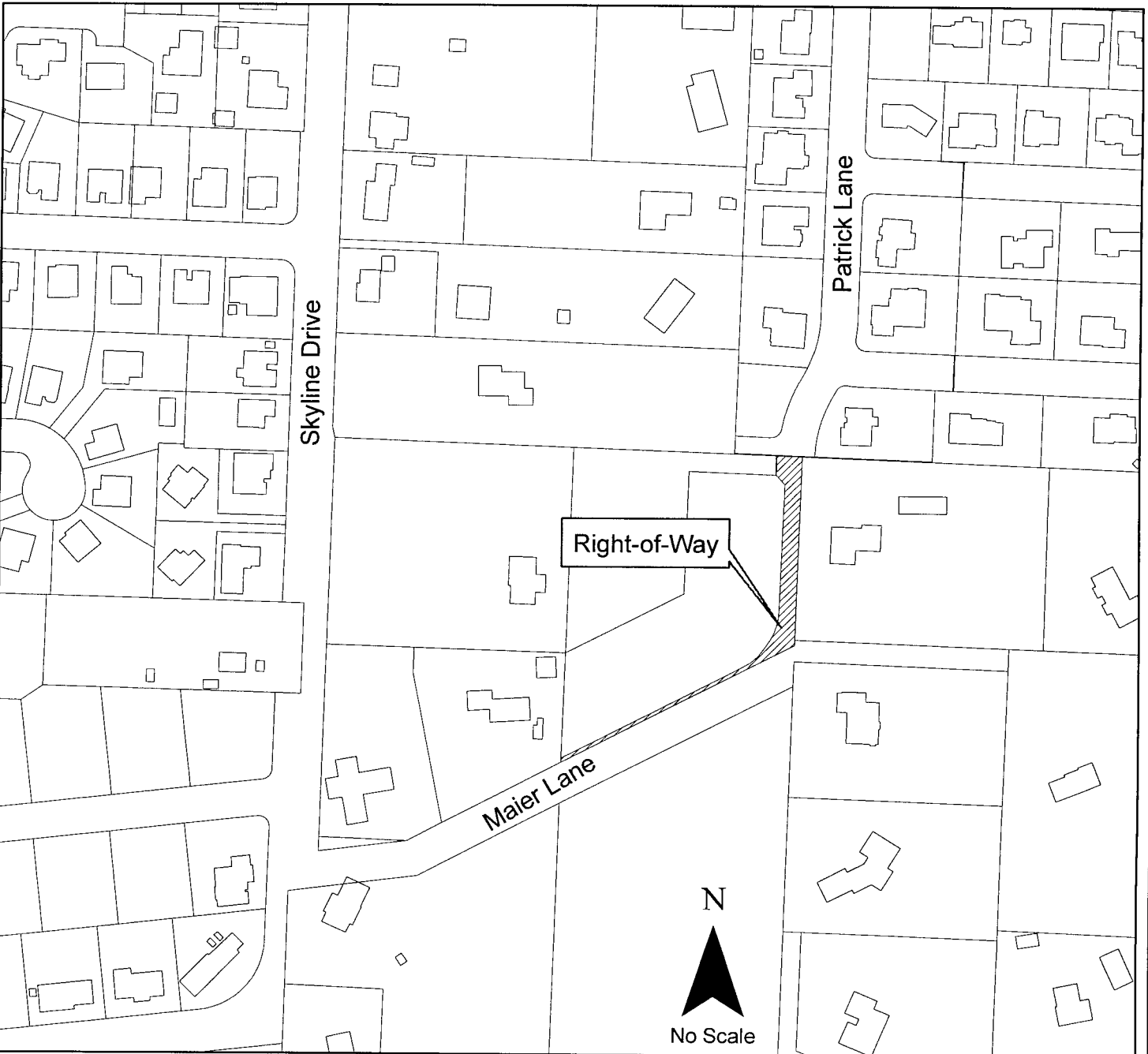
# EXHIBIT C

10SO4W36CC03311

Expanding the right-of-way of Maier Lane and Patrick Lane 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.

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**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

Gary and Patricia Davenport

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 **2009-455786**  
DE-DD **08/19/2009 01:51:56 PM**  
Cnt=1 Stn=9 KH  
\$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. 5824

Recorded Document Recorder File No. 5367