

RESOLUTION NO. 6088

A RESOLUTION DIRECTING STAFF TO EXECUTE THE FOLLOWING BARGAIN AND SALE DEED:

Grantor

Purpose

Chung Ping Lee and Lai Kuen aka Lai Kuen Lee

A Bargain and Sale deed for the acquisition of a variable width tract of land south of 9th Avenue and west of Oak Street, across a portion of Tax Lot 11S03W07AD 00100 as part of the Oak Street improvement project.


NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby direct staff to execute this bargain and sale deed.

DATED AND EFFECTIVE THIS 22ND DAY OF FEBRUARY 2012.

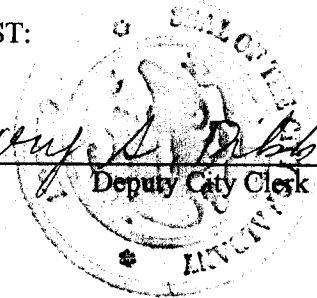


Mayor

ATTEST:



Deputy City Clerk



Chung Ping Lee and Lai Kuen Lee
Grantor

City of Albany
Grantee

After Recording Return to:

James V.B. Delapoer
Attorney at Law
P.O. Box 40
Albany, OR 97321

**Until requested otherwise send all tax
statements to:**

James V.B. Delapoer
Attorney at Law
P.O. Box 40
Albany, OR 97321

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that Chung Ping Lee and Lai Kuen Lee, hereinafter called *Grantor*, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto City of Albany, hereinafter called *Grantee*, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, shown in Exhibit "A" attached and described as follows, to-wit:

A portion of that Lee Tract described by deed recorded in MF Volume 791, Page 689, Linn County, Oregon Deed Records on March 11, 1996, said portion being more particularly described as follows:

Beginning at the northeast corner of said Lee Tract, said corner being at the intersection of the westerly right-of-way line of Oak Street with the southerly right-of-way line of 9th Avenue; thence South 06°22'11" East, along said westerly right-of-way line of Oak Street, 295.20 feet to the southeast corner of said Lee Tract; thence South 81°45'00" West, along the south line of said Lee Tract, 1.50 feet; thence North 06°22'11" West, parallel with said westerly right-of-way line, 136.11 feet; thence along the arc of a 354.44 foot radius curve to the left (the long chord of which bears North 11°51'46" West 74.95 feet), a distance of 75.09 feet; thence North 17°55'55" West 43.95 feet; thence North 37°01'03" West 25.15 feet; thence North 21°30'58" West 18.48 feet to a point on said southerly right-of-way line of 9th Avenue; thence North 81°45'00" East, along said southerly right-of-way line, 33.49 feet to the point of beginning.

The bearings and right-of-way determination used in this description are based on County Survey Number 25294, as filed in the office of the Linn County Surveyor.

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is an agreement to hold the Grantor harmless from local improvement district assessments in excess of \$10,000 (ST-09-03 Oak Street Local Improvement District). The estimated value of said hold harmless agreement is in excess of \$45,000. 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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of February, 2012.

Chung Ping Lee - Grantor

Lai Kuen Lee - Grantor

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on February _____, 2012, by Chung Ping Lee.

NOTARY PUBLIC FOR OREGON
My Commission Expires:

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on February _____, 2012, by Lai Kuen Lee.

NOTARY PUBLIC FOR OREGON
My Commission Expires:

EXHIBIT A

RIGHT-OF-WAY DEDICATION
PORTION OF LEE TRACT
LOCATED IN
NE 1/4 SEC. 7, T. 11S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

9TH AVENUE

66' R.O.W.

POINT OF BEGINNING

DEDICATION AREA:
2,149.03 S.F.

60' R.O.W.

OAK STREET

R: 354.44'
L: 75.09'
CH: N11°51'46"W 74.95'
DELTA: 12°08'19"

LEE TRACT
MF. VOL. 791, PG. 689

1.50'
S81°45'00"W

