

RESOLUTION NO. 6405

A RESOLUTION ACCEPTING THE FOLLOWING DEDICATION DEED:

Grantor

Purpose

Lowe's Home Centers, LLC, a North Carolina limited liability company

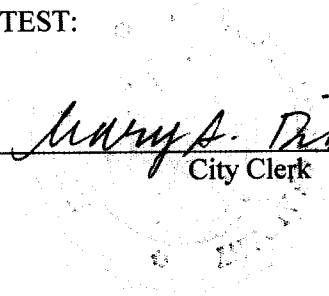
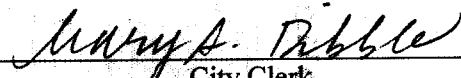
A variable width Right-of-Way dedication for 9<sup>th</sup> Avenue SE, as part of the Lowe's development project.

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

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2015.

  
Mayor

ATTEST:

  
  
City Clerk

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that, Lowe's Home Centers, LLC, a North Carolina limited liability company, 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:

See legal description on attached Exhibit A, and maps on attached Exhibits B and C. Exhibits A, B, and C are attached herewith and made a part hereof this agreement.

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, covenants, conditions, and restrictions 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, 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.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 25<sup>th</sup> day of MARCH, 2015.

GRANTOR: Lowe's Home Centers, LLC, a North Carolina limited liability company

Gary E. Wyatt  
Gary E. Wyatt, Senior Vice President

jm  
ms  
MA

STATE OF NORTH CAROLINA)

County of WILKES )

I, Tanya C. Benfield, a Notary Public for WILKES County, North Carolina, certify that Gary E. Wyatt personally came before me this day and acknowledged that he is Senior Vice President of Lowe's Home Centers, LLC, a North Carolina limited liability company, and that he, as Senior Vice President, being authorized to do so, executed the foregoing document on behalf of the limited liability company.

WITNESS my hand and official seal this 25<sup>th</sup> day of March, 2015.

My commission expires:

Tanya C. Benfield  
Notary Public  
Surry County, NC  
Commission Expires October 9, 2016

Tanya C. Benfield  
Notary Public

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
City Manager

ATTEST:

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

## Exhibit "A"

**LEGAL DESCRIPTION**  
**LOWE'S ALBANY (LOW8129)**  
**RIGHT-OF-WAY DEDICATION**  
March 22, 2012  
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A PORTION OF THOSE TRACTS OF LAND DESCRIBED IN DEED DOCUMENT NO. 2011-16191 AND 2011-16195, LINN COUNTY DEED RECORDS LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### PARCEL 1

**COMMENCING** AT THE NORTHEAST CORNER OF SAID DEED DOC. NO. 2011-16191, LINN COUNTY DEED RECORDS, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF 9TH AVENUE SE (AS ESTABLISHED BY DEED DOC. NO. 2007-08452), THENCE ALONG THE ARC OF A 1053.07 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 02°15'08" (THE LONG CHORD BEARS SOUTH 72°06'46" WEST, 41.39 FEET) AN ARC DISTANCE OF 41.39 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 10°00'00" (THE LONG CHORD BEARS SOUTH 75°59'12" WEST, 195.07 FEET) AN ARC DISTANCE OF 195.31 FEET;

THENCE SOUTH 80°59'12" WEST, 26.21 FEET TO A POINT OF CURVATURE;

THENCE ALONG AN ARC OF A 1119.07 FOOT RADIUS CURVE, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 01°42'25" (THE LONG CHORD BEARS SOUTH 81°50'25" WEST, 33.34 FEET) AN ARC DISTANCE OF 33.34 FEET TO THE POINT OF BEGINNING OF PARCEL 1;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A NON-TANGENT 19.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 13°51'18" (THE LONG CHORD BEARS SOUTH 35°54'17" WEST, 4.70 FEET) AN ARC DISTANCE OF 4.72 FEET;

THENCE SOUTH 28°58'38" WEST, 7.92 FEET;

THENCE NORTH 73°56'04" WEST, 25.86 FEET TO A POINT OF NON-TANGENCY AND THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9TH AVENUE SE, SAID POINT HEREIN AFTER REFERRED TO AS POINT "A";

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 1°37'13" (THE LONG CHORD BEARS NORTH 83°30'14" EAST, 31.65 FEET) AN ARC DISTANCE OF 31.65 FEET TO THE POINT OF BEGINNING OF PARCEL 1.

**PARCEL 1 CONTAINS 152 SQUARE FEET, OR 0.003 ACRES MORE OR LESS.**

**LEGAL DESCRIPTION**  
**LOWE'S ALBANY (LOW8129)**  
**RIGHT-OF-WAY DEDICATION**  
March 22, 2012  
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**PARCEL 2**

**COMMENCING AT POINT "A" AS DESCRIBED ABOVE, THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9TH AVENUE SE AS DEFINED ABOVE, ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 03°21'06" (THE LONG CHORD BEARS SOUTH 86°59'24" WEST, 65.45 FEET) AN ARC DISTANCE OF 65.46 FEET TO THE POINT OF BEGINNING OF PARCEL 2;**

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 40°46'47" WEST, 31.49 FEET;

THENCE NORTH 49°13'13" WEST, 13.02 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 17.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 42°16'05" (THE LONG CHORD BEARS NORTH 70°21'16" WEST, 12.62 FEET) AND ARC DISTANCE OF 12.91 FEET;

THENCE SOUTH 88°30'41" WEST, 31.77 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A 273.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 11°39'43" (THE LONG CHORD BEARS NORTH 85°39'27" WEST, 55.47 FEET) AN ARC DISTANCE OF 55.57 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 257.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 08°07'05" (THE LONG CHORD BEARS NORTH 83°53'08" WEST, 36.38 FEET) AN ARC DISTANCE OF 36.41 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9TH AVENUE SE AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 1053.07 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 05°29'03" (THE LONG CHORD BEARS NORTH 88°14'41" EAST, 100.76 FEET) AND ARC DISTANCE OF 100.80 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 1119.07 FOOT RADIUS CURVE CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 03°19'15" (THE LONG CHORD BEARS NORTH 89°19'35" EAST, 64.85 FEET) AND ARC DISTANCE OF 64.86 FEET TO THE POINT OF BEGINNING OF PARCEL 2.

**PARCEL 2 CONTAINS 1544 SQUARE FEET OR 0.035 ACRES, MORE OR LESS.**

THE ATTACHED EXHIBIT ENTITLED "RIGHT OF WAY DEDICATION" IS MADE A PART HEREOF.

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*E. D. Lynch*

**OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
58544**

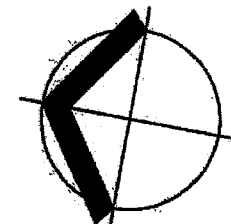
*REVIEWS: R/12/12*

**CURVE TABLE:**

C1	R=1053.07' L=41.39' Δ=2°15'08" CH=S72°06'46"W 41.39'	C8	R=273.00' L=55.57' Δ=11°39'43" CH=N85°39'27"W 55.47'
C2	R=1119.07' L=195.31' Δ=10°00'00" CH=S75°59'12"W 195.07'	C9	R=257.00' L=36.41' Δ=8°07'05" CH=N83°53'08"W 36.38'
C3	R=1119.07' L=33.34' Δ=1°42'25" CH=S81°50'25"W 33.34'	C10	R=1053.07' L=100.80' Δ=5°29'03" CH=N88°14'41"E 100.76'
C4	R=19.50' L=4.72' Δ=13°51'18" CH=S35°54'17"W 4.70'	C11	R=1119.07' L=64.86' Δ=3°19'15" CH=N89°19'35"E 64.85'
C5	R=1119.07' L=31.65' Δ=1°37'13" CH=N83°30'14"E 31.65'		
C6	R=1119.07' L=65.46' Δ=3°21'06" CH=S85°59'24"W 65.45'		
C7	R=17.50' L=12.91' Δ=42°16'05" CH=N70°21'16"W 12.62'		

**LINE TABLE:**

L1	S80°59'12"W, 26.21'
L2	S28°58'38"W, 7.92'
L3	N73°56'04"W, 25.86'
L4	S40°46'47"W, 31.49'
L5	N49°13'13"W, 13.02'
L6	S88°30'41"W, 31.77'




SCALE: 1"=100'




**LEGEND:**

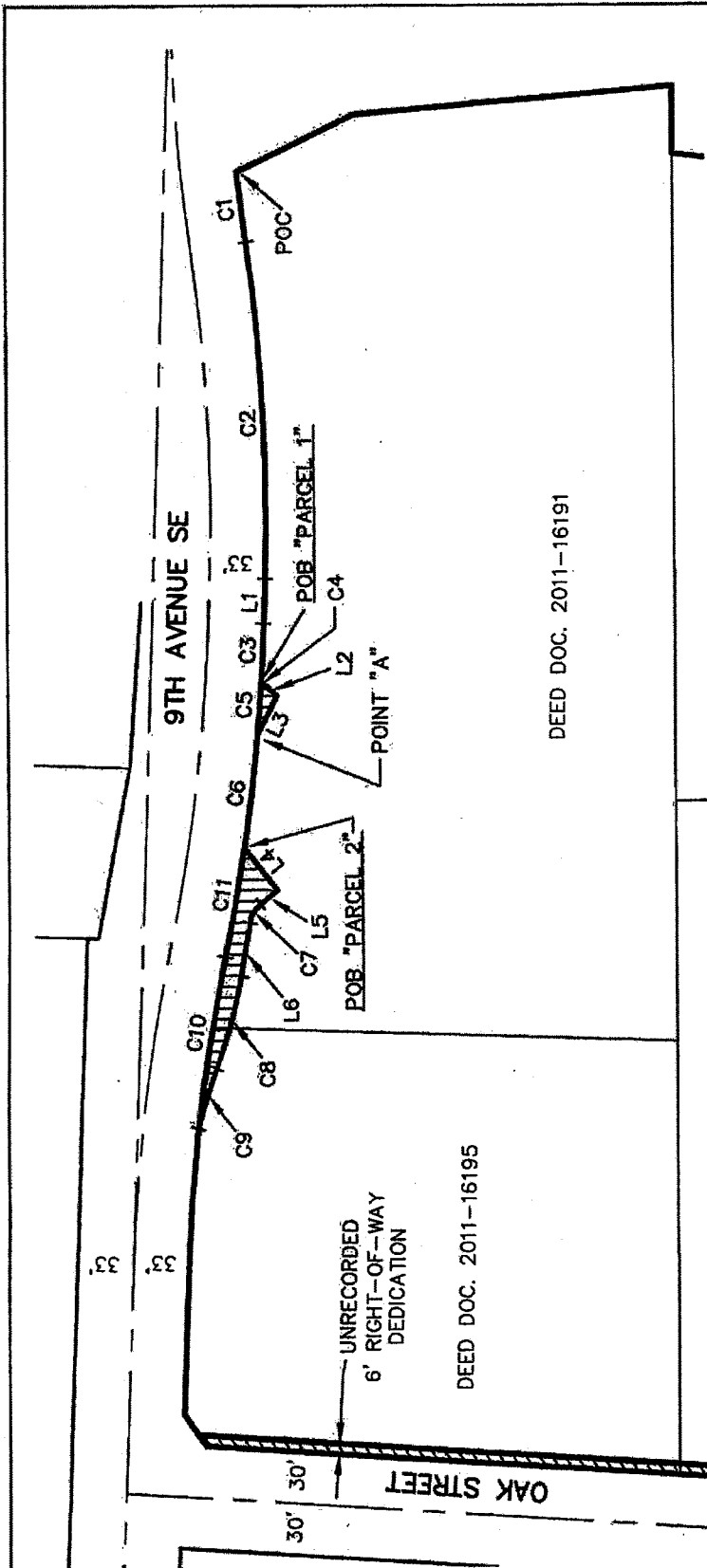
PARCEL - 1

 AREA OF RIGHT-OF-WAY DEDICATION  
152 SQUARE FEET OR  
0.003 ACRES MORE OR LESS

PARCEL - 2

 AREA OF RIGHT-OF-WAY DEDICATION  
1544 SQUARE FEET OR  
0.035 ACRES MORE OR LESS

SEE ATTACHED LEGAL DESCRIPTION



5415 SW WESTGATE DR, SUITE 100  
PORTLAND, OR 97221  
TEL: (503) 419-2500 FAX: (503) 419-2600  
www.cardnowrg.com

**EXHIBIT "B"**  
**RIGHT-OF-WAY DEDICATION**

NW 1/4 OF S 8, T11S, R3 W, W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

PROJECT NO. LOW8129  
DATE: 03/22/2012  
BY: EDL  
SCALE: 1" = 100'  
PAGE NO. 3 OF 3

# EXHIBIT C

11S03W08BC- 01000

Right-Of-Way dedication for  
Lowe's Development Project



Geographic Information Services

