

RESOLUTION NO. 4154

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION:

Grantor

Purpose

AF & AM St. John's Lodge # 17

A permanent dedication to the City of Albany, along frontage on Salem Avenue, for right-of-way purposes.


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

DATED THIS 28TH DAY OF JULY, 1999.



Mayor

ATTEST:



City Recorder Clerk

CORRECTION DEED FOR THE
DEDICATION FOR PUBLIC STREET RIGHT-OF-WAY

THIS AGREEMENT, made and entered into this 5th day of May, 2000, by and between AF & AM St. Johns Lodge #17, herein called Grantors, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, a right-of-way for Public Street purposes.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

The following describes a parcel lying in the Southwest ¼ of the Northwest ¼ of Section 4, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and more particularly described as follows:

Beginning at the southeasterly corner of the St. Johns Masonic Cemetery Plat I recorded in Volume 7, Page 29 of Linn County Plat Records, Oregon; thence South 57°40'17" West 358.25 feet along the southerly line of said property to a point; thence leaving said line North 32°35'17" East 9.44 feet to a point; thence North 57°40'17" East 349.78 feet to a point on the easterly line of said property, said line being parallel and 4.00 feet northerly of said southerly line of property; thence South 31°16'24" East 4.00 feet to the point of beginning as shown in Exhibit "A".

2. The right-of-way granted is in consideration of \$1.00 and other valuable consideration as outlined in Exhibit "B", 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.
3. The Grantors do hereby covenant with the City 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 title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

This document is being rerecorded to correct the meets and bounds description, previously recorded in Vol 1053 page 291 through page 294 on August 4, 1999.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

GRANTOR:

By: Richard Harper
Richard Harper, Worshipful Master
St. John's Lodge No. 17 A.F. & A.M.

CITY OF ALBANY:

I, Steve Bryant as City Manager of the City of Albany, Oregon, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6 day of June, 2000. *Original Rec # 4154*

STATE OF OREGON
County of Linn
City of Albany



The foregoing instrument was acknowledged before me this 23rd day of March, 2000.

Steve Bryant
City Manager

The foregoing instrument was acknowledged before me this 6 day of June, 2000.

C J Mullen
Notary Public for Oregon
My Commission Expires: 12-15-2002

By: George K Eldredge
George Eldredge, Senior Warden
St. John's Lodge No. 17 A.F. & A.M.

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

STATE OF OREGON
County of Linn
City of Albany



Margaret Lougwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2000

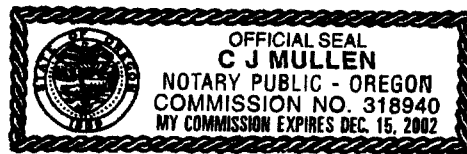
The foregoing instrument was acknowledged before me this 5th day of May, 2000.

C J Mullen
Notary Public for Oregon
My Commission Expires: 12-15-2002

By: David Thompson
David Thompson, Junior Warden
St. John's Lodge No. 17 A.F. & A.M.

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

The foregoing instrument was acknowledged before me this 7 day of April, 2000.



C J Mullen
Notary Public for Oregon
My Commission Expires: 12-15-2002

Exhibit "B"

Considerations granted to AF & AM St. John's Lodge # 17

1. \$1.00
2. As consideration to the granting of right-of-way to the City, it is agreed that the City shall be responsible for any damages to the cemetery property caused by construction. All damages shall be restored to existing or better conditions.
3. The driveway access to the cemetery that is closest to Albany Avenue shall remain accessible to right turns only entering and exiting the cemetery.
4. The City shall construct a road connection from the western access road to the north east corner of the property. The road shall be 14' wide and will start at the northwest corner of the existing small loop road between the western entrance and the center entrance. The road will merge with the northwest corner of the existing large loop road between the center entrance and the eastern entrance.
5. The City shall widen the three gates at the cemetery access roads along Salem Avenue. The gates shall all be widened to a standard opening width. The City shall be responsible for all materials, equipment, and construction necessary to relocate the gates.
6. The City shall be responsible to install a Keystone (interlocking concrete block) retaining wall as necessary along the Jewish section of the cemetery along the frontage of Salem Avenue. This wall shall be installed to ensure resulting slopes are not conducive to erosion. The Keystone wall shall be constructed with proper drainage facilities.
7. The City shall be responsible to remove the hedgerow located along the frontage of the Jewish section of the cemetery and replace with a new physical barrier. The barrier shall be preferably a cyclone fence or a fence similar to the existing along the frontage.
8. The City will coordinate to have their Forester examine the dead / dying trees within the cemetery property and provide a recommendation as to which trees to remove. The City shall be responsible to remove the recommended trees that are affected by the construction of the street improvements.

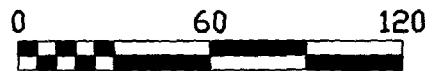
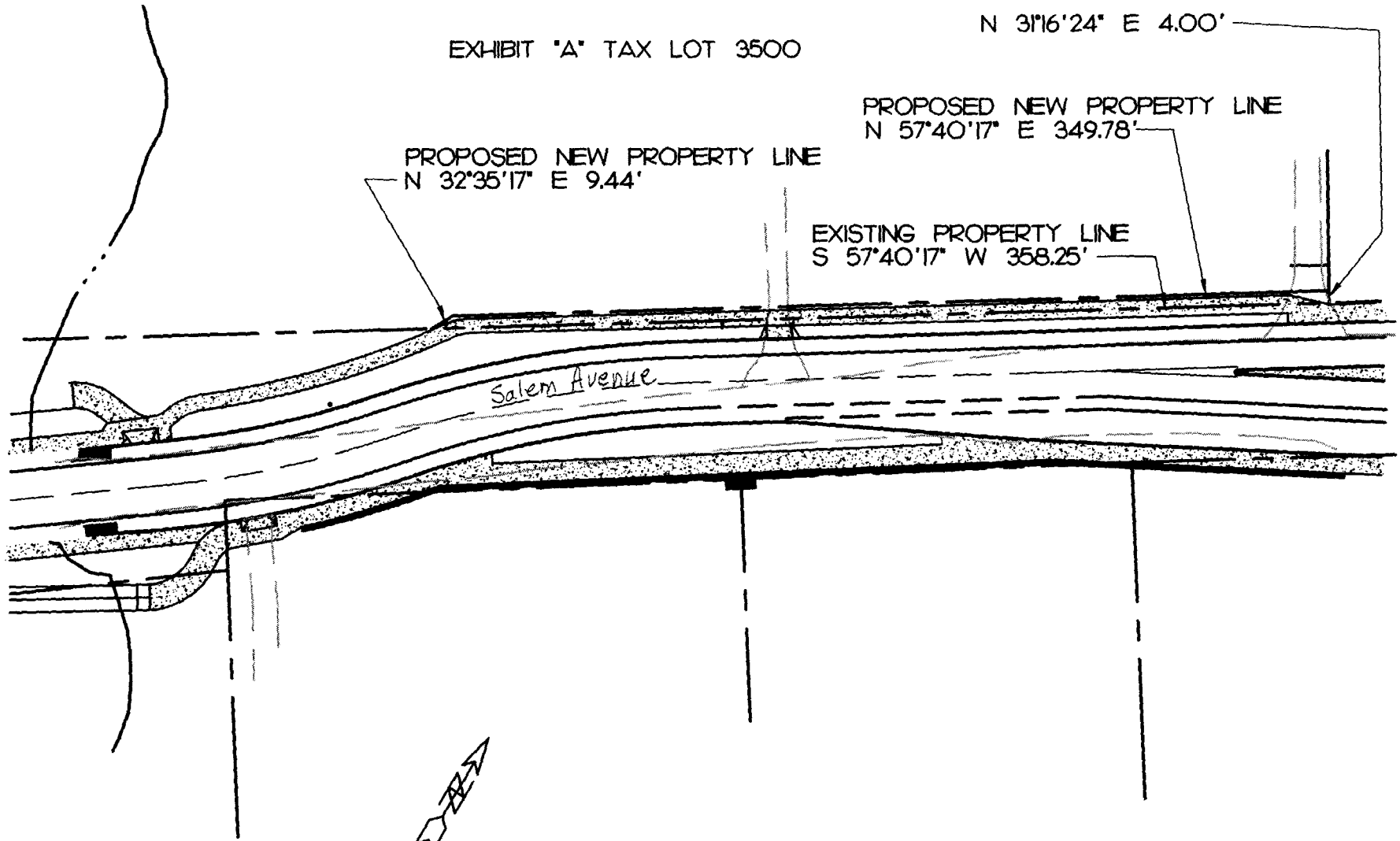
EXHIBIT 'A' TAX LOT 3500

N 31°16'24" E 4.00'

PROPOSED NEW PROPERTY LINE
N 57°40'17" E 349.78'

PROPOSED NEW PROPERTY LINE
N 32°35'17" E 9.44'

EXISTING PROPERTY LINE
S 57°40'17" W 358.25'



Scale 1" = 60'

PREPARED BY:
PacWest ENGINEERING

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By [Signature], Deputy

M
30
B/D
A
O

JUN 8 3 03 PM '00

MF 1110

PAGE 392

DEDICATION FOR PUBLIC STREET RIGHT-OF-WAY

THIS AGREEMENT, made and entered into this 16th day of July, 1999, by and between AF & AM St. Johns Lodge #17, herein called Grantors, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, a right-of-way for Public Street purposes.

This agreement is subject to the following terms and conditions:

- 1. The right-of-way hereby granted consists of:

The following describes a parcel lying in the Southwest ¼ of the Northwest ¼ of Section 4, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and more particularly described as follows:

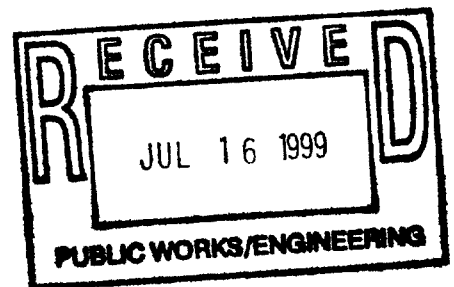
Beginning at the southeasterly corner of that property described in Book 134, Page 93 as filed in the Deed Records of Linn County, Oregon; thence S57°40'17"W 358.25 feet along the southeasterly line of said property; thence leaving said line N32°35'17"E 9.44 feet; thence N57°40'17"E 349.78 feet to the easterly line of said property, said line being parallel and 4.00 feet northwesterly of said southeasterly line of property; thence S31°16'24"E 4.00 feet to the point of beginning as shown in Exhibit "A".

- 2. The right-of-way granted is in consideration of \$1.00 and other valuable consideration as outlined in Exhibit "B", 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.
- 3. The Grantors do hereby covenant with the City 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 title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

Box # 4154



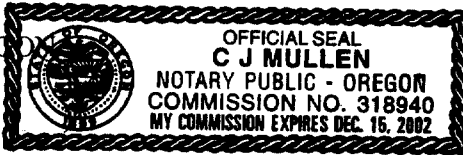
GRANTOR:

By: Richard Harper
Richard Harper, Worshipful Master
St. John's Lodge No. 17 A.F. & A.M.

CITY OF ALBANY:

Ken Thompson Assistant
I, ~~Steve Bryant~~ as City Manager of the City of
Albany, Oregon, do hereby accept on behalf of
the City of Albany, the above instrument
pursuant to the terms thereof this 28 day
of July, 1999.

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



The foregoing instrument was acknowledged
before me this 16th day of July, 1999.

Ken Thompson
City Manager Assistant City Manager

Cy Mullen
Notary Public for Oregon
My Commission Expires: 12/15/2002

The foregoing instrument was acknowledged
before me this 28 day of July, 1999.

By: George L Eldredge
George Eldredge, Senior Warden
St. John's Lodge No. 17 A.F. & A.M.

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

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



Margaret Langwell
Notary Public for Oregon
My Commission Expires: 9-2-2000

The foregoing instrument was acknowledged
before me this 16th day of July, 1999.

Cy Mullen
Notary Public for Oregon
My Commission Expires: 12/15/2002



By: David Thompson
David Thompson, Junior Warden
St. John's Lodge No. 17 A.F. & A.M.

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

The foregoing instrument was acknowledged
before me this 16th day of July, 1999.

Cy Mullen
Notary Public for Oregon
My Commission Expires: 12/15/2002



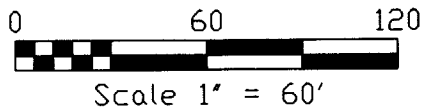
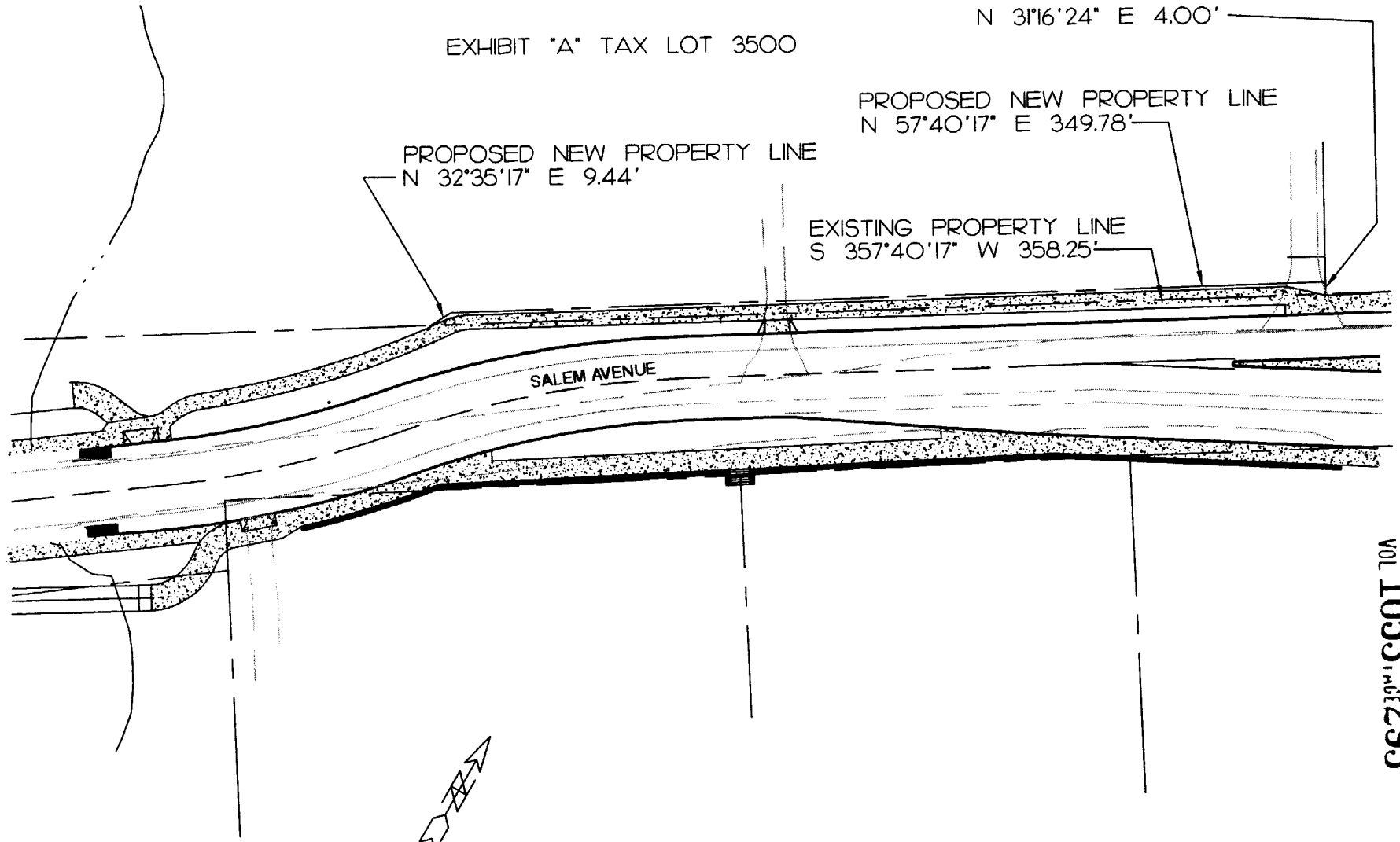
EXHIBIT "A" TAX LOT 3500

N 31°16'24" E 4.00'

PROPOSED NEW PROPERTY LINE
N 57°40'17" E 349.78'

PROPOSED NEW PROPERTY LINE
N 32°35'17" E 9.44'

EXISTING PROPERTY LINE
S 357°40'17" W 358.25'



PREPARED BY:
PacWest ENGINEERING

Exhibit "B"

Considerations granted to AF & AM St. John's Lodge # 17

1. \$1.00
2. As consideration to the granting of right-of-way to the City, it is agreed that the City shall be responsible for any damages to the cemetery property caused by construction. All damages shall be restored to existing or better conditions.
3. The driveway access to the cemetery that is closest to Albany Avenue shall remain accessible to right turns only entering and exiting the cemetery.
4. The City shall construct a road connection from the western access road to the north east corner of the property. The road shall be 14' wide and will start at the northwest corner of the existing small loop road between the western entrance and the center entrance. The road will merge with the northwest corner of the existing large loop road between the center entrance and the eastern entrance.
5. The City shall widen the three gates at the cemetery access roads along Salem Avenue. The gates shall all be widened to a standard opening width. The City shall be responsible for all materials, equipment, and construction necessary to relocate the gates.
6. The City shall be responsible to install a Keystone (interlocking concrete block) retaining wall as necessary along the Jewish section of the cemetery along the frontage of Salem Avenue. This wall shall be installed to ensure resulting slopes are not conducive to erosion. The Keystone wall shall be constructed with proper drainage facilities.
7. The City shall be responsible to remove the hedgerow located along the frontage of the Jewish section of the cemetery and replace with a new physical barrier. The barrier shall be preferably a cyclone fence or a fence similar to the existing along the frontage.
8. The City will coordinate to have their Forester examine the dead / dying trees within the cemetery property and provide a recommendation as to which trees to remove. The City shall be responsible to remove the recommended trees that are affected by the construction of the street improvements.

30

STATE OF OREGON
County of Linn

M 20 Aug 4 2 48 PM '99

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

S 40
A
O

STEVE DRUCKENMILLER
Linn County Clerk

MF 1053

By RJ, Deputy

PAGE 291

Resolution No. 4154

Recorded Document Recorder File No. 3433