

RESOLUTION NO. 3094

A RESOLUTION PROCLAIMING THE ACCEPTANCE OF A DELAYED ANNEXATION AGREEMENT BETWEEN THE CITY OF ALBANY, THE COUNTY OF LINN, AND LARRY AND DOUG HAIMA DBA MIDWAY PLUMBING, AND DEDICATION DEEDS, AND PETITION FOR IMPROVEMENTS/WAIVER OF REMONSTRANCE FOR PROPERTY LOCATED AT 2428 THREE LAKES ROAD SE (TAX LOTS 706 AND 708, 11-3W-16) AND CONTAINING 4.2 ACRES MORE OR LESS (FILE NO. AN-01-91).

WHEREAS, the City and the County recognize a common interest in delayed annexations through which it may be possible for urban development to occur (as permitted in accordance with the Comprehensive Plan) without actual annexation to the city in accordance with the procedures for approving delayed annexations in Article 17 of the Linn County Zoning Ordinance; and

WHEREAS, the City Council has proposed to accept the delayed annexation agreement in accordance with the provisions of Article 17 of the Linn County Zoning Ordinance and the Urban Growth Management Agreement for certain property described by attached Exhibit A and more commonly known as 2428 Three Lakes Road SE, which is within the Urban Growth Boundary of the City of Albany; and

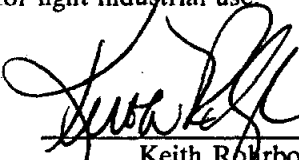
WHEREAS, provisions of the Albany Comprehensive Plan allow the expansion or modification of commercial and industrial uses within the unincorporated portion of the Urban Growth Boundary provided that: (a.) The use is consistent with the City's Comprehensive Plan designation or the modification complies with the more restrictive of the County or City's non-conforming use provisions; (b) A site plan is approved by the City of Albany and County whereby all development requirements of the City and County are met to the maximum extent possible; and (c) An Annexation Agreement and Petition for Improvement/Waiver of Remonstrance are filed for the property that require non-remonstrance to annexation and construction of city services and streets to city standards, and

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council accepts the delayed annexation agreement for that the territory described by attached Exhibit A, the dedication deeds, and the Petition for Improvement/Waiver of Remonstrance.

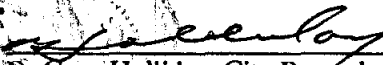
BE IT FURTHER RESOLVED that the City Council authorizes the execution of said agreement by the City Manager.

BE IT FURTHER RESOLVED that the subject property shall be annexed to the City of Albany at the time it becomes eligible for annexation and shall be zoned for light industrial use.

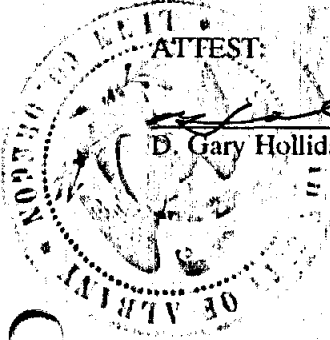
DATED THIS 9TH DAY OF OCTOBER, 1991.



Keith Robbough, Mayor

ATTEST:


D. Gary Holliday, City Recorder



**DELAYED ANNEXATION PETITION AND AGREEMENT
CITY OF ALBANY CASE NO. AN-01-91**

TO: The City Council of Albany, Oregon, and Linn County Board of Commissioners

This agreement is made this 15th day of October, 1991, by and between the City of Albany, Oregon, a municipal corporation, the County of Linn, and the undersigned owner(s) of record of the property described in Exhibit 'A'; (legal description and map), attached hereto and by this reference incorporated herein.

In consideration of the mutual promises contained herein, and upon the valid execution of this agreement by all parties hereto, it is agreed as follows:

OWNER'S OBLIGATIONS

1. The undersigned owner(s) of the property described in Exhibit 'A' hereby petition for Annexation of said property to the City of Albany in accordance with ORS Chapter 222.170.
2. Except as hereinafter setforth, it is understood that this petition shall be permanent and irrevocable.
3. This agreement shall be binding upon the undersigned, and his/her heirs, successors, and assigns and shall become a covenant running forever with the land described in Exhibit 'A', regardless of whether said parties are signatories to this agreement.
4. The undersigned owner(s) agrees to pay all pending assessments and development fees, including one and one-half times the in-city rate for sewer usage at such time sewer service is provided until such time as the property is annexed, whereupon the current in-City sewer shall apply.
5. The undersigned owner(s) further agrees to the following special conditions:
 - a. To allow for the future construction of a 36-foot wide street improvement and a 4-foot sidewalk, prior to occupancy of the building, submit the enclosed Dedication Deed which has been prepared by the City dedicating **ten (10)** feet of land adjacent to Three Lakes Road for right-of-way and future street improvements.
 - b. To allow for the future construction of a minimum 32-foot wide street improvement and a 4-foot sidewalk, prior to occupancy of the building, submit the enclosed Dedication Deed which has been prepared by the City dedicating **twenty (20)** feet of land adjacent to the north property line of Tax Lot 706 and 708, 11-3W-16 for right-of-way and future street improvements.
 - c. Prior to occupancy of the building, submit Petition for Improvement/Waiver of Remonstrance for the entire length of Tax Lot 706 and 708, 11-3W-16 adjacent to Three Lakes Road SE and the future roadway adjacent to the north property line of Tax Lot 708 for the construction of public utilities and street improvements.
 - d. Prior to approval of the Final Lot Line Adjustment Map, both public roadway right-of-way dedications shall be shown on the map.
 - e. The applicant agrees to make all improvements indicated on the approved Site Plan (Exhibit 'B') and Landscape Plan (Exhibit 'C') and the conditions attached to the approval (Site Plan Review Case No. SP-20-91 and Lot Line Adjustment Case No. LA-09-91) by the City of Albany (Exhibit 'D').
 - f. Future development, as defined in the Albany Development Code, of the site shall be subject to additional Site Plan Review by both the City of Albany and Linn County Planning Departments in accordance with the Albany Development Code as may be amended and any other conditions deemed appropriate by both the City and the County.
 - g. All property improvements shall be constructed and maintained in accordance with the City of Albany development specifications.
 - h. Until sanitary sewer facilities are available, the applicant shall obtain the necessary approvals for sanitation facilities from the Department of Environmental Quality or its designee.

The undersigned owner(s) hereby acknowledges that s/he has read this petition and its attachments, understood the requirements for Delayed Annexation, and states that the information supplied is complete, true, and accurate. The undersigned reserves the right to withdraw this petition upon giving written notice to the Planning Director of the City of Albany not more than 30 days from receipt of the notice of final action listing all final conditions of approval. The undersigned further understands that if the actions required are not completed as agreed, Linn County may revoke all permits issued since the agreement was signed and the City of Albany shall have the right to discontinue sewer service upon giving ninety (90) days written notice to the undersigned or to the owner of record of the property which is the subject of this agreement as said ownership appears in the records of the Assessor of Linn County, Oregon.

THE CITY OF ALBANY AGREES:

1. The City agrees that at such time as the property described in Exhibit 'A' may become contiguous to the corporate boundaries of the City of Albany, it shall be eligible for annexation and shall be considered for such actions.
2. The City agrees to provide such municipal services as it, in the exercise of its discretion, may deem prudent.
3. The City agrees, notwithstanding the foregoing, to provide and maintain the following municipal services:
 - a. Sanitary sewer and water service at such time that a Local Improvement District is formed of sufficient size.
 - b. The City agrees to maintain all public facilities constructed to City standards and specifications.
 - c. Any reconstruction of Three Lakes Road shall be to city standards and specifications and subsequent maintenance shall be by the City of Albany unless otherwise agreed to by the City and County.
 - d. All drainage improvements shall be constructed to City standards and specifications and maintained by the City of Albany unless otherwise agreed to by the City of Albany.
 - e. The City agrees to waive all building inspection responsibilities and collection of fees until such time that the property is annexed to the City of Albany.

THE COUNTY OF LINN AGREES:

1. To provide such public services as would otherwise be provided to the subject property by the county absent other terms of this agreement.
2. To permit the development of the subject property in accordance with the applicable Linn County Delayed Annexation Overlay Zoning and all applicable City development standards, except the following:
 - a. County reserves the right to issue septic disposal system permits by the Environmental Health Division as authorized agent for the Department of Environmental Quality until sewer services are provided.
 - b. County reserves the right to issue building and fill and excavation permits, perform necessary inspection, and collect any applicable fees, subject to City approval for compliance with City development standards.
 - c. County reserves the right to maintain or reconstruct Three Lakes Road at county standards until the City accepts such portions of Three Lakes Road into the City road system, unless otherwise negotiated at a later time.
 - d. County agrees to allow any drainage improvements to be constructed and maintained at City standards and specifications, unless otherwise negotiated at a later time.

SEVERABILITY

The provisions of this document are severable. If any section, sentence, clause, or phrase of this document is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions.

RECORDING

It is further agreed that this contract shall be recorded in the deed record of Linn County, Oregon.

PETITIONER(S)/PROPERTY OWNER(S)

Name(s): Douglas Haima

Address: 2428 SE Three Lakes Rd. Albany, OR 97321

Telephone: 928-7927

Assessor's Map & Tax Lot No.(s): 11-03-16 706,708

Signatures: *Douglas Haima* Date: 7-26-91

STATE OF ^{OREGON} CALIFORNIA,)
County of Linn) ss.
City of Albany)

STATE OF CALIFORNIA)
County of) ss.
City of)

Personally appeared the above named Douglas Haima and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me this 26 day of July, 1991

The foregoing instrument was acknowledged by Douglas Haima, President and BY Secretary of Midway Plumbing, Inc., on behalf of the corporation. Before me this ___ day of _____, 19__.

Andrew Arnold
Notary Public for California ^{OREGON}
My Commission Expires: 12-18-93

Notary Public for California
My Commission Expires: _____

PETITIONER(S)/PROPERTY OWNER(S)

Name(s): Larry Haima

Address: 2428 SE Three Lakes Rd. Albany, OR 97321

Telephone: 928-7927

Assessor's Map & Tax Lot No.(s): 11-03-18 706,708

Signatures: *Larry Haima* Date: _____

STATE OF OREGON,)
County of) ss.
City of)

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

Personally appeared the above named Larry Haima and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me this 25 day of September, 1991

The foregoing instrument was acknowledged by _____, ~~President~~ Secretary of Midway Plumbing, Inc., on behalf of the corporation. Before me this ___ day of _____, 19__.

Mark Skene
Notary Public for Oregon
My Commission Expires: _____
My Commission Expires: 6-19-93

Notary Public for Oregon
My Commission Expires: _____

In witness whereof the parties have executed this agreement as of the last date below:

LINN COUNTY:

David R. Schmidt

[Signature]

ABSENT

Board of Commissioners

Board of Commissioners

Board of Commissioners

APPROVED AS TO FORM

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

John T. Jellon
Linn Co. District Attorney - Civil Section

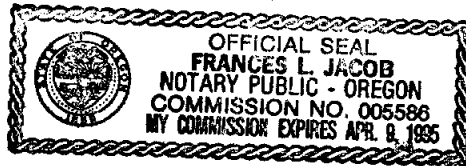
On this 2nd day of October, 1991, personally appeared the above named David R. Schmidt and Richard Stack No. 91-713

and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 2nd day of October, 1991.

Frances L. Jacob
Notary Public for Oregon

My Commission Expires: 4-9-95



In witness whereof the parties have executed this agreement as of the last date below:

CITY OF ALBANY

[Signature]
City Recorder

[Signature]
City Manager

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

On this 15 day of October, 1991, personally appeared the above named D.G. Holladay and Steve Bryant

and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 15 day of October, 1991.

Diane M. Wood
Notary Public for Oregon

My Commission Expires: 6-23-95



LEGAL DESCRIPTION FOR SITE PLAN DELAYED ANNEXATION AGREEMENT AN-01-91

Parcel A.

Beginning at the northeast corner of that parcel conveyed to Midway Plumbing Inc., an Oregon Corporation, by deed recorded in MF Volume 171, Page 389, Linn County Microfilm Records, which point is 908.75 feet South 89°59'30" West, and 1374.23 feet North 0°17' East of the southeast corner of the west half of the Edward N. White Donation Land Claim 48, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence South 0°17' West 190.02 feet to the southeast corner of said parcel; thence South 89°22' West along the southerly line and westerly extension of said parcel 339.97 feet to the west line of that parcel conveyed to Midway Plumbing, Inc. by Memorandum of Contract recorded in MF Volume 141, Page 995, said microfilm records; thence along the lines of said last mentioned parcel North 0°33'51" East 190.04 feet and North 89°22' East 90.02 feet to the point of beginning. Containing 1.48 acres.

Parcel B.

Beginning at the southeast corner of that parcel conveyed to Midway Plumbing, Inc. by Memorandum of Contract recorded in MF Volume 141, Page 995, Linn County Microfilm Records, which point is 908.75 feet South 89°59'30" West, and 883.99 feet North 0°17' East of the southeast corner of the west half of the Edward N. White Donation Land Claim 48, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 0°17' East 300.22 feet to the southeast corner of that parcel conveyed to Midway Plumbing, Inc., an Oregon Corporation by deed recorded in MF Volume 171, Page 389 said microfilm records; thence South 89°22' West along the southerly line and westerly extension of said last mentioned parcel 339.97 feet to the west line of that parcel conveyed to said first mentioned parcel; thence along the lines of said first mentioned parcel South 0°33'51" West 296.94 feet and North 89°55'16" East 341.39 feet to the point of beginning. Containing 2.33 acres.

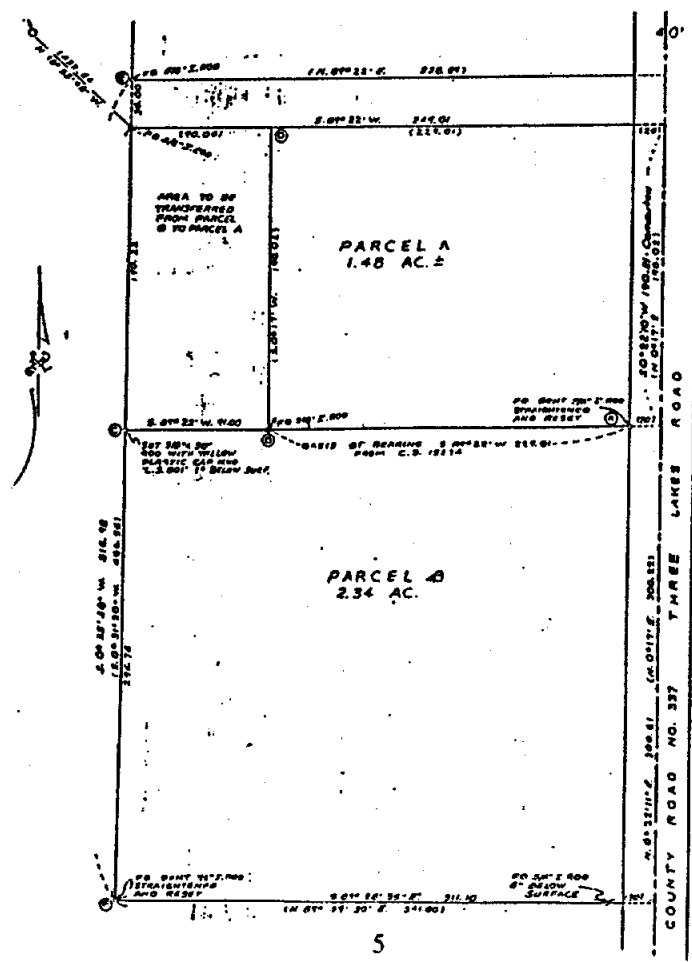
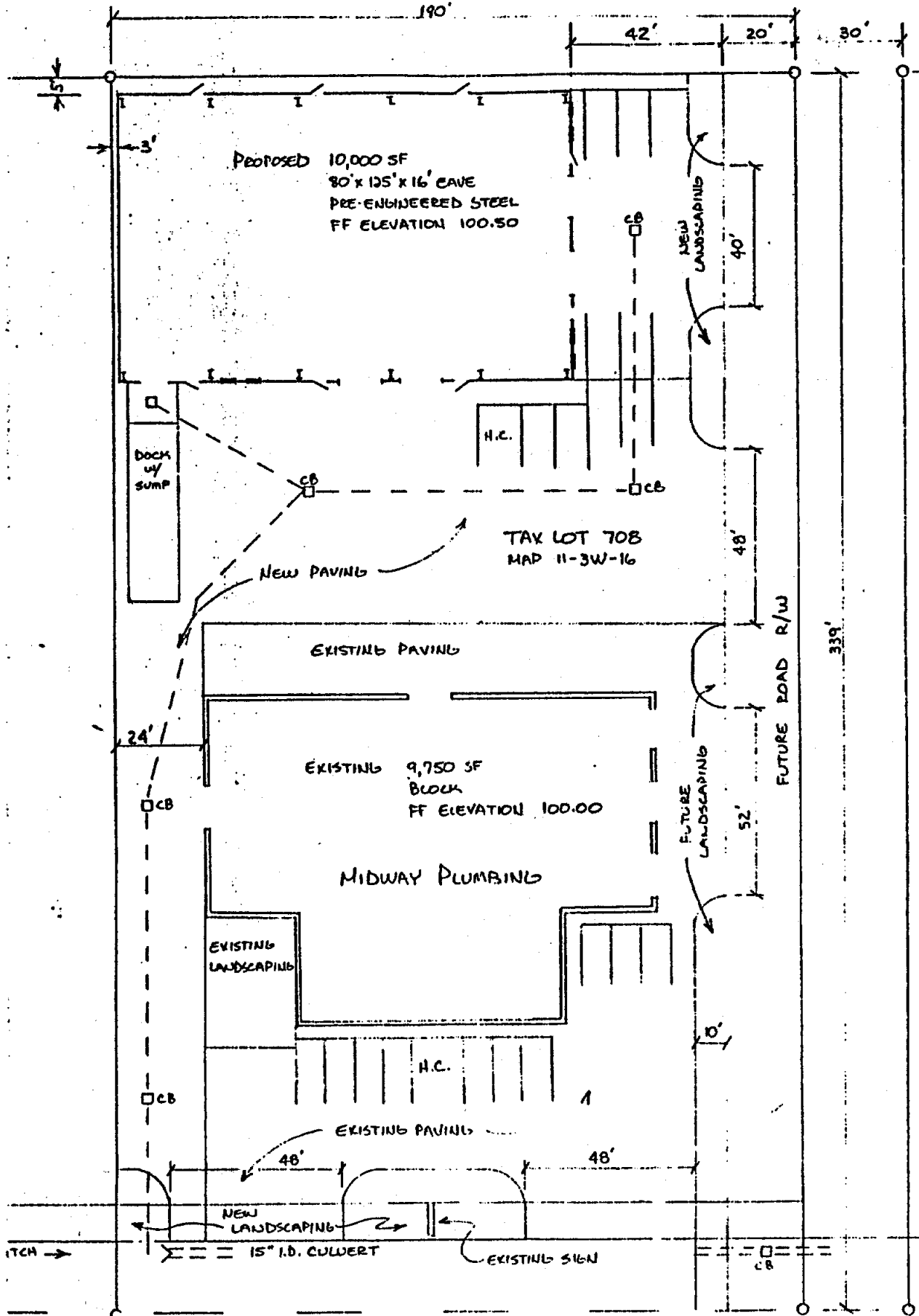


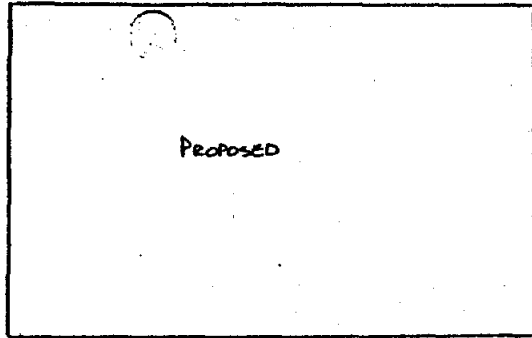
EXHIBIT 'B'

SITE PLAN FOR SITE PLAN REVIEW CASE No. SP-20-91
AND LOT LINE ADJUSTMENT CASE No. LA-09-91



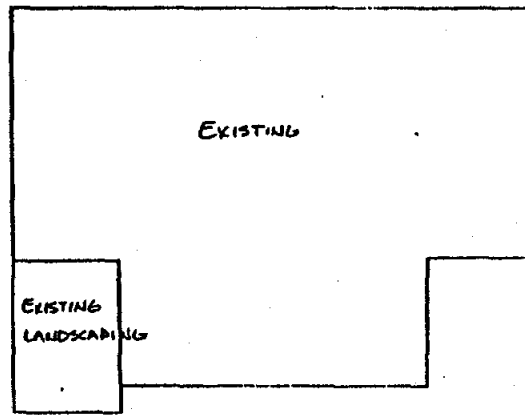
THREE LAKES ROAD

LANDSCAPE PLAN FOR SITE PLAN REVIEW CASE No. SP-20-91
AND LOT LINE ADJUSTMENT CASE LA-09-91



STUTZMAN SERVICES, INC.
4185 SPICER RD SE, ALBANY, OR

NOTE: PLANT MATERIALS WILL NOT
REQUIRE WATER AFTER ESTABLISHMENT



SUNSET GUM 6-7'
ST JOHN SWORT 2' at 18" oc

OLD GOLD JUNIPER 5 gal

EVONYMUS ALATA 16" oc

ST JOHN SWORT 2' at 18" oc



EXHIBIT 'D'

CONDITIONS OF APPROVAL FOR SITE PLAN REVIEW CASE NO. SP-20-91
AND LOT LINE ADJUSTMENT CASE LA-09-91

1. Dedicate a 10-foot wide public right-of-way for roadway purposes along Three Lakes road frontage of both lots. Dedicate a 20-foot public right-of-way for roadway purposes along the northern property line, adjacent to existing 30-foot wide strip. Show both public roadway right-of-way dedications on the Lot Line Adjustment drawing. The applicant shall provide the City with the legal descriptions and the City will provide the dedication form and will mail this to the applicant for notarized signatures within 5 working days of the effective date of this approval.
2. **Prior to occupancy of the building**, submit Petition for Improvement/Waiver of Remonstrance for the entire length of Tax Lots 706 and 708 adjacent to Three Lakes Road SE and for the future roadway adjacent to the north property line of Tax Lot 708 for the construction of public sanitary sewer, storm drain, waterline, fire hydrant(s), street, sidewalk, and curb and gutter improvements. The City will provide the Petition for Improvement/Waiver of Remonstrance forms and will mail this to the applicant for notarized signatures within 5 working days of the effective date of this approval.
3. The Lot Line Adjustment to remove 1,102 square feet from Tax Lot 706, 11-3W-16 and to add that area to Tax Lot 708, 11-3W-16 has been reviewed and found to be in compliance with the Standards specified in the Albany Development Code for property in a Light Industrial (LI) zone. The Lot Line Adjustment has been given tentative approval subject to the conditions listed above. In order to complete the process for Final Approval, the applicant shall submit a original map for signature by the Community Development Director or her designee. Upon recording of the original map you must return a mylar copy to the Planning Division.
4. **Prior to doing any work in the public right-of-way**, a Road Approach Permit must be acquired from the Linn County Planning and Building Department. Contact Glenn Hossner or Neal Micheals at 967-3919 regarding acquisition of this permit. The City of Albany's Engineering Division will also inspect all work performed in the public right-of-way.
5. Follow the City of Albany Standard Construction Specifications for all work in the City right-of-way.
6. **Prior to beginning work**, the applicant shall submit to the City of Albany Public Works Engineering Division and to the Linn County Road Department, a storm drainage plan for the parking lot that shows slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. Any ditches fronting the property which convey storm drainage shall be cleaned and kept clean of any trash and organic material which will impede flow.
7. Parking lot must be constructed in conformance with Section 7.090 of the Albany Development Code. The Site Plan does not indicate perimeter curbing [7.090(5)] nor wheel bumpers for parking slots fronting sidewalks [7.090(6)]. This requirement must be indicated on the plans submitted for Building Permits and must be met at the time of construction of the parking lot.
8. Wastewater from this property is discharged to a holding tank. Wastewater discharge is limited to restrooms only and no process water is permitted. Questions on wastewater pretreatment can be addressed to Herb Hoffer, Public Works, at 967-4309.
9. **Provide a minimum of eleven (11) off-street parking spaces for the existing building and a minimum of six (6) spaces for the proposed building.** Parking spaces shall be designated in the parking lot [Section 7.090(8)ADC] prior to occupancy. Standard parking spaces shall be a minimum of 9 feet by 19 feet. One-quarter of the total parking spaces in the lot may be designated for compact cars. The minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only." If more than 4 spaces are designated, provide one "Handicapped" parking stall a minimum of 15 feet in width. The handicapped parking space shall be designated on the pavement "Handicapped Only" and signed as required in Chapter 31 of the Uniform Building Code and in particular Section 3108.
10. Due to the dedication of 20 feet of right-of-way adjacent to the north property line and the existing overhead doors

in the existing building, a 10% adjustment is approved to allow a driveway width of 52 feet where 48 feet is allowed.

11. Open storage is permitted in yards not listed above, provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or a berm. This enclosure shall be located on the property at the required setback line as if the fence wall, hedge or berm were a building. Materials and equipment stored shall be no more than 14 feet in height above the elevation of the storage area. Open storage over six feet in height shall be screened by landscaping.
12. Landscaping adjacent to Three Lakes Road shall be installed in accordance with submitted Landscape Plan prior to a Final Occupancy Permit being issued for the building or within 90 days of issuance of a Temporary Occupancy Permit or the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the required landscaping which shall be forfeited to the City of Albany if landscaping is not completed within one year of completion of the building. Landscaping adjacent to the proposed road shall be installed within 30 days of completion of the future roadway.
13. Required landscaped areas adjacent to graveled areas or areas where perimeter curbing is not provided due to future driveway construction shall be protected by the use of railroad ties secured by rebar driven 18 inches into the ground or by large boulders, or some other acceptable means of providing protection.
14. No trees or signs may be located within any vision clearance area which prohibits structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two sides. For a commercial driveway, the measurement along the lot line and driveway shall be 20 feet and for proposed new street and Three Lakes Road, the measurement for the two sides is 30 feet.
15. All refuse materials shall be contained within a screened area consisting of a sight obscuring fence, wall or hedge at least 6 feet in height.
16. Outside storage or display of materials, junk, parts, or merchandise shall not be permitted within required front yards or buffer areas. Open storage is permitted in other yards provided that such storage is enclosed with a sight-obscuring fence, wall, or hedge, or a berm, any or all of which must be constructed of non-combustible material. This enclosure shall be located on the property at the required setback line as if the berm, fence, wall, or hedge were a building. Materials and equipment stored in these areas shall be no more than 14 feet in height above the elevation of the storage area. Open storage over six feet in height shall be screened by landscaping.
17. Obtain Sign Permit(s) from Linn County Building Department. Signs may be installed after joint review by Linn County and the City of Albany Planning and Building staffs.

	<u>Existing Building</u>	<u>Proposed Building</u>
Maximum Number of Signs:	2 per frontage	2 per frontage
Maximum Aggregate Area:	200 sq. ft.	135 sq. ft.
Maximum Individual Wall Sign:	100 sq. ft.	100 sq. ft.
	or 12% of wall area, whichever is less.	
If wall signs used exclusively,		
Maximum Aggregate area:	250 sq. ft.	180 sq. ft.
Maximum Individual Wall Sign:	125 sq. ft.	125 sq. ft.
	or 12% of wall area, whichever is less.	
Maximum free-standing sign:	157 sq. ft.	67.5 sq. ft.
	with a maximum height of 30 ft.	
Maximum projecting sign:	80 sq. ft.	67.5 sq. ft.
18. Any lighting provided on the site, including that provided by and/or for signage, shall be arranged to reflect the light away from any residential uses and the adjacent street.

The applicants should be aware that the following items are not conditions of Site Plan Review but are Uniform Building Code, Fire and Life Safety Code and/or Municipal Code requirements which must also be addressed:

1. Submit minimum of two sets of building plans to the Linn County Building Department for review and approval with application for building permits prior to construction.

2. Obtain all necessary Building Permits from the Linn County Building Department prior to construction.
3. Obtain all necessary Albany Fire Department Permits prior to construction.
4. Provide one (1) approved 2A10BC on-site fire extinguisher during construction.
5. A type of key box approved by the Fire Chief shall be installed and contain keys to gain required access.
6. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy.
7. A fire inspection and life safety inspection by the Fire Department is required prior to occupancy of the building. Contact Jim Mackie or Dennis Haney at 967-4302 to schedule an inspection.
8. Install an approved fire alarm system and/or an automatic fire sprinkler system. Three (3) complete sets of the Plans shall be submitted to the Albany Fire Department at the time Building Plans are submitted and shall be approved prior to installation. The plans shall be drawn to scale and specification (cut sheets) for all equipment to be installed in the fire detection and/or sprinkler system.
9. Provide an approved test of the fire alarm and/or sprinkler system prior to occupancy of the building.
10. Every building shall be accessible to Fire Department apparatus by way of an access roadway with all-weather surface and with a load capacity of 50,000 pounds.
11. An approved address must be posted on the building, visible from the street prior to occupancy of the building. Numbers must be no less than three (3) inches in height and shall be painted upon or affixed to the building in a contrasting and highly visible color.
12. Excavation tailings are to be stockpiled in a manner that will facilitate vegetation mowing.
13. The Fire Departments Plan Review for this project is based upon an occupancy classification of B-2. Occupancy of the building other than the B-2 classification shall cause the occupancy classification to be changed accordingly. Upon reclassification of the occupancy, the fire protection requirements for the building shall be changed to match the reclassification.
14. The building shall be of a Type IIN construction not to exceed 15,000 square feet in total area.
15. City of Albany Ordinance No. 4922 requires all businesses and residences that have robbery/burglary alarms to acquire an Alarm Users Permit from the Albany Police Department. If you have or are planning to install a robbery/burglary alarm system, please contact Leigh Ann Marshall at the Police Department at 967-4317 to obtain the permit.

NOV 6 1 54 PM '91

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 580 Page: 875

STEVE DRUCKENMILLER
Linn County Clerk

By LEW, Deputy

ATTN: NORM
City of ALBANY
POB 490
ALBANY, OR 97321

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that Midway Plumbing, Inc., 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:

AN-01-91

LA-09-91

SP-20-91

TRACT I

A 10-foot wide tract of land across that property conveyed to Midway Plumbing, Inc. in Memorandum of Land Sale Contract in Volume MF 141, Page 995, Linn County Microfilm Deed Records, and across that property conveyed to Midway Plumbing, Inc. in MF 171, Page 389, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 30-foot wide strip of land over said Midway Plumbing, Inc., parcels, said strip being parallel, adjacent, and west of the centerline of Three Lakes Road, in Section 16, Township 11 South, Range 3 West, Willamette Meridian.

EXCEPT that portion which is within the current right-of-way of Three Lakes Road, said portion being 20-feet wide.

TRACT II

A 20-foot wide tract of land across that property conveyed to Midway Plumbing, Inc. in Memorandum of Land Sale Contract in Volume MF 141, Page 995, Linn County Microfilm Deed Records, and across that property conveyed to Midway Plumbing, Inc. in MF 171, Page 389, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 20-foot wide strip of land over said Midway Plumbing, Inc. parcels, said strip of land being parallel, adjacent, and south of the north line of said parcels, in Section 16, Township 11 South, Range 3 West, Willamette Meridian.

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. 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 his/her/their signature this 26 day of July, 1991.

Midway Plumbing, Inc

By: [Signature]
President

By: [Signature]
Secretary

STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

The foregoing instrument was acknowledged before me this 26 day of JULY, 1991 by Douglas C. Haima, president, of Midway Plumbing, Inc., an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon
My Commission Expires: 12-18-93

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

The foregoing instrument was acknowledged before me this 23rd day of September, 1991, by Larry J. Haima, secretary, of Midway Plumbing, Inc., an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon
My Commission Expires: 6-16-93

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3101 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of October, 1991.

CITY OF ALBANY, OREGON

[Signature]
City Manager

[Signature]
City Recorder

11S-03W-16
Tax Lot 708

20-Foot Wide Strip of Land
Which is Parallel, Adjacent,
and South of the North Line.

N 00° 17' 00" E
190.02'

S 89° 22' 00" W
229.01'

S 00° 31' 20" W
486.56'

Midway Plumbing, Inc.
in Volume MF 141-995
and MF 171- 389, LCDR

11S-03W-16
Tax Lot 706

30-Foot Wide Strip of Land
Which is Parallel, Adjacent,
and West of the Centerline
of Three Lakes Road.
Except That Portion Which is
in the Right-of-Way of Three
Lakes Road, Said Portion
Being 20-Foot Wide.

N 89° 59' 30" E
321.00'

40'

N 00° 17' 00" E
490.24'

Three Lakes Road

10'

20'

Centerline

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

Right-of-Way Dedication
from Midway Plumbing, Inc.
to the City of Albany

Scale 1" = 60'

File:DLA0991
DATE:OCTOBER 1991