

RESOLUTION NO. 5103

A RESOLUTION DECLARING A NECESSITY THAT THE CITY ACQUIRES CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ALBANY, BENTON COUNTY, OREGON, FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY.

WHEREAS, the City is attempting to negotiate a private purchase from the owners of real property as described in the attached legal descriptions, which by this reference are incorporated herein as Exhibits 1, 2, 3, 4, 5, 6, and 7; and

WHEREAS, the property in question is necessary for the purpose of creating a public right-of-way in connection with the development of certain real property.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany be and are hereby authorized to continue to negotiate an agreement with the owners and other persons of interest in the real property described in Exhibits 1, 2, 3, 4, 5, 6, and 7, located in the city of Albany, Benton County, Oregon; and in the event that no satisfactory agreement can be reached, then the City of Albany be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire said real property and interest therein may be taken immediately. The subject property is necessary for creation of a public right-of-way in connection with the development of certain real property, and the proposed use is located in a manner which will be most compatible with the greatest public good and the least private injury; and

BE IT FURTHER RESOLVED that immediate possession of the property is necessary and in the public interest.

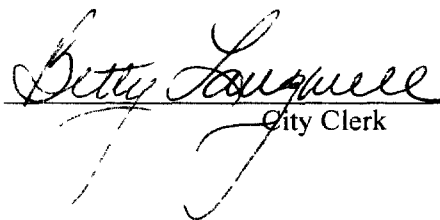
Emergency Clause. In as much as this resolution is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, an emergency is hereby declared to exist; and this resolution shall take effect and be in full force and effect when signed by the Mayor.

DATED AND EFFECTIVE THIS 13TH DAY OF APRIL 2005.



Mayor

ATTEST:



City Clerk

EXHIBIT 1

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

CITY OF ALBANY RIGHT-OF-WAY ACQUISITION A PORTION OF THAT PARKER TRACT

Two portions of that Parker tract described by deed recorded in M-313248-02 of the Benton County, Oregon Deed Records on February 19, 2002 which are more particularly described as follows:

Portion #1

Beginning at the southeast corner of said Parker tract; thence North 88°05'21" West, along the south line of said Parker tract, 12.00 feet; thence along the arc of a 12.00 foot radius curve to the left (long chord of which bears North 46°54'00" East 16.97 feet) a distance of 18.85 feet to a point on the east line of said Parker tract; thence South 01°53'20" West 12.00 feet to the Point of Beginning. Containing 31 square feet of land, more or less.

Portion # 2

Beginning at the northeast corner of said Parker tract; thence South 01°53'21" West, along the east line of said Parker tract, 160.81 feet; thence along the arc of a 270.00 foot radius curve to the left (long chord of which bears North 07°14'24" West 85.67 feet) a distance of 86.04 feet; thence North 13°28'58" West 32.04 feet; thence along the arc of a 250.00 foot radius curve to the right (long chord of which bears North 08°12'00" West 46.04 feet) a distance of 46.10 feet to a point on the north line of said Parker tract; thence South 88°07'29" East 30.15 feet to the Point of Beginning. Containing 2147 square feet of land, more or less.

March 21, 2005
RIGHT-OF-WAY
PARKER TRACT
(03-180) JJC:nm

File nm\shared\03-180 NA Rd\legal\Parker doc

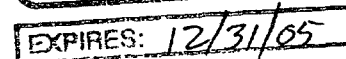
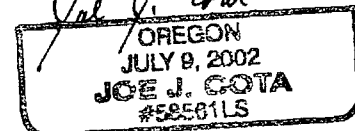
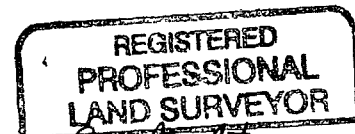


EXHIBIT 2

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

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

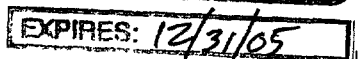
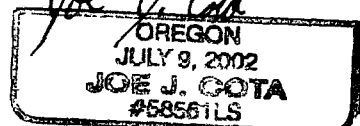
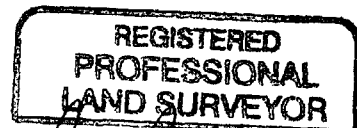


EXHIBIT 3

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

CITY OF ALBANY RIGHT-OF-WAY ACQUISITION A PORTION OF THAT PETTY TRACT

A portion of that Petty tract described by deed recorded in Book 159, Page 570 of the Benton County, Oregon Deed Records on May 33, 1957 that is more particularly described as follows:

Beginning at a 5/8 inch rod at the southwest corner of said Petty tract which corner being South 88°05'59" East 1662.35 feet and North 01°54'01" East 30.00 feet of the southwest corner of the Gallatin Adkins Donation Land Claim No. 43 in Township 10 South, Range 4 West, Willamette Meridian; thence North 01°43'05" East, along the west line of said Petty tract, 5.23 feet; thence South 88°06'20" East 237.10 feet; thence South 82°17'09" East 16.47 feet; thence South 88°06'20" East 60.50 feet; thence along the arc of a 67.00 foot radius curve to left (long chord of which bears North 75°11'05" East 38.53 feet) a distance of 39.08 feet; thence along the arc of a 32.00 foot radius curve to the left (long chord of which bears North 35°06'40" East 25.38 feet) a distance of 26.10 feet; thence North 03°46'08" East 72.92 feet; thence along the arc of a 430.00 foot radius curve to the right (long chord of which bears North 11°00'30" East 123.73 feet) a distance of 124.16 feet; thence along the arc of a 270.00 foot radius curve to the left (long chord of which bears North 11°00'28" East 77.69 feet) a distance of 77.97 feet; thence along the arc of a 12.00 foot radius curve to the left (long chord of which bears North 42°41'05" West 17.09 feet) a distance of 19.03 feet to a point on the north line of said Perry tract; thence along the boundary lines of said Petty tract the following four (4) courses: 1) South 88°06'18" East 12.03; 2) thence South 01°53'20" West 324.78 feet to a 5/8 inch rod; 3) thence along the arc of a 160.22 foot radius curve to the left (long chord of which bears North 80°58'38" West 39.71 feet) a distance of 39.81 feet; 4) thence North 88°05'59" West 359.71 feet to the Point of Beginning. Containing 9253 square feet of land, more or less.

March 21, 2005
RIGHT-OF-WAY
PETTY TRACT
(03-180) JJC:nm

File. nm\shared\03-180 NA Rd\legal\Petty doc

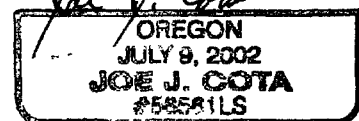
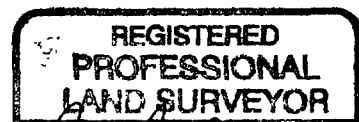


EXHIBIT 4

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

CITY OF ALBANY
RIGHT-OF-WAY ACQUISITION
A PORTION OF THAT PARSONS TRACT

A portion of that Parsons tract described by deed recorded in M-37571 of the Benton County, Oregon Deed Records on January 15, 1973 that is more particularly described as follows:

Beginning at a 5/8 inch rod at the southwest corner of said Parsons tract which corner being South 88°05'59" East 2091.44 feet and South 01°54'01" West 15.45 feet of the southwest corner of the Gallatin Adkins Donation Land Claim No. 43 in Township 10 South, Range 4 West, Willamette Meridian, thence North 01°53'44" East, along the west line of said Parsons tract, 72 18 feet; thence along the arc of a 112.00 foot radius curve to the left (long chord of which bears South 11°23'51" East 51.51 feet) a distance of 51 97 feet; thence along the arc of a 22.00 foot radius curve to the left (long chord of which bears South 42°22'28" East 13.37 feet) a distance of 13.58 feet; thence along the arc of a 62.00 foot radius curve to the left (long chord of which bears South 75°30'36" East 33.04 feet) a distance of 33.44 feet; thence North 89°02'16" East 79.84 feet; thence along the arc of a 225.00 foot radius curve to the right (long chord of which bears South 89°31'51" East 11.24 feet) a distance of 11.24 feet; thence South 88°05'57" East 20 61 feet to a point on the east line of said Parsons tract; thence South 01°53'44" West 9.49 feet to a 5/8 inch rod at the southeast corner of said Parsons tract; thence North 88°07'15" West 165.00 feet to the Point of Beginning. Containing 1721 Square feet to land, more or less.

March 21, 2005
RIGHT-OF-WAY
PARSONS TRACT
(03-180) JJC nm

File nm\shared\03-180 NA Rd\Legal\Parsons doc

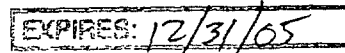
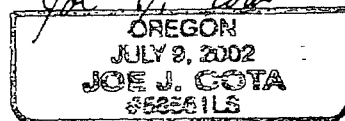
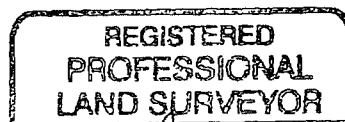


EXHIBIT 5

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

CITY OF ALBANY RIGHT-OF-WAY ACQUISITION A PORTION OF THAT LOWERY TRACT

A portion of that Lowery Revocable Trust tract described by deed recorded in M-345267-03 of the Benton County, Oregon Deed Records on June 30, 2003 that is more particularly described as follows:

Beginning at the most northerly northwest corner of said Lowery tract which corner being South 88°05'59" East 2188.68 feet and South 01°54'01" West 15.00 feet of the southwest corner of the Gallatin Adkins Donation Land Claim No. 43 in Township 10 South, Range 4 West, Willamette Meridian; thence South 88°06'13" East 59.56 feet to the most northerly northeast corner of said Lowery tract; thence South 36°03'19" East, along the easterly line of said Lowery tract, 12.69 feet; thence North 88°05'57" West 20.21 feet; thence along the arc of a 175.00 foot radius curve to the left (long chord of which bears North 89°31'51" West 8.76 feet) a distance of 8.76 feet; thence South 89°02'16" West 15.44 feet; thence along the arc of a 73.50 foot radius curve to the left (long chord of which bears South 80°44'34" West 21.21 feet) a distance of 21.29 feet; thence along the arc of a 26.50 foot radius curve to the right (long chord of which bears South 84°10'14" West 10.77 feet) a distance of 10.85 feet; thence along the arc of a 73.50 foot radius curve to the left (long chord of which bears North 85°53'46" West 4.59 feet) a distance of 4.59 feet to a point on the westerly line of said Lowery tract; thence North 40°33'47" East 20.96 feet to the Point of Beginning. Containing 817 square feet of land, more or less

March 21, 2005
RIGHT-OF-WAY
LOWERY TRACT
(03-180) JJC:nm

File nm\shared\03-180 NA Rd\legal\Lowery.doc

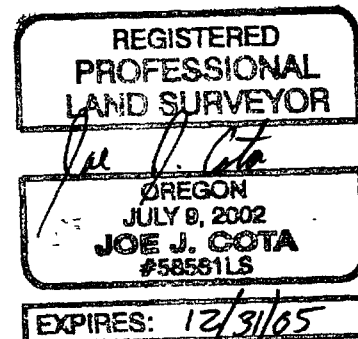


EXHIBIT 6

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

CITY OF ALBANY
RIGHT-OF-WAY ACQUISITION
A PORTION OF THAT BENTON COUNTY TRACT

Two portions of that Benton County, a political subdivision of the State of Oregon, tract described by deed recorded in M-57929-84 of the Benton County, Oregon Deed Records on May 18, 1984 which are more particularly described as follows:

Portion #1

Beginning at the northwest corner of said Benton County tract which corner being South 88°05'59" East 1848.38 feet and South 01°54'01" West 30.00 feet of the southwest corner of the Gallatin Adkins Donation Land Claim No. 43 in Township 10 South, Range 4 West, Willamette Meridian; thence South 88°05'59" East, along the north line of said Benton County tract, 39.87 feet; thence along the arc of a 208.73 foot radius curve to the right (long chord of which bears South 82°07'27" East 43.46 feet) a distance of 43.54 feet; thence North 88°17'31" West 11.61 feet; thence along the arc of a 62.00 feet radius curve to the left (long chord of which bears South 89°07'23" West 5.59 feet) a distance of 5.59 feet; thence South 86°32'18" West 13.38 feet; thence North 88°06'20" West 15.50 feet; thence along the arc of a 2065.67 foot radius curve to the right (long chord of which bears North 87°35'29" West 37.08 feet to a point on the west line of said Benton County tract; thence North 01°57'41" East 5.76 feet to the Point of Beginning. Containing 403 square feet of land, more or less.

Portion #2

Beginning at a point on the east line of said Benton County tract which point being North 01° 54'44" East 82.53 feet of the southwest corner of said Benton County tract; thence North 14°49'16" West 71.03 feet to a point on the northerly line of said Benton County tract; thence along the arc of a 208.73 foot radius curve to the right long chord of which bears South 45°17'32" East 27.87 feet) a distance of 27.89 feet; thence South 01°54'44" West 49.09 feet to the Point of Beginning. Containing 511 square feet of land, more or less.

March 21, 2005
RIGHT-OF-WAY
BENTON COUNTY TRACT
(03-180) JJC:nm
File nm\shared\03-180 NA Rd\legal\Benton Co doc

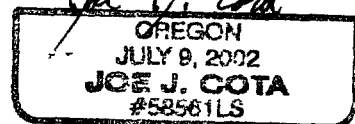
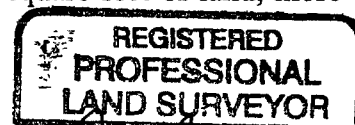


EXHIBIT 7

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

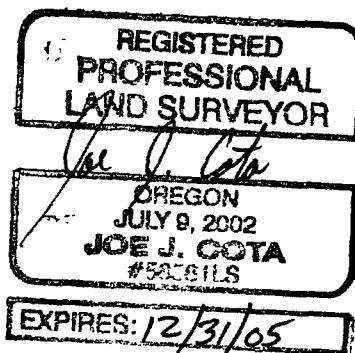
EXHIBIT "A"

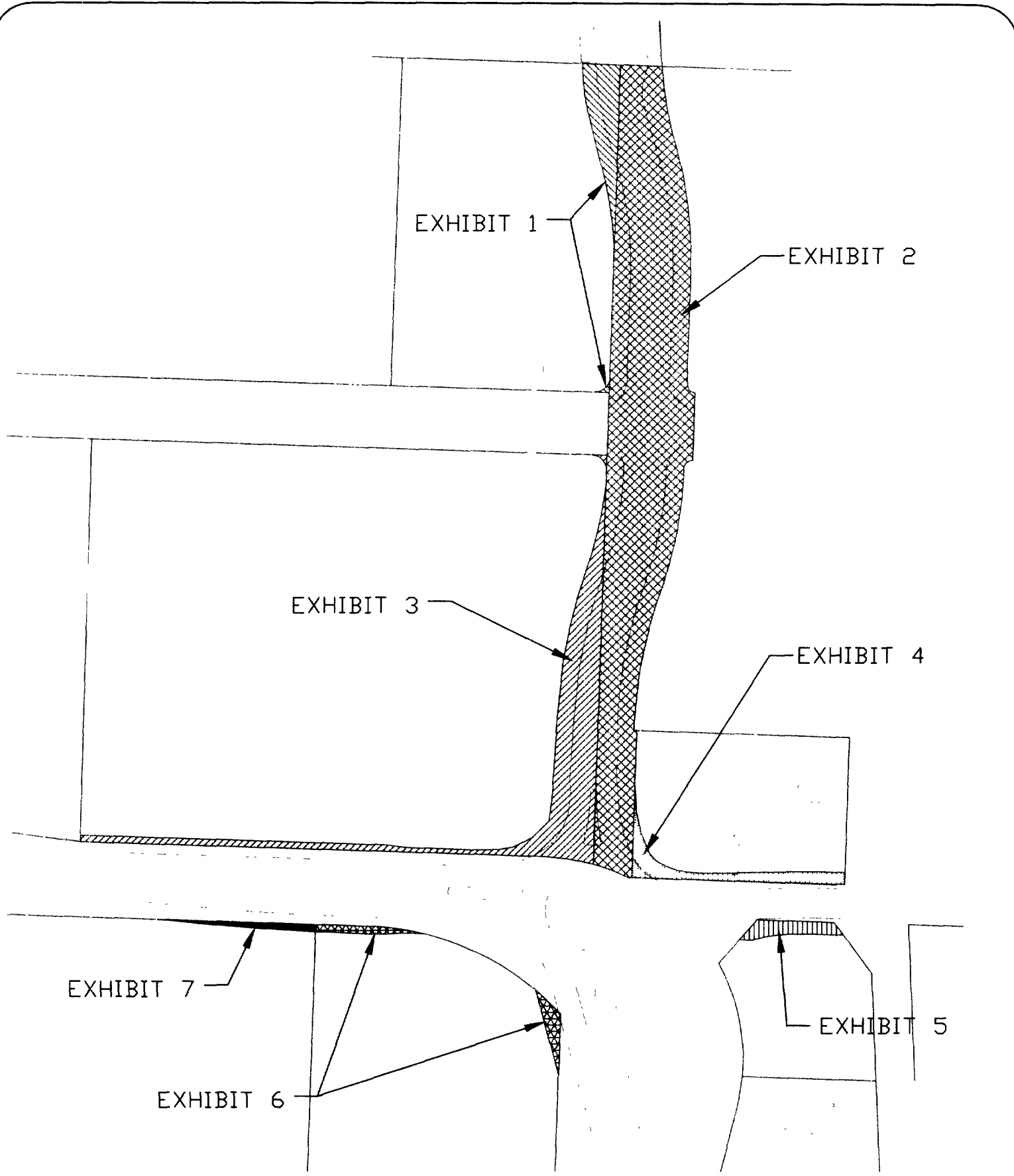
CITY OF ALBANY
RIGHT-OF-WAY ACQUISITION
A PORTION OF THAT SIERRA CONSTRUCTION, INC. TRACT

A portion of that Sierra Construction, Inc. tract described by deed recorded in M-217982-96 of the Benton County, Oregon Deed Records on August 23, 1996 that is more particularly described as follows:

Beginning at the northwest corner of said Benton County tract which corner being South 88°05'59" East 1848.38 feet and South 01°54'01" West 30.00 feet of the southwest corner of the Gallatin Adkins Donation Land Claim No. 43 in Township 10 South, Range 4 West, Willamette Meridian; thence South 01°57'41" West, along the east line of said Sierra Construction, Inc. tract, 5.76 feet; thence along the arc of a 2065.67 foot radius curve to the right (long chord of which bears North 85°39'04" West 102.80 feet) a distance of 102.81 feet; thence along the arc of a 2004.33 foot radius curve to the left (long chord of which bears North 84°32'22" West 21.98 feet) a distance of 21.98 feet to a point on the north line of said Sierra Construction Inc. tract; thence South 88°05'59" East 124.66 feet to the Point of Beginning. Containing 424 square feet of land, more or less

March 21, 2005
RIGHT-OF-WAY
SIERRA CONSTRUCTION INC. TRACT
(03-180) JJC:nm
File nm\shared\03-180 NA Rd\legal\Sierra Const doc





SCALE: 1" = 100'

**PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES**

**ST-03-05, NORTH ALBANY ROAD ROUNDABOUT AND LID PROJECT
ATTACHEMNT 1 - VICINITY MAP**

