

RESOLUTION NO. 6413

A RESOLUTION ACCEPTING THE FOLLOWING SPECIAL WARRANTY DEED:

Grantor

Lowe's Home Centers, LLC, a North Carolina limited liability company

Purpose

A variable width property conveyance by Special Warranty Deed for a public path as part of the Lowe's development project.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this Special Warranty Deed.

DATED AND EFFECTIVE THIS 13TH DAY OF MAY 2015.



Mayor

ATTEST:



City Clerk

After recording return to:

City of Albany City Clerk
PO Box 490
Albany, OR 97321

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that, **Lowe's Home Centers, LLC, a North Carolina limited liability company**, hereinafter referred to as the **Grantor**, conveys (subject to the reservations set forth below) and specially warrants to the **City of Albany, Oregon, a Municipal Corporation**, hereinafter referred to as **Grantee**, the real property in Linn County, State of Oregon, described on **Exhibit A** attached hereto and incorporated herein, and shown on **Exhibit B** attached hereto and made a part hereof (the "**Premises**"), free of encumbrances created or suffered by the Grantor, but subject to:

- (a) reservations in patents, and easements, covenants, conditions, and restrictions of record.
- (b) any zoning restrictions, prohibitions, or other requirements imposed by governmental authority.
- (c) real property taxes subsequent to the date of this conveyance.

Grantor hereby reserves unto itself, and its successors and assigns, perpetual easements for:

- (i) An access easement over the Premises as may be necessary for Grantor to maintain improvements constructed upon Grantor's adjacent property.
- (ii) An underground easement for storm water drainage discharge in the northern location shown on the drawing attached hereto as **Exhibit C**.

The deed granted herein is in consideration of \$1.00, receipt of which is acknowledged by the Grantor. As further consideration for the deed granted herein, Grantee by accepting this instrument hereby grants to Grantor and its successors and assigns a perpetual easement for storm water drainage discharge in the southern location shown on the drawing attached hereto as **Exhibit C**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 24th day of April, 2015.

GRANTOR: Lowe's Home Centers, LLC, a North Carolina limited liability company

Gary E. Wyatt
Gary E. Wyatt, Senior Vice President

*JM
MS
MM
SOS*

STATE OF NORTH CAROLINA)
County of WILKES)

I, Tanya C. Benfield, a Notary Public for Wilkes County, North Carolina, certify that Gary E. Wyatt personally came before me this day and acknowledged that he is Senior Vice President of Lowe's Home Centers, LLC, a North Carolina limited liability company, and that he, as Senior Vice President, being authorized to do so, executed the foregoing document on behalf of the limited liability company.

WITNESS my hand and official seal this 24th day of April, 2015.

Tanya C. Benfield
Notary Public
Surry County, NC
Commission Expires October 9, 2016

My commission expires: _____
Notary Public *Tanya C. Benfield*

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 Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2015.

City Manager

ATTEST:

City Clerk

Exhibit "A"

LEGAL DESCRIPTION
LOWE'S ALBANY (LOW8129)
THE PREMISES
APRIL 20, 2015
PAGE 1 OF 2

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2012-05634, LINN COUNTY DEED RECORDS LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID DEED DOC. NO. 2012-05634, LINN COUNTY DEED RECORDS, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 9TH AVENUE SE (AS ESTABLISHED BY DEED DOC. NO. 2007-08452)(BEING 33.0' FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO);

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE EASTERLY LINE OF SAID TRACT DESCRIBED IN DEED DOCUMENT NO. 2012-05634, SOUTH 36°59'15" EAST, 77.11 FEET;

THENCE SOUTH 15°44'10" EAST, 189.96 FEET;

THENCE SOUTH 79°05'45" WEST, 40.00 FEET;

THENCE SOUTH 04°15'49" EAST, 389.99 FEET TO THE SOUTHERLY LINE OF SAID TRACT;

THENCE ALONG SAID SOUTHERLY LINE SOUTH 72°36'32" WEST, 26.77 FEET;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 46°03'08" EAST, 9.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG AN ARC OF A 37.50 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 50°18'57" (THE LONG CHORD BEARS NORTH 20°53'40" EAST, 31.88 FEET) AN ARC DISTANCE OF 32.93 FEET;

THENCE NORTH 04°15'49" WEST, 281.50 FEET TO A POINT OF CURVATURE;

THENCE ALONG AN ARC OF A 37.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 36°09'45" (THE LONG CHORD BEARS NORTH 22°20'42" WEST, 23.28 FEET) AN ARC DISTANCE OF 23.67 FEET;

THENCE NORTH 40°25'34" WEST, 20.08 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 52.50 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 33°15'07" (THE LONG CHORD BEARS NORTH 23°48'01" WEST, 30.04 FEET) AN ARC DISTANCE OF 30.47 FEET;

THENCE NORTH 07°10'27" WEST, 66.80 FEET;

THENCE NORTH 07°10'33" WEST, 109.80 FEET TO A POINT OF CURVATURE;

LEGAL DESCRIPTION
LOWE'S ALBANY (LOW8129)
THE PREMISES
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PAGE 2 OF 2

THENCE ALONG AN ARC OF A 101.17 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 15°31'18" (THE LONG CHORD BEARS NORTH 14°56'12" WEST, 27.32 FEET) AN ARC DISTANCE OF 27.41 FEET;

THENCE NORTH 22°41'51" WEST, 29.95 FEET TO A POINT OF CURVATURE;

THENCE ALONG AN ARC OF A 42.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 13°38'25" (THE LONG CHORD BEARS NORTH 29°31'04" WEST, 10.09 FEET) AN ARC DISTANCE OF 10.12 FEET;

THENCE NORTH 36°20'16" WEST, 0.47 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 57.50 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 13°38'25" (THE LONG CHORD BEARS NORTH 29°31'04" WEST, 13.66 FEET) AN ARC DISTANCE OF 13.69 FEET;

THENCE NORTH 22°41'51" WEST, 8.40 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE ARC OF A 1053.07 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 01°45'46" (THE LONG CHORD BEARS NORTH 72°21'27" EAST, 32.40 FEET) AN ARC DISTANCE OF 32.40 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 18,037 SQUARE FEET OR 0.414 ACRES MORE OR LESS.

THE ATTACHED EXHIBIT "B" ENTITLED "THE PREMISES" IS MADE A PART HEREOF.

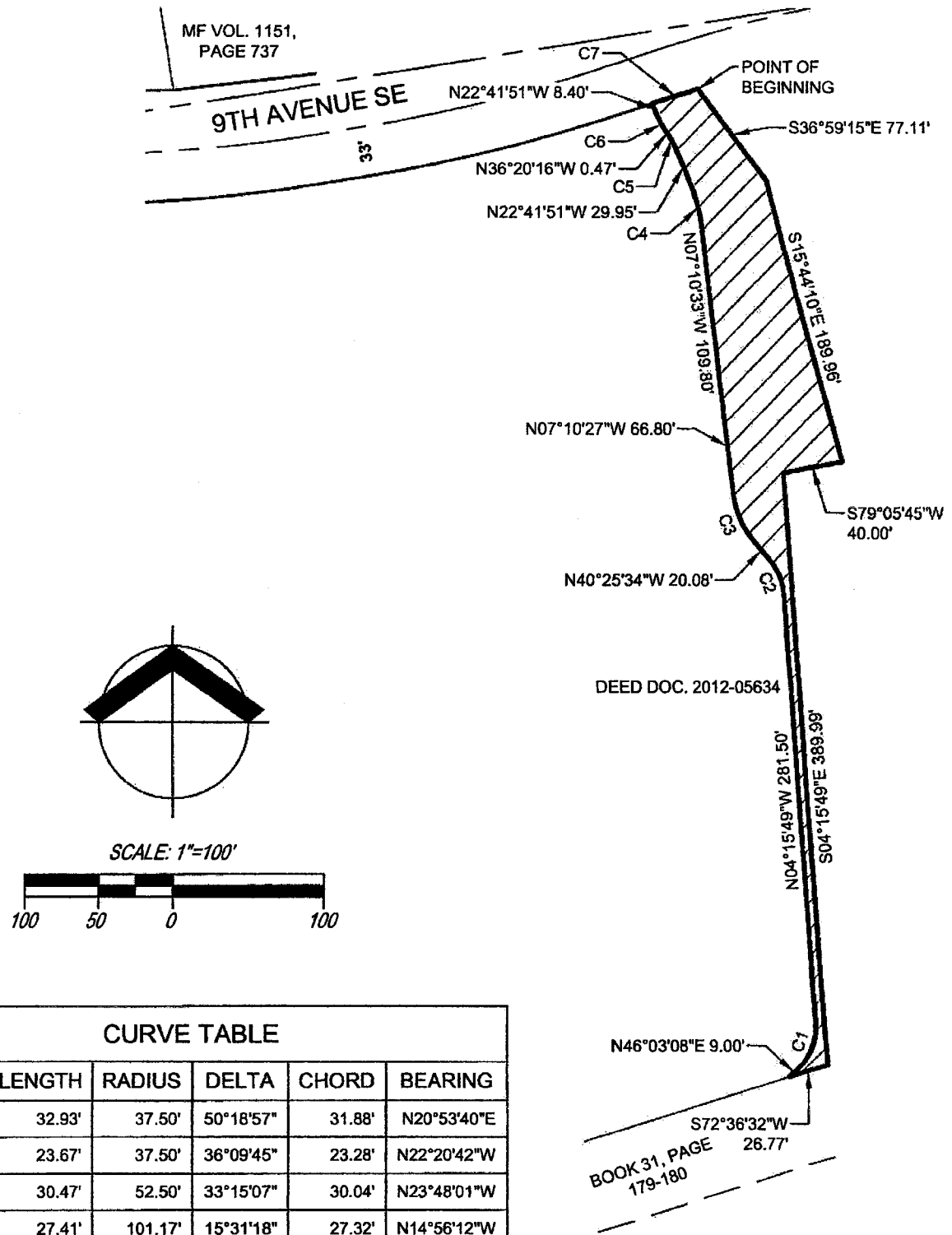
4-20-15

REGISTERED PROFESSIONAL LAND SURVEYOR
<i>Samantha R. Bianco</i>
OREGON JULY 13, 2004 SAMANTHA R. BIANCO 61803LS

Renews: 12-31-15

MF VOL. 1151,
PAGE 737


9TH AVENUE SE



CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	32.93'	37.50'	50°18'57"	31.88'	N20°53'40"E
C2	23.67'	37.50'	36°09'45"	23.28'	N22°20'42"W
C3	30.47'	52.50'	33°15'07"	30.04'	N23°48'01"W
C4	27.41'	101.17'	15°31'18"	27.32'	N14°56'12"W
C5	10.12'	42.50'	13°38'25"	10.09'	N29°31'04"W
C6	13.69'	57.50'	13°38'25"	13.66'	N29°31'04"W
C7	32.40'	1053.07'	1°45'46"	32.40'	N72°21'27"E

LEGEND:

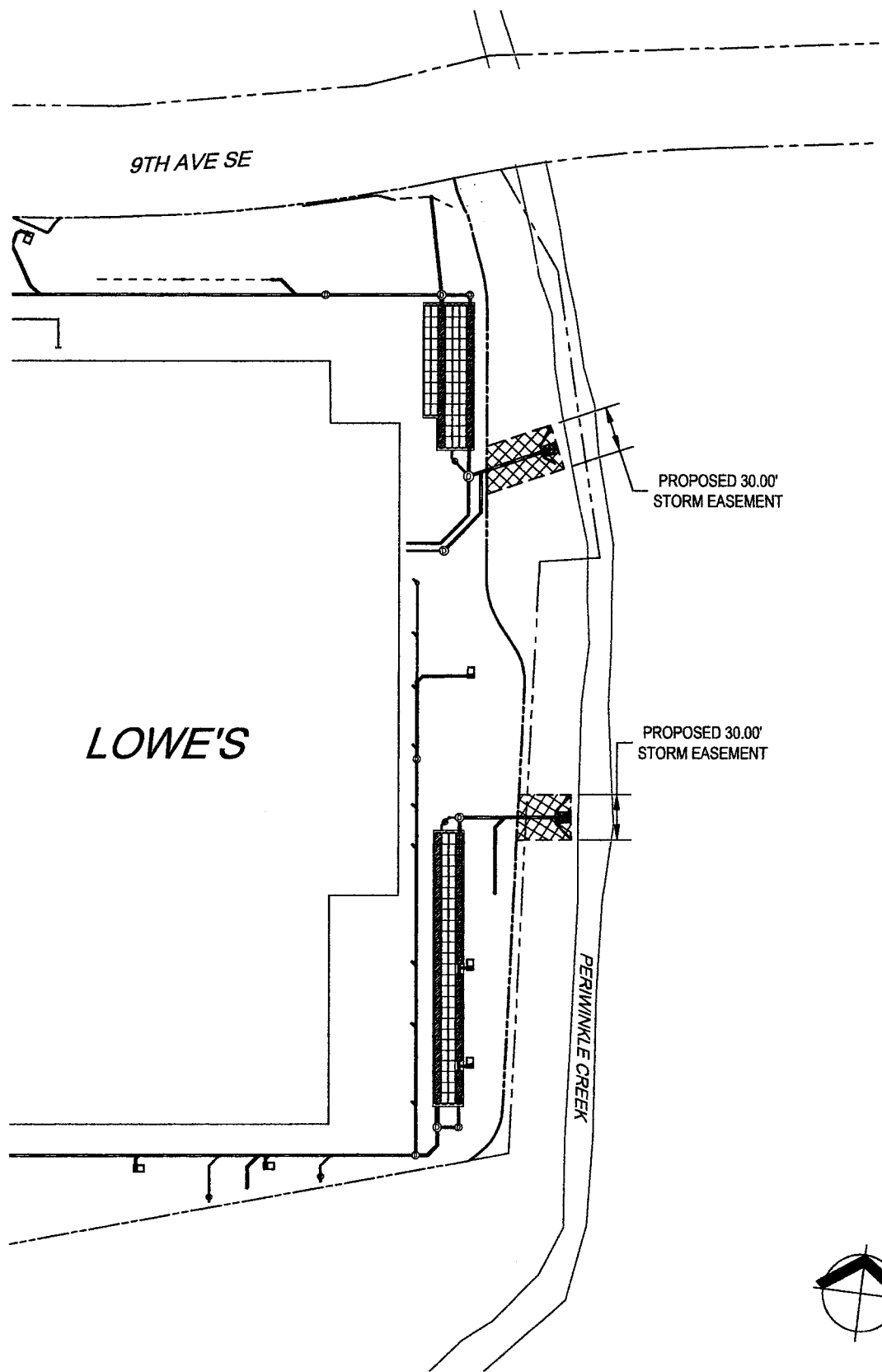
 AREA OF THE PREMISES
18,037 SQUARE FEET OR
0.414 ACRES MORE OR LESS
SEE ATTACHED LEGAL DESCRIPTION

Cardno
Shaping the Future
PORTLAND
5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221
TEL: (503) 419-2500 FAX: (503) 419-2600
www.cardno.com

EXHIBIT "B"
THE PREMISES

NW 1/4 OF S 8, T11S, R3 W, W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

PROJECT NO. LOW8129
DATE: 04/20/2015
BY: TLB
SCALE: 1" = 100'
PAGE NO. 1 OF 1



PORTLAND
 5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221
 TEL: (503) 419 - 2500 FAX: (503) 419 - 2600
 www.cardno.com

EXHIBIT C
LOWE'S OF ALBANY

LOWE'S HOME CENTERS, LLC
 ALBANY, OREGON

PROJECT NO. LOW8129
 DATE: 4/15/2015
 BY: KRG
 SCALE: 1" = 100'
 SHEET NO. 1

EXHIBIT D

11S03W08BC- 01000

A variable width property conveyance
by Special Warranty Deed for a public
path as part of the Lowe's
Development Project



Geographic Information Services

