

RESOLUTION NO. 5088

A RESOLUTION ACCEPTING THE FOLLOWING WARRANTY DEED:

Grantor

Purpose

Roth Built, Inc., and Basic Homes, Inc., A Joint Venture

The purpose of the warranty deed is to transfer ownership of two tracts of land to the City of Albany. The tracts of land contain a drainageway. The developer was required to transfer the tracts to the City of Albany as a condition of approval for Wind in the Willows subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this warranty 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 12TH DAY OF JANUARY 2005.



Mayor

ATTEST:



City Clerk

dw
js

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **BASIC HOMES, INC., AND ROTH BUILT, INC., JOINT VENTURE**; hereinafter called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto **THE CITY OF ALBANY, OREGON, A MUNICIPAL CORPORATION**, hereinafter called the GRANTEE, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Linn and State of Oregon, to wit:

Tract "A" and Tract "B" as shown on the Wind in the Willows subdivision plat, a subdivision in Section 3, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon. As shown on the attached map labeled Exhibit "A".

SUBJECT TO: All those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

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 paid for this conveyance, stated in terms of dollars, is \$1.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

Tax Exempt.

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:

[Signature]

Phil Fidler, President of Basic Homes, Inc.

[Signature]

Tim Roth, President of Roth Built, Inc.

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

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

The foregoing instrument was acknowledged before me this 29th day of October, 2004, by Phil Fidler, on behalf of Basic Homes, Inc., as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 29th day of October, 2004, by Tim Roth, on behalf of Roth Built, Inc., as his voluntary act and deed.

[Signature]

Notary Public for Oregon
My Commission Expires: 12-15-04

[Signature]

Notary Public for Oregon
My Commission Expires: 12-15-04



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 5088, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of January 2005

[Signature]

City Manager

ATTEST: *[Signature]*

City Recorder

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 Clerk

By LAD Deputy PAGE 68

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