

RESOLUTION NO. 5129

A RESOLUTION ACCEPTING THE FOLLOWING RIGHT-OF-WAY DEDICATION:

Grantor

Purpose

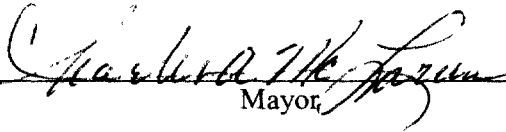
RBSM, LLC

Dedicate Public Right-of-Way

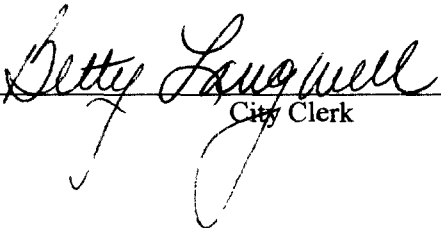
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this right-of-way dedication deed.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 11TH DAY OF MAY 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**RECORDING COVER SHEET  
ALL TRANSACTIONS, ORS: 205.234**

This cover sheet has been prepared by the person Presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the Transaction(s) contained in the instrument itself.

BENTON COUNTY, OREGON **2005-385517**  
DE-D  
Cnt=1 Stn=6 NE **05/19/2005 01:32:01 PM**  
\$30.00 \$11.00 \$10.00 \$15.00 **\$86.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
James V. Morales - County Clerk



*AFTER RECORDING RETURN TO:*

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

1.) NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)

*Right-of-Way Dedication*

2.) DIRECT PARTY / GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160

*RBSM, Lnc*

3) INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160

*City of Albany*

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

5) ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERKS LIEN RECORDS, ORS 205.121(1)(e)

7) THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES, INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325

8) Rerecorded to correct _____ Previously recorded as _____
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## RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that RBSM, LLC, hereinafter referred to as Grantor, hereby dedicate to the City of Albany, a Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Benton County, Oregon, conveyed to Grantors by deed recorded in M-357923.03, Benton County deed records, and being more particularly described as follows:

See attached Legal Description labeled Exhibit A, attached Vicinity Map labeled Exhibit B, and attached Right-of-Way Map labeled Exhibit C.

The Grantor covenants 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 same against all persons who may lawfully claim the same.

The right-of-way dedicated herein is in consideration of \$30,798 (\$3 per square foot for right of way taken), receipt of which is acknowledged by the Grantor; and in further consideration of \$3,510 receipt of which is acknowledged by the Granter as payment for the 10-foot strip of land, approximately 1170 square feet, located adjacent to the east property line of the Parson tract that the City intends to convey to the Parson family for the loss of their access on the west side of their property; 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 fixed their hand and seal the day and year written below.

**GRANTOR:**

RBSM LLC

*Robert R. Lowry*  
By **ROBERT R. LOWRY**  
Title **MANAGER**

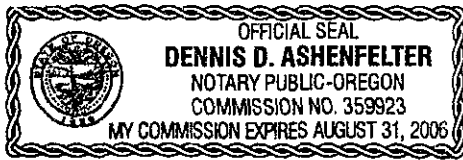
\_\_\_\_\_  
By  
\_\_\_\_\_  
Title

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

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

The instrument was acknowledged before me this 3<sup>rd</sup> day of MAY, 2005, by ROBERT R. LOWRY, Title MANAGER OF RBSM, LLC, as a representative of RBSM LLC.

The instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, Title \_\_\_\_\_, as a representative of RBSM LLC.



*Dennis D. Ashenfelter*  
Notary Public for Oregon  
My Commission Expires: 08-31-06

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

**CITY OF ALBANY:**

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 ~~40-5129~~, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11<sup>th</sup> day of May, 2005.

*Steve Bryant*  
City Manager

ATTEST  
*Betsy Langwell*  
City Recorder **clerk**

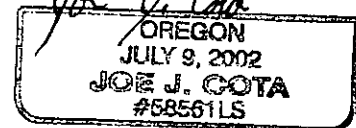
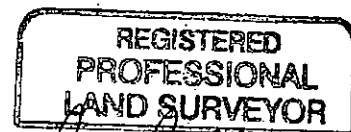
EXHIBIT "A"

CITY OF ALBANY  
RIGHT-OF-WAY ACQUISITION  
A PORTION OF THAT RBSM, LLC. TRACT

A portion of that RBSM LLC., an Oregon limited liability company, tract described by deed recorded in M-357923-03 of the Benton County, Oregon Deed Records on November 26, 2003 that is more particularly described as follows:

Beginning at the northwest corner of said RBSM LLC. tract; thence South 88°07'29" East, along the north line of said RBSM LLC. tract, 32.13 feet; thence along the arc of a 269.39 foot radius curve to the left (long chord of which bears South 09°12'07" East 58.53 feet) a distance of 58.64 feet; thence along the arc of a 330.00 foot radius curve to the right (long chord of which bears South 07°14'24" East 104.71 feet) a distance of 105.16 feet; thence South 01°53'20" West 90.64 feet; thence along the arc of a 6.50 foot radius curve to the left (long chord of which bears South 43°07'05" East 9.19 feet) a distance of 10.21 feet; thence South 01°53'32" West 54.00 feet; thence along the arc of a 6.50 foot radius curve to the left (long chord of which bears South 46°53'37" West 9.19 feet) a distance of 10.21 feet; thence along the arc of a 330.00 foot radius curve to the right long chord of which bears South 10°35'45" West 99.65 feet) a distance of 100.04 feet; thence along the arc of a 370.00 foot radius curve to the left (long chord of which bears South 10°35'04" West 111.88 feet) a distance of 112.31 feet; thence South 88°07'14" East 1.99 feet to a 5/8 inch rod at the northwest corner of that Parsons tract described by deed recorded in M-37571 of the Benton County, Oregon Deed Records on January 15 1973; thence South 01°53'44" West 116.99 feet to a 5/8 inch rod at the southwest corner of said Parsons tract; thence North 88°00'44" West 2.63 feet to a 5/8 inch rod; thence along (the arc of a 160.22 foot radius curve to the left (long chord of which bears North 68°42'19" West 28.99 feet) a distance of 29.03 feet to a 5/8 inch rod; thence North 01°53'20" East 634.91 feet to the Point of Beginning. Containing 30,066 square feet of land, more or less.

March 21, 2005  
RIGHT-OF-WAY  
RBSM, LLC TRACT  
(03-180) JJC:nm  
File: nm\shared\03-180 NA Rd\Legal\RBSM LLC.doc



# EXHIBIT B

## North Albany Road Right-of-Way Acquisition

ST-03-05, NORTH ALBANY ROAD LID  
A Portion of Benton County Tract  
Described by Deed Reference  
M-357923-03



Geographic Information Services

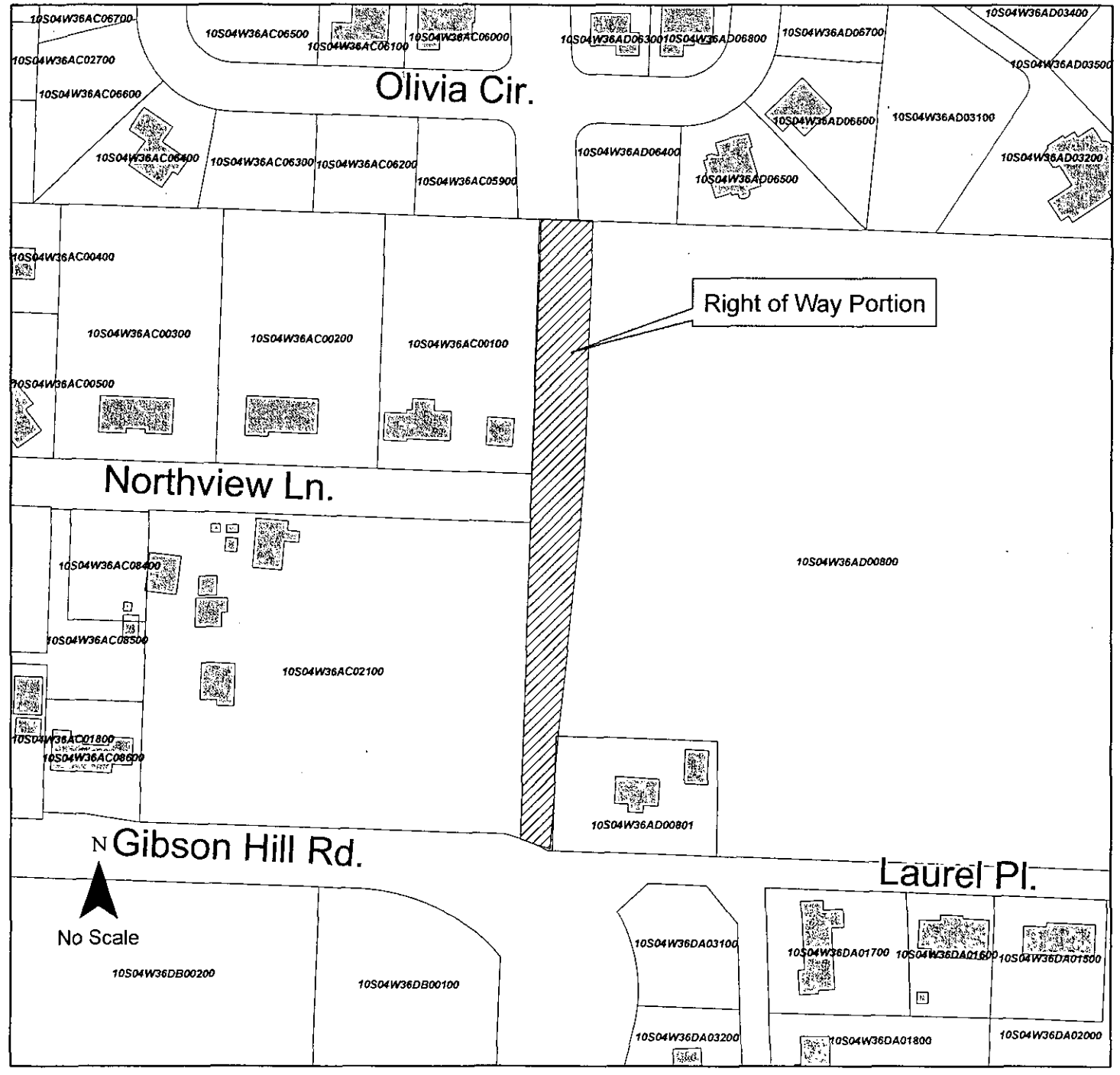
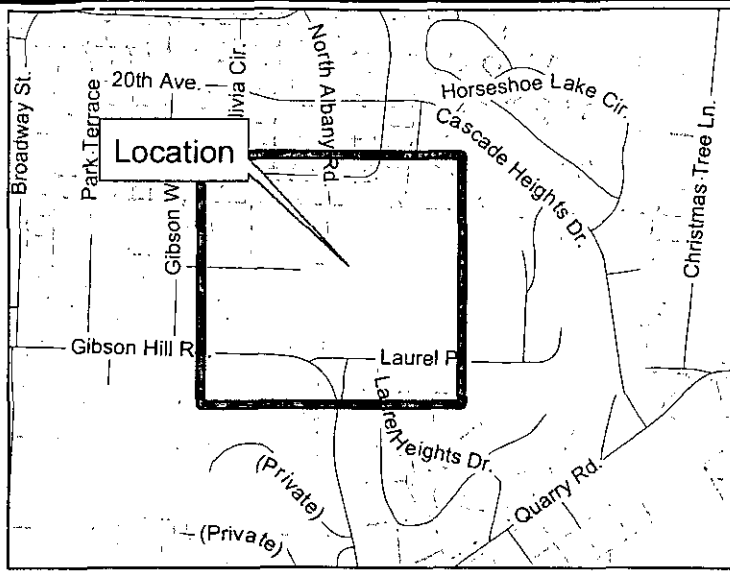


EXHIBIT "C"

FOR

NORTH ALBANY ROAD  
RIGHT-OF-WAY ACQUISITION

A PORTION OF THAT RBSM LLC. TRACT DESCRIBED  
BY DEED REFERENCE M-357923-0

LOCATED IN

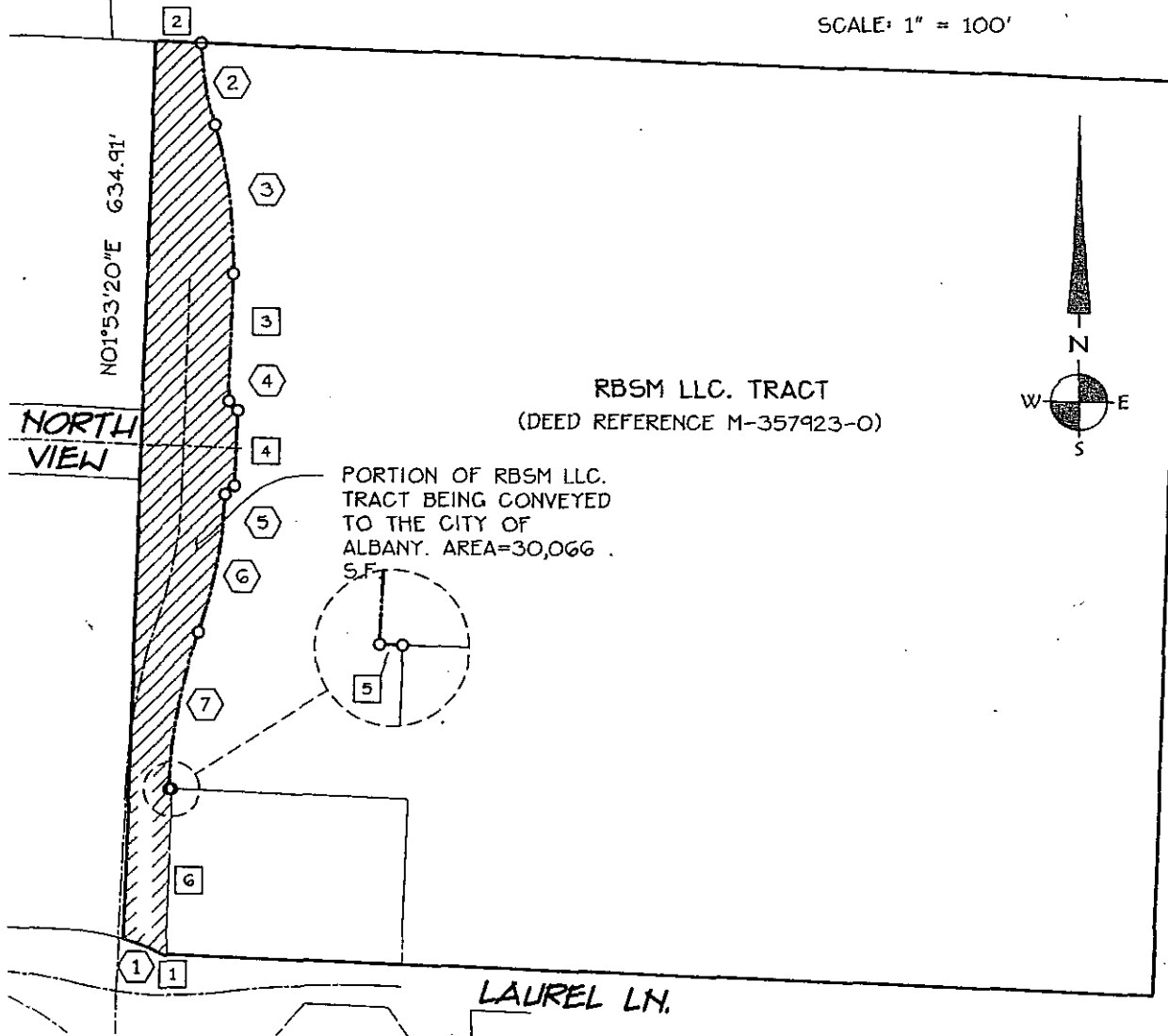
SE 1/4 SECTION 36, T. 10 S., R. 4 W., N.M.  
CITY OF ALBANY, BENTON COUNTY, OREGON

MARCH 19, 2005

0 100 200 FT.



SCALE: 1" = 100'



LEGEND:

- 3 LINE REFERENCE (SEE LINE TABLE)
- 6 CURVE REFERENCE (SEE CURVE TABLE)

LINE TABLE

CURVE	LENGTH	BEARING
1	2.63	N88°00'44"W
2	32.13	S88°07'29"E
3	90.64	S01°53'20"W
4	54.00	S01°53'32"W
5	1.99	S88°07'14"E
6	165.00	N88°07'15"W

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	DELTA
1	29.03	160.22	N68°42'19"E 28.99	10°22'49"
2	58.64	269.39	S09°12'07"E 58.53	12°28'21"
3	105.16	330.00	S07°14'24"E 104.71	18°15'18"
4	10.21	6.50	S43°07'05"E 9.19	90°00'49"
5	10.21	6.50	S46°53'37"W 9.19	89°57'49"
6	100.04	330.00	S10°35'45"W 99.65	17°22'07"
7	112.31	370.00	S10°35'04"W 111.88	17°23'29"

Date: 3/26/2005

Time: 11:19

Scale: 1=20(P.S)

File: dwg\2003\03-180-B\180B-EXHIBITS.dwg (Brian E)

Resolution No. 5129

Recorded Document Recorder File No. 4555