

RESOLUTION NO. 3503

**A RESOLUTION ACCEPTING A DEED TO REAL
PROPERTY IN BENTON COUNTY FOR PARK
PURPOSES**

WHEREAS, KENNETH A. GRIFFIN and DAYTON G. GRIFFIN have donated to the City of Albany 8.13 acres of land located along the Willamette River in Benton County, Oregon, a more exact description of which is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the value of this property has been determined to be \$65,040; and

WHEREAS, it is in the interests of the people of the City of Albany that the deed of said property to the City be accepted and recorded in the deed records of Benton County, Oregon.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Albany that the deed from Kenneth A. Griffin and Dayton G. Griffin to the City of Albany of the property described in Exhibit "A" attached hereto be and the same is hereby accepted and shall be recorded.

DATED this 26th day of April, 1995.



Mayor

ATTEST:



City Recorder - Deputy

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that KENNETH A. GRIFFIN and DAYTON G. GRIFFIN, each as to an undivided one-half interest as tenants in common, hereinafter called Grantor, for the consideration hereinafter stated, to Grantor paid by CITY OF ALBANY, a municipal corporation, hereinafter called Grantee, does hereby grant, bargain, sell and convey unto the Grantee and Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of Benton, State of Oregon, described as follows, to-wit:

See Exhibit "A" attached hereto

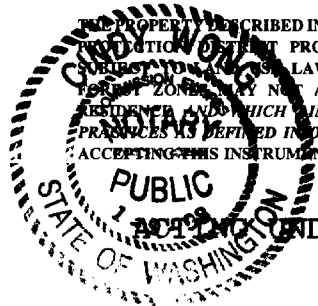
To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except the matters contained in the usual printed exceptions to a title insurance policy and liens and encumbrances placed on the property or suffered by a purchaser subject to the following: (1) rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof; (2) any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created; (3) such rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of the Willamette River; and (4) easement in favor of the United States of America as disclosed by warranty deed from M. Viola Walker to Cecyle Aileen Walker, recorded September 4, 1947, in Book 119, Page 23, Benton County Deed Records, and that Grantor will warrant and forever defend the 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, if any.

The true and actual consideration paid for this transfer is a charitable donation. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 22nd day of April, 1995.



Kenneth A. Griffin
Kenneth A. Griffin
Dayton G. Griffin

UNDER POWER OF ATTORNEY OR ATTORNEY-IN-FACT

State of Washington
County of KING

I certify that I know or have satisfactory evidence that J.P. Griffin signed this instrument, on oath stated that She was authorized to execute the instrument and acknowledged it as the Attorney in fact of Kenneth A. Griffin to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 4/25/95

[Signature]
Signature of Notary Public

Title consumer was officer
My appointment expires: 1-9-98

Albany, OR 97321
Until requested to the contrary, and all tax statements be prepared.
Financial Services
CITY OF ALBANY
P.O. Box 490
Albany, OR 97321
(JMK/FORMS/ALBGRIF.WD)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that KENNETH A. GRIFFIN and DAYTON G. GRIFFIN, each as to an undivided one-half interest as tenants in common, hereinafter called Grantor, for the consideration hereinafter stated, to Grantor paid by CITY OF ALBANY, a municipal corporation, hereinafter called Grantee, does hereby grant, bargain, sell and convey unto the Grantee and Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of Benton, State of Oregon, described as follows, to-wit:

See Exhibit "A" attached hereto

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever.

And Grantor hereby covenants to and with Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except the matters contained in the usual printed exceptions to a title insurance policy and liens and encumbrances placed on the property or suffered by a purchaser subject to the following: (1) rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Willamette River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof; (2) any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created; (3) such rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of the Willamette River; and (4) easement in favor of the United States of America as disclosed by warranty deed from M. Viola Walker to Cecyle Aileen Walker, recorded September 4, 1947, in Book 119, Page 23, Benton County Deed Records, and that Grantor will warrant and forever defend the 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, if any.

The true and actual consideration paid for this transfer is a charitable donation. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 22nd day of April, 1995.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION ZONE THAT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO CITY LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Kenneth A. Griffin, P.C.
Kenneth A. Griffin
Dayton G. Griffin

STATE OF OREGON, County of Washington) ss.

This instrument was acknowledged before me on April 22nd, 1995, by Kenneth A. Griffin.

STATE OF OREGON, County of Kitsap) ss.

NOTARY PUBLIC FOR OREGON Washington
My Commission Expires:

This instrument was acknowledged before me on April 22nd, 1995, by Dayton G. Griffin.

ANNA MARIE VAN WINKLE
NOTARY PUBLIC FOR OREGON Washington
My Commission Expires: 10/7/97

Form box containing recording instructions: Kenneth A. Griffin and Dayton G. Griffin - Grantor; City of Albany - Grantee; After recording return to: Parks and Recreation Dept. City of Albany - RECORDER; P.O. Box 490; Albany, OR 97321; Until requested by the City and all tax statements to: Finance Dept. City of Albany; P.O. Box 490; Albany, OR 97321.



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

Exhibit "A"

Parcel I:

That portion of the following described premises lying Southerly of the South line of the Albany-Corvallis Highway (Highway 20): Beginning at a point on the South boundary line of the Donation Land Claim of A.M. Rainwater, it being claim Number 61 and 39 and Not. No. 697 in Township 11 South of Range 3 and 4 West of the Willamette Meridian in Benton County, Oregon, said point being 15.37 chains East and 10 links South and South 88° East 3.40 chains and South 88½° East 2.685 chains distant from the Southwest corner of said claim, and running thence North 30.07 chains to the North boundary line of said claim; thence North 82½° East 8.285 chains; thence South 31.44 chains to the South boundary line of said claim; thence North 88 1/5° West 89 links; thence North 88½° West 7.315 chains to the place of beginning, all in Benton County, Oregon; EXCEPTING therefrom the above the following described premises: Beginning at a point on the South boundary line of the Donation Land Claim of A.M. Rainwater, it being claim Number 61 and 39 and Not. No. 697 in Township 11 South of Range 3 and 4 West of the Willamette Meridian in Benton County, Oregon, said point being 15.37 chains East and 10 links South, and South 88° East 3.40 chains and South 88½° East 2.685 chains distant from the Southwest corner of said claim, and running thence North 64 rods; thence East 12½ rods; thence South about 64 rods to a point on the South boundary line of said claim; thence North 88½° West about 12½ rods to the place of beginning; ALSO excepting that portion thereof conveyed by C.D. Walker, et ux, to Frances Schmidt by deed recorded April 25, 1924 in Book 73, Page 456, Benton County Deed Records.

Parcel II:

That portion of the following described premises lying Southerly of the South line of the Albany-Corvallis Highway (Highway No. 20): Beginning at a point on the South boundary line of the Donation Land Claim of A.M. Rainwater, Notification No. 697, Claim Nos. 61 and 39 in Township 11 South of Ranges 3 and 4 West of the Willamette Meridian, in Benton County, Oregon, said point of beginning being 12.27 chains East, South 88° East 6.50 chains, South 88°15' East 10.00 chains and South 88°12' East 89 Links from the Southwest corner of the said donation land claim; and running thence South 88°12' East 13.322 chains; thence North 2.17 chains; thence West 4.44 chains; thence North to the South boundary line of the Corvallis & Eastern Railroad right of way; thence North 74°30' East 4.62 chains; thence North to the North boundary line of said donation land claim; thence North 86° West 47 links; thence South 82°15' West along said boundary line to a point due North of the place of beginning; thence South to the place of beginning, all in Benton County, Oregon.

STATE OF OREGON }
County of Benton } ss. **191091**

I hereby certify that the within instrument
was received for record.

'95 JUN 27 AM 8 49

AND
ASSIGNED No 200587 1995

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

DANIEL G. BIRK
Director Of Records & Elections

By _____ Deputy

25-
GIS W

Resolution No. 3503

Recorded Document Recorder File No. 2611