

RESOLUTION NO. 2804

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following dedication deed and supplemental agreement thereto:

Grantor

Linn-Benton Community College

Purpose

a 60-foot wide right-of-way for street and utility purposes located across Linn-Benton Community College property for the Lanier/Ellingson Extension project.

DATED this 24th day of August, 1988.



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

KNOW ALL MEN BY THESE PRESENTS, that Linn Benton Community College, 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:

A 60 foot wide strip of land across that parcel conveyed to Linn Benton Community College in Volume 328, Page 190, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled Exhibit 'A':

Beginning at a 5/8-inch iron rod on the South Line of Lot 2, Block 1 of the College Green Subdivision, in the Northeast 1/4, Section 25, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon, said rod being South 89° 14' 39" East, 91.75 feet from the southwest corner of said lot; thence along the arc of a 233.00 foot radius curve left (long chord: South 65° 42' 24" East, 188.65 feet) 194.23 feet to a 5/8-inch iron rod; thence South 89° 35' 15" East, 451.60 feet to a 5/8-inch iron rod; thence continuing South 89° 35' 15" East, 11.00 feet to a point on the west right-of-way line of U.S. Highway 99E; thence along said right-of-way line North 0° 32' 17" East, 60.00 feet to a point on said right of way line; thence North 89° 35' 15" West, 11.00 feet to a 5/8" iron rod; thence continuing North 89° 35' 15" West, 451.73 feet to a 5/8" iron rod; thence along the arc of a 173.00 foot radius curve right (long chord: North 77° 15' 34" West, 73.87 feet) 74.45 feet to a point on the south line of said Lot 2; thence along said lot line North 89° 14' 39" West, 100.33 feet to the point of beginning, containing 36,235.60 square feet, more or less.

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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto affixed his/her/their signature this 8<sup>th</sup> day of July, 1988.

Aug.

*[Handwritten signature]*  
\_\_\_\_\_  
*[Handwritten signature]*  
\_\_\_\_\_

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

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

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of August, 1988, by Thomas Gonzales president, and by David Schmitt, secretary, of Linn Benton Community College. Board Chairman

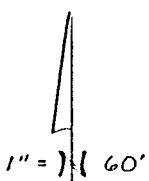
I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2804 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 25<sup>th</sup> day of August, 1988.

*Margaret J. Orsi*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 3/15/89

CITY OF ALBANY, OREGON  
*William B. Barrons*  
\_\_\_\_\_  
City Manager

*[Handwritten signature]*  
\_\_\_\_\_  
City Recorder

# EXHIBIT "A"



CURVE NO.	R	Δ	L	BEARING	CHORD DIST.
C-1	173.00	65° 47' 59"	198.68	S 32° 01' 54" E	187.94
C-2	233.00	47° 45' 42"	194.23	N 65° 42' 24" W	188.65
C-3	173.00	24° 39' 21"	74.45	S 77° 15' 34" E	73.87

LANIER STREET

COLLEGE GREEN

BELMONT AVENUE

BASIS OF BEARINGS - FLAT  
 (N 89° 19' 00" W) (1043.42)  
 (N 89° 19' 00" W) (1043.64)

BLOCK 1

LOT 2

LOT 1

☉ CURVE DATA  
 R = 203.00  
 Δ = 90° 27' 20"  
 L = 320.49  
 CHORD:  
 S 44° 21' 35" E  
 288.22

30' STRIP PER VOL. 103, PG. 442, DEED RECORDS OF LINN CO.

POINT OF BEGINNING

LINN-BENTON COMMUNITY COLLEGE

HIGHWAY 99E

A G R E E M E N T

SUPPLEMENTAL TO DEDICATION DEED STREET RIGHT-OF-WAY

This AGREEMENT is entered into this 8<sup>th</sup> day of August, 1988 by and between LINN-BENTON COMMUNITY COLLEGE, hereinafter known as "COLLEGE," and the CITY OF ALBANY, a municipal corporation, herein known as "CITY."

This AGREEMENT is supplemental to the Dedication Deed of street right-of-way granted by COLLEGE to CITY to allow the interconnect of Lanier Street through to the Ellingson/Pacific Blvd. intersection and reduces to writing the expectations of each party.

CITY will promptly construct the road upon the deeded right-of-way and extend and connect COLLEGE access road according to plans and specifications to be filed with COLLEGE Director of Facilities. The construction will be completed in a timely way as to minimize traffic flow congestion to and from COLLEGE to Pacific Blvd. (See "Access" in Plans & Specifications)

CITY agrees to restore all adjacent property that may be disturbed during construction, including grass, trees, curbing, striping, and other improvements within 60 days of the completion of the road project. The restoration is to be in existing or better condition when completed.

The right-of-way being 60 ft. wide, parallel to the north boundary, leaves a strip 14 ft. M/L wide between the right-of-way and the north boundary of COLLEGE property. It is the intent that this strip be retained by COLLEGE to support landscape planting that will serve as a visual barrier on the north boundary of COLLEGE campus. This area will be temporarily used during construction.

Existing trees will be maintained by CITY where possible during construction of the road. Replacement trees for trees destroyed during construction will be obtained and planted by CITY and be of good quality nursery stock of approximately 6 ft. high, and of similar species. Immediately after completion of planting by CITY, COLLEGE will assume maintenance of the trees and responsibility for their care thereafter.

CITY & COLLEGE agree that the deed referenced is in addition to and does not in any way invalidate the Easement for a Sanitary Sewer between the parties signed by COLLEGE June 14, 1984.

IN WITNESS WHEREOF, CITY & COLLEGE have hereunto affixed their signatures this 8<sup>th</sup> day of ~~July~~, 1988.

August

David Schmidt  
[Signature]

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

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

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of Aug, 1988, by Thomas Gonzalez, president, and by David Schmidt, ~~secretary~~, of Linn-Benton Community College. Chairman of the Board

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution No. 2804 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 25th day of August, 1988.

Margaret J. Orsi  
Notary Public for Oregon  
My Commission Expires: 3/13/89

CITY OF ALBANY, OREGON

William B. Barrons  
City Manager

[Signature]  
City Recorder

SEP 12 12 40 PM '88 30

STATE OF OREGON  
County of Linn

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

Volume: MF 481 Page: 280

STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature], Deputy  
City of Albany  
Box 1490  
Albany 97321

Resolution No. 2804

Recorded Document Recorder File No. 1685