

RESOLUTION NO. 6089

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT OF WAY DEDICATION DEED:

Grantor

Lowe's HIW, Inc., a Washington corporation

Purpose

A 6 foot wide Right-of-Way dedication on the east side of Oak Street, as part of the Lowe's Development project and ST-09-03, Oak Street Reconstruction.

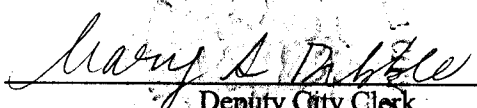
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this Right-of-Way Dedication Deed.

DATED AND EFFECTIVE THIS 22ND DAY OF FEBRUARY 2012.

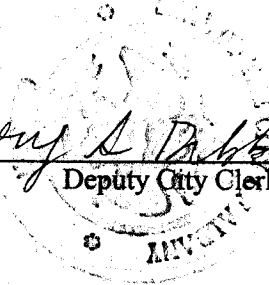


Mayor

ATTEST:



Deputy City Clerk



DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that, **Lowe's HIW, Inc., a Washington corporation**, hereinafter referred to as the Grantor, does dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

See legal description on attached Exhibit A, and maps on attached Exhibits B and C. Exhibits A, B, and C are attached herewith and made a part hereof this agreement.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted 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. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 13 day of Feb., 2012.

GRANTOR: Lowe's HIW, Inc., a Washington corporation

Michael L. Skiles
Michael L. Skiles, Vice President of Real Estate

[Handwritten signature]

STATE OF CALIFORNIA)
County of San Diego)

On Feb. 13, 2012, before me, Diana L. Farace, Notary Public, personally appeared Michael L. Skiles, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Signature Diana L. Farace

(Seal)



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 6089, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of Feb 2012.

Wes Hare
City Manager

ATTEST:

Mary A Dibble
Deputy City Clerk

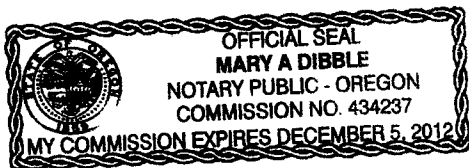


Exhibit "A"

**LEGAL DESCRIPTION
LOWE'S ALBANY (LOW8129)
RIGHT-OF-WAY DEDICATION**

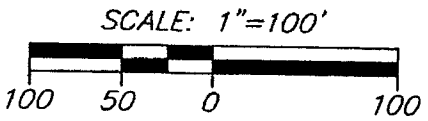
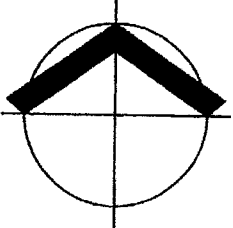
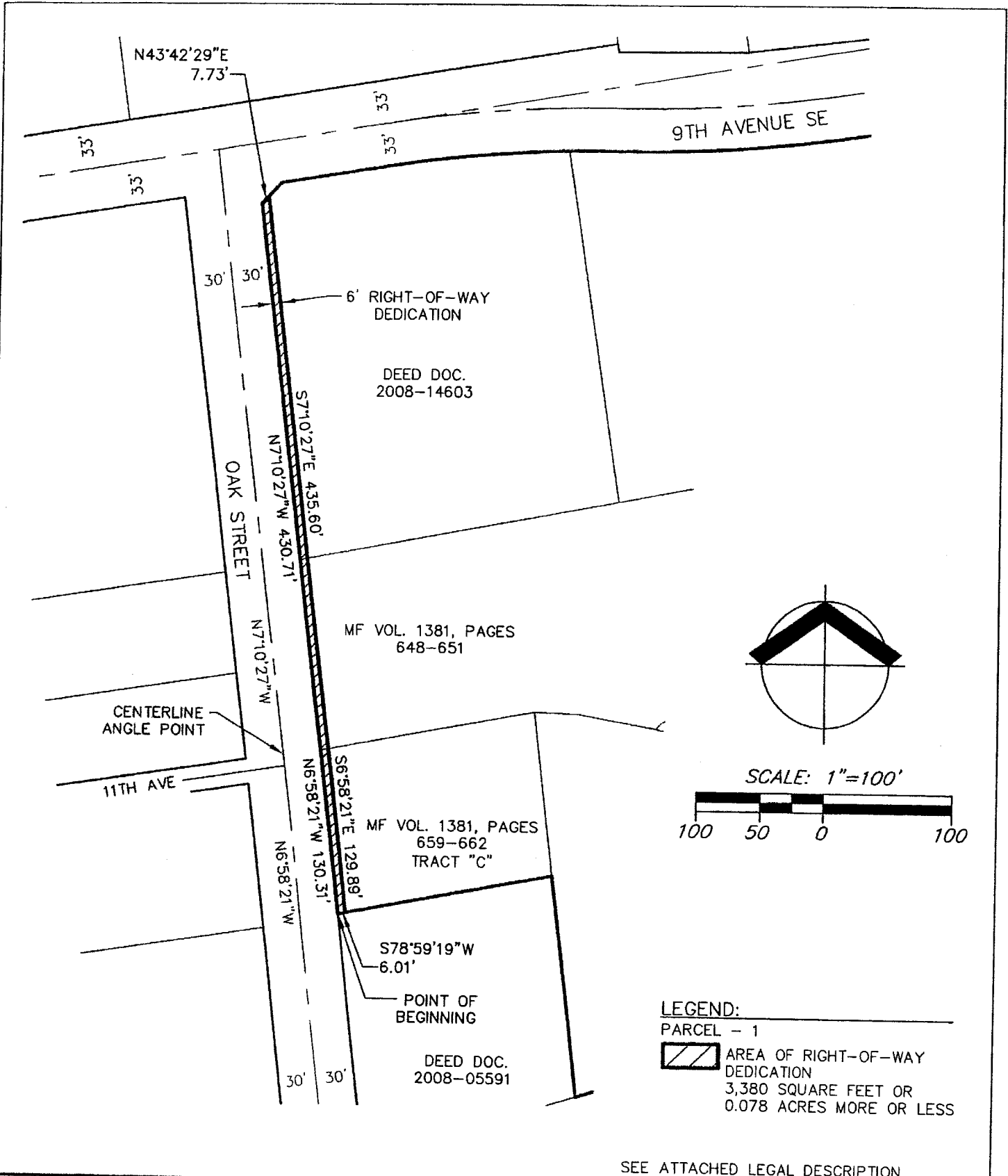
December 14, 2011


Page 1 of 2

A PORTION OF THAT TRACT OF LAND DESCRIBED AS TRACT "C" IN MF VOLUME 1381 PAGES 659-662, AND PORTIONS OF THOSE TRACTS OF LAND DESCRIBED IN DEED DOCUMENT NO. 2008-14603 AND MF VOLUME 1381 PAGES 648-651, 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.

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED AS TRACT "C" IN MF VOLUME 1381 PAGES 659-662, LINN COUNTY DEED RECORDS, SAID POINT BEING 30 FEET EASTERLY OF, WHEN MEASURED PERPENDICULAR THERETO, THE CENTERLINE OF OAK STREET, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF OAK STREET NORTH $06^{\circ}58'21''$ WEST, 130.31 FEET TO AN ANGLE POINT IN SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTH $07^{\circ}10'27''$ WEST, 430.71 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT DESCRIBED IN DEED DOCUMENT NO. 2008-14603; THENCE ALONG SAID WESTERLY LINE NORTH $43^{\circ}42'29''$ EAST, 7.73 FEET; THENCE ALONG A LINE PARALLEL WITH, AND 36 FEET EASTERLY OF SAID CENTERLINE SOUTH $07^{\circ}10'27''$ EAST, 435.60 FEET TO AN ANGLE POINT; THENCE SOUTH $06^{\circ}58'21''$ EAST, 129.89 FEET TO THE SOUTHERLY LINE OF SAID TRACT OF LAND DESCRIBED AS TRACT "C" IN MF VOLUME 1381 PAGES 659-662; THENCE ALONG SAID SOUTHERLY LINE SOUTH $78^{\circ}59'19''$ WEST, 6.01 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 3,380 SQUARE FEET OR 0.078 ACRES, MORE OR LESS.



LEGEND:
 PARCEL - 1
 AREA OF RIGHT-OF-WAY DEDICATION
 3,380 SQUARE FEET OR
 0.078 ACRES MORE OR LESS

SEE ATTACHED LEGAL DESCRIPTION

Cardno
WRG
 5415 SW WESTGATE DR, SUITE 100
 PORTLAND, OR 97221
 TEL: (503) 419 - 2500 FAX: (503) 419 - 2600
 www.cardnowrg.com

EXHIBIT "B"
RIGHT-OF-WAY DEDICATION

S 8, T11S, R3 W, W.M.
 CITY OF ALBANY, LINN COUNTY, OREGON

PROJECT NO. LOW8129
 DATE: 12/14/11
 BY: SRB
 SCALE: 1" = 100'
 PAGE NO. 2 OF 2

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2012-02803**
D-DED
Cnt=1 Str=1 COUNTER **02/29/2012 02:28:20 PM**
\$25.00 \$11.00 \$15.00 \$9.00 \$10.00 **\$70.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany

PO Box 490

Albany OR 97321

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

Right of Way Dedication Deed

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

Lowe's HIW, Inc., a Washington corporation

1530 Faraday Ave #140

Carlsbad CA 92008

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

Res. No. 6089