

RESOLUTION NO. 5357

A RESOLUTION ACCEPTING A GIFT OF APPROXIMATELY 9.11 ACRES OF PROPERTY FOR PARK PURPOSES.

WHEREAS, the City of Albany has determined the need to acquire land for a neighborhood park in north Albany in accordance with the adopted 2006-2010 Parks and Recreation Master Plan; and

WHEREAS, a gift of approximately 9.11 acres has been offered for park purposes by GVR Investments and Donald L. Phillips, said property being located north of Hickory Street and Springhill Road in north Albany; and


WHEREAS, the City of Albany is prepared to accept this gift of property for the purposes of future development as a public park;

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby authorizes the City Manager to accept a deed of gift for the property described.

DATED AND EFFECTIVE THIS 13th DAY OF DECEMBER 2006.


Mayor

ATTEST:


City Clerk

GRANTOR'S NAME

Donald L. Phillips
PO Box 2343
Salem OR 97308

GRANTEE'S NAME

City of Albany, Oregon, a Municipal Corporation
PO Box 490
Albany, OR 97321

SEND TAX STATEMENTS TO:

City of Albany, Oregon, a Municipal Corporation
PO Box 490
Albany, OR 97321

AFTER RECORDING RETURN TO:

City of Albany ~~Parks Dept.~~ *City Clerk*
PO Box 490
Albany, OR 97321

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN and SALE DEED

Donald L. Phillips, Grantor, conveys to **City of Albany, Oregon, a Municipal Corporation**, Grantee, the following described real property, situated in the County of Benton, State of Oregon,

All of Tracts A and B, LEGEND AT N.P.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS **\$NONE** (See ORS 93.030)

STATE OF OREGON

COUNTY OF MARION

DATED: 5/22/07

This instrument was acknowledged before me on

May 22, 2007
by Donald L. Phillips.

[Handwritten Signature]

Donald L. Phillips

Kristi Rae Cox

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: July 18, 2008



file:
North Pointe
Park

February 10, 2006

Ed Hodney, Director
Albany parks and Recreation Department
333 Broadalbin SW
P.O. Box 490
Albany, OR 97321-0144

EXHIBIT A

Re: Gifting of 9.11 acres of land in North Albany to the City of Albany for park and open space use.

Dear Mr. Hodney, Albany Parks Director,

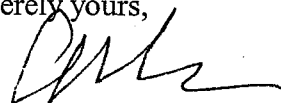
We are happy to be able to make this fee simple gift towards the preservation of open and public use space in North Albany. The subject property was acquired as part of a larger acreage purchased in October 1999 by North Pointe Meadows Investors, LLC. The undersigned was managing member of the LLC. It was the initial intent that a portion of the property would be preserved for open space by gifting to the City of Albany (preferred), or by a conservation easement to the Legacy Land Conservancy.

The preliminary PD Application for North Pointe Meadows is dated November 6, 2000. This application declared the intent to reserve a portion of the property for open space. The purpose of this conservation has not changed since the preliminary application. The timing of the gift was intended to be after a minimum holding period and after final determination of the precise boundaries of the property to be gifted, which was only recently was finalized.

To accommodate intervening transactions, North Pointe Meadows Investors, LLC was liquidated and the property interests distributed to its members. The economic interest in the property being gifted is 80% GVR Investments, a general partnership, and 20% the undersigned.

We are pleased to be able to make this gift, and are pleased that the City of Albany is agreeable to accepting the gift for its parks department.

Sincerely yours,



Donald L Phillips

EXHIBIT B



EXHIBIT B

NORTH POINT MEADOWS - PHASE 2
OPEN SPACE AREA = 9.11 ACRES

~ 1" = 120'



00141031200704247730040049

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



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:

Government Agency - Exempt _____

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

STATUTORY BARGAIN AND SALE DEED

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

Donald L. Phillips

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

\$.00

Resolution No. 5357

Recorded Document Recorder File No. 4948