### RESOLUTION NO. 5189

## A RESOLUTION ACCEPTING A DEED OF PROPERTY FOR PARK PURPOSES..

WHEREAS, the City of Albany has purchased a tract of land described as Tract A (Lot 166) of Meadows at Oak Creek Phase 4, as recorded August 19, 2005, in the Linn County Partition Plat Records of Linn County, Oregon; and

WHEREAS, it is in the interests of the City of Albany to accept a deed to said property;

NOW, THEREFORE BE IT RESOLVED by the City of Albany City Council that the deed conveying to the city said parcel as recorded August 19, 2005, be and is hereby accepted.

DATED AND AFFECTIVE THIS 7th DAY OF SEPTEMBER 2005.

ATTEST:

VOL. 1798 PAGE 916 RECORDING REQUESTED BY Fidelity National Title Company of Oregon STATE OF OREGON County of Linn **GRANTOR'S NAME** City of Albany, a Municipal Corporation 2005 DEC 14 P 2: 26 I hereby certify that the attach was received and duly records by me in Linn County records, GRANTEE'S NAME STEVE DRUCKENMILLER Schneider Homes, Inc.a Washington Corporation Linn County Clerk , Deputy SEND TAX STATEMENTS TO: Schneider Homes, Inc. 6510 Southcenter Blvd Tukwila, Wa 98188 AFTER RECORDING RETURN TO: Schneider Homes, Inc.
Return to: City of Albany - Recorder
6510-Southconter Blvd.
P.O. Box 490. Albany, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### STATUTORY BARGAIN and SALE DEED

P.O. Box 490, Albany, OR 97321

City of Albany, A Municipal Corporation, Grantor, conveys to

<del>Fukwila, Wa - 09199-</del>

Schneider Homes, Inc., A Washington Corporation, Grantee, the following described real property, situated in the County of Linn, State of Oregon,

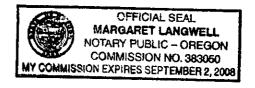
LOTS 167 THROUGH 185, inclusive, MEADOWS AT OAK CREEK PHASE 4, in the City of Albany, Linn County, Oregon

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS The correction of an error contained in the prior Deed executed between the parties recorded 8-19-05 in Vol 1750, page 866. The prior Deed erroneously contained a meets and bounds description which included lots 166-185 when the transfer of only Lot 166 was intended. This Deed corrects the prior error. (See ORS 93.030)

, 2005 CITY OF ALBANY, A MUNICIPAL CORPORATION By: Like Han

STATE OF OREGON COUNTY OF \_\_\_\_\_\_\_ This instrument was acknowledged before me on ecember 9. 2005 wes Harc as of NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES: 9



RECORDING

RECORDING REQUESTED BY FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME Schneider Homes, Inc., a Washington Corporation

GRANTEE'S NAME City of Albany, A Municipal Corporation

SEND TAX STATEMENTS TO: City of Albany, a Municipal Corporation PO Box 40 Albany, OR 97321

AFTER RECORDING RETURN TO:
City of Albany, a Municipal Corporation
PO Box 40
Albany, OR 97321

VOL. 1750 PAGE 866

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## STATUTORY WARRANTY DEED

Schneider Homes, Inc., a Washington Corporation, a Washington Corporation, Granter, conveys and warrants to

City of Albany. A Municipal Corporation, Grantee, the following described real property, free and clear of an element of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

프Subject to and excepting:

Current Taxes, assessments, reservations in patents, and all agreements, easements, rights-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record; 2005-06 taxes, a lien due but not yet payable

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$300,000.00 (See ORS 93.030)

	Schneider Honey, inc., a Washington Corporation,
DATED: August 12, 2005	Schneider Party, Inc., 5 Vastanger

STATE OF Washington

County of King

This instrument was acknowledged before me on this 16 day of August, 2005 before me, the undersigned, a Notary Public in and to the State of Washington, duly commissioned and sworn, personally appeared RUSSEII / TYE tome

know to be the President and VP (TN) \_ Secretary, of Schneider Homes, Inc., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he /5 authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.

GIVEN under my kerthand official seal the day and year above written.

Notary Public for Washington

My commission expires: 8/15/2009

# VOL. 1750 PAGE 867

# **EXHIBIT "ONE"**

A portion of a tract of land described in Deed Volume 730, Page 916, Deed Records, Linn County, Oragon, in the Southwest quarter of Section 24, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oragon, and more particularly described as follows:

Commencing at the Southeast corner of Deed Volume 730, Page 916, Linn County, Oregon, Deed Records, said point being on the Northerly right of way line of 53rd Avenue (Cdunty Road No. 135), said point bears South 0°44′ East a distance of 1,735.54 feet and North 89°38′ West, a distance of 1,402.63 feet from the Northeast corner of the Robert E. Harmon Donation Land Claim No. 77; thence North 89°38′00″ West, along said Northerly right of way, a distance of 1,025.05 feet, to a point on the centerline of a proposed street, and the TRUE POINT OF BEGINNING; thence leaving said right of way, North 00°00′00″ East, along said centerline, a distance of 757.40 feet; thence South 90°00′00″ West, a distance of 374.99 feet, to a point on the Westerly line of said deed; thence South 00°00′00″ East, a distance of 755.00 feet, to a point on the Northerly right of way line of said county road; thence South 89°38′00″ East, along said right of way line, a distance of 374.99 feet to the point of beginning.

(Also known as Lot 166, Meadows at Oak Creek Phase 3)

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 Clark

MF 1750

By Deputy PAGE 866

MEADOWS AT OAK CREEK PHASE 4 A SUBDIVISION AND PARTIAL REPLAT OF LOT 166 OF MEADOWS AT OAK CREEK PHASE 3 LOCATED IN THE ROBERT E. HARMAN DONATION LAND CLAIM NO. 77 IN THE S.W. 1/4, SECTION 24, TOWNSHIP 11 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON 207 엺 FOR: SCHNEIDER HOMES, INC. S 231 6510 SOUTHCENTER BLVD. #1 TUKWILA, WA 98188 Χ̈́S 8 "MEADOWS AT OAK CREEK PHASE 3" SUBDIVISION C.S. 23728 S.K ANTELOPE 164 \*SPRING MEAC THIRD ADDITION OS DEVCO ENGINEERING, INC. P.O. BOX 1211 CORVALUS, OR 97339 STREET BY: CIRCLE 208 165 129 128 FALCON (E)50.00 DATE: JANUARY 18, 2005 130 CITY OF ALBANY PLANNING BLACK BEAR AVENUE S.W (\$89,58,40 E 238.29,)(D) \$89,57,51 E 238.31 REFERENCE NO. SD-01-99 (S89'58'40"E) \_\_\_(118,83") (E)52.00 8 BLACK BEAR AVENUE S.W. (E)7' PUE CREATED BY C.S. 23728 (\$89'58'40'£ 340.26')© \$89'58',33'£ 340.36' SCALE: 1" = 50" SEE DETAIL "B" 128 RIGHT-DF-WAY
EASEMENT FOR
PACIFICORP,
CREATED BY LINN
COUNTY MICROFILM
RECORD VOL. 1508,
PG. 150 (E)7' PUE-CREATED BY C.S. 23728 ON SHEET 2 <u></u> LOT 185 5,734 sq.ft, 0.15 Acres 88 SCALE IN FEET 88 N89'58'33'\ 93.85' THE PROJECT AREA LIES WITHIN 125 (N)50.00FD 5/8" IR W/YPC FD 0/08" FAST OF-PROPERTY LINE ZONE 'X' OF FLOOD INSURANCE (E)7' PUE CREATED BY C.S. 23728 RATE MAP FOR THE CITY OF LOT 184 6,508 sq.ft, 0.15 Acres ALBANY, OREGON, COMMUNITY PANEL NUMBER 410137 0003E. ZONE "X" IS AREA DETERMINED TO 93.83' (E)5\$.00° 34 PARK BE OUTSIDE OF THE 500-YEAR (e) S.W. FLOOD PLAIN. LOT 183 8,507 sq.ft, 0.15 Acres CIACLE EGEND: 426.73 FOUND MONUMENT OF RECORD (AS STREET 123 NOTED) N89\*58 ANTELOPE SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP LABELED "DEVCO ENG. LS **6** 35 SE SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP LABELED "DEVCO ENG. LS 1496". REFERENCE MONUMENT (WITNESS FD 5/8" IR W/YPC 8 F DEER FD 0.07 EAST OF 122 5 (N)7' PUE CORNER) PER REFERENCE MONUMENT. OFFSET TABLE, SHEET 2 OF 3, N89'58'33'Y 93.80 ® 36 (N)7' PUE FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP LABELED: "MULTI/TECH ENG." PER CS 23728 @ 621.23 @ LOT 181 2.5 12.8 6,504 sq.ft. 0.15 Acres 121 FOUND 5/8" IRON ROD WITH ALUMINUM CAP LABELED: "MULTI/TECH ENG." AT CENTERLINE OF STREETS PER CS 23728 툂 12.66 NOCOZODE 729 N89'58'33"\ \*\* 88 ¥ 4 20 ¥ SWOOR 93.78 (MOCOO'49"E NOO'01'08"E FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP LABELED: "K & D ENG. LS **®** SUBDIVISION 37 NBP'58'33"W DWS AT OAK S00'02 (S00'01 LOT 180 6,503 sq.ft. 0.15 Acres 5.69 1630" PER CS 22674 120 8 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP LABELED: "K & D ENG. LS 1630" PER CS 22674 NOT SHOT IN DUE TO CONFLICT WITH FENCE 0 \$89'58'33"E 256.49" 8 ANTELOPE CIRCLE S.W. 589'58'33'E 186.50' MEADOW\* SU C.S. 22674 NB9'58'33' Š CREEK PHA **(3)** ×. S 38 ٥ CALCULATED POSITION (N)7' PUE C5/ STREET 69.35 (N) NEW (N)7' PUE LOT 171 7,479 sq.ft. 0.17 Acres COURT 119 123.28 6,502 aq.ft, 0.15 Acres LOT 167 (E) EXISTING 7,530 sq.ft. 0.17 Acres MICROFILM No. PER LINN COUNTY RECORDS FALCON MF SPRIN N89'58'33" 93.75 ANTELOPE MR0'58'33"M 400,200,E 194.47 EXISTING FENCE Ø 39 LOT 178 8,501 sq.ft. 0.15 Acres 6.51 99.00' (E)7' PUE CREATED BY C.S. 23728 COUNTY SURVEY RON ROD 1R (N)5b.00 LOY 168 7,584 sq.ft 0.17 Acres 7,511 sq.ft. 0.17 Acres FD FOUND RIGHT-OF-WAY ROW NB9'58'33'\ 93.58' N89 58 33 ġ YPC: YELLOW PLASTIC CAP 40 **@** C15 CS N89'58'33"\ 13.01 117 PUE PUBLIC UTILITY EASEMENT Š CALCULATED INFORMATION C10 ſ 1 **LOT 177** g=43.00. LOT 173 7,506 aq.ft. 0.17 Acres RECORD INFORMATION FROM REFERENCES BELOW: SOCO2 ) 6,726 mg.ft. 0.15 Acres LOT 169 7,584 sq.ft, 0.17 Acres C1 A C.S. 21499 © C.S. 23185 116 ⑧ C.S. 22874 <u></u> C.S. 23728 FD MONUMENT IS أتعي N89 58'337 S73'35'24"E 0.21'
OF TRUE POSITION.
RESET AT TRUE
POSITION I, NEAL L. PETERSON, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT, 21.67 (@) LOT 176 7,831 sq.ft. 0.18 Acres LOT 174 (67.50) LOT 175 7,403 sq.R. 0.17 Acres LOT 170 7,934 sq.ft. 0.18 Acres 115 SEE DETAIL A ON SHEET 2 1.24 — 375 20' (375.16')(D)

BASIS OF BEARING \$89°38'12'E PER C.S. 21499

\$89°38'12'E 504.05' REGISTERED PROFESSIONAL INITIAL POINT (E)3.5' LANDSCAPE EASEMENT CREATED— BY C.S. 21499 CREATED 2 459 N00'18'35"E 29.95' (N00'28'19"E 30.00') AND SURVEYOR V 53RD AVENUE S.W. (60' ROW) 504.01')(A) OUE C.S. (\$89°38°12°E OCTOBER 28, 1877 NEAL L PETERSON LINN COUNTY CPS MON. # 93255 ON CENTERLINE: 2" ALUMINUM CAP IN MONUMENT BOX (NOT FOUND) (589°38'12"E 504.00')(0) LINN COUNTY GPS 6 (589'38'12"F 2550.20')(A) MON. # 93302 ON Ē EXPIRES 12/31/04 CENTERLINE: FD 2" ALUMINUM CAP IN MONUMENT BOX SHEET 1 of 3

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(Also known as Lot 166, Meadows at Oak Creek Phase 3)

# Resolution No. 5189

# Recorded Document Recorder File 4628