

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

Grantors

Jacksons Food Stores, Inc.

Purpose

A variable width street and utility right-of-way dedication deed on Maple Leaf Avenue as part of the SmartCentres/Wal-Mart development.

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

DATED AND EFFECTIVE THIS 11TH DAY OF AUGUST 2010.

  
Mayor

ATTEST:

  
City Clerk



After Recording Return to:  
City Manager  
City of Albany  
P.O. Box 490  
Albany, OR 97321-0144

*Space above reserved for County Recording information*

#### RIGHT-OF-WAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that **JACKSONS FOOD STORES, INC.**, a Nevada corporation, hereinafter called "Grantor," hereby dedicates to the **CITY OF ALBANY**, an Oregon Municipal Corporation, hereinafter called "City" for right-of-way purposes, portions of that real property situated in Linn County, Oregon, conveyed to Grantor by deed recorded on November 3, 2006 as Fee No. 2006-26997 in the Linn County, Oregon deed records, and being more particularly described as follows:

RIGHT-OF-WAY, more particularly described in the attached "EXHIBIT A" legal description and shown on the attached map labeled "EXHIBIT B".

Grantor covenants that it is lawfully seized and possessed of the real property above described and that it has a good and lawful right to convey it or any part thereof and that it 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 \$1.00, receipt of which is acknowledged by Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom.

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

**[signatures on following page]**

GRANTOR:  
JACKSONS FOOD STORES, INC., a Nevada corporation

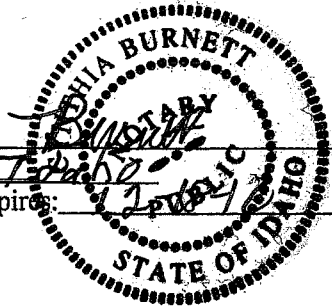
By: [Signature]  
Name: JOHN B. JACKSON  
Its: CEO

Date: 11/10/08

STATE OF Idaho )  
County of Ada ) ss.  
City of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this 10th day of November 2008, by John Jackson, as his voluntary act and deed.

Cynthia  
Notary Public for \_\_\_\_\_  
My Commission Expires: 12/31/10



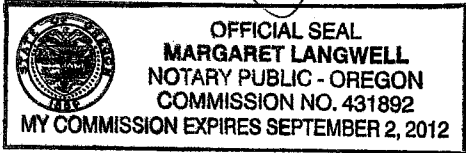
CITY OF ALBANY:

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 5938 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of August 2008.2010.

Wes Hare  
City Manager

ATTEST:  
Margaret Langwell  
City Recorder



## Exhibit "A"

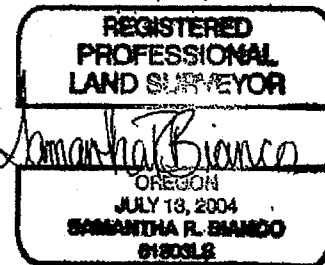
**LEGAL DESCRIPTION**  
**ALBANY SMART CENTERS (FPS8969)**  
**RIGHT-OF-WAY DEDICATION**  
July 23, 2010  
Page 1 OF 2

A portion of that tract of land described in Deed Document No. 2006-26997, Linn County Deed Records, located in the southeast quarter of Section 9, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, being more particularly described as follows:

**Commencing** at a 5/8" iron rod with yellow plastic cap marked "JIM UDELL RLS 1366", per County Survey Number 22,245, Linn County Survey Records at the intersection of the southerly Right-of-Way line of Santiam Highway SE (U.S. Hwy No. 20) (being variable in width) and the westerly line of said tract described in Deed Document No. 2006-26997; Thence along said westerly line South 01°29'03" East, 390.58 feet to the southerly line of said tract; Thence along said southerly line North 89°07'20" East, 61.94 feet to the **Point of Beginning**; Thence continuing along said southerly line North 89°07'20" East, 157.97 feet to the easterly line of said tract; Thence along said easterly line North 01°29'03" West, 87.90 feet to a point of non-tangential 436.00 foot radius curve to the left (the center of which bears South 18°12'05" East, 436.00 feet); Thence along said curve to the left, through a central angle of 23°49'17" an arc distance of 181.27 feet (the chord of which bears South 59°53'16" West, 179.97 feet) to the **Point of Beginning**.

Contains 8,071 square feet or 0.185 acres, more or less.

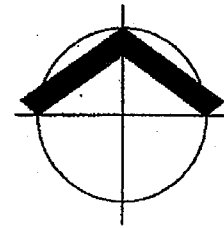
The attached Exhibit "B" entitled "RIGHT-OF-WAY DEDICATION" is made a part hereof.



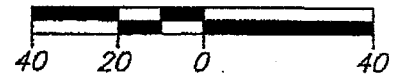
Renews 12-31-11

EXHIBIT B

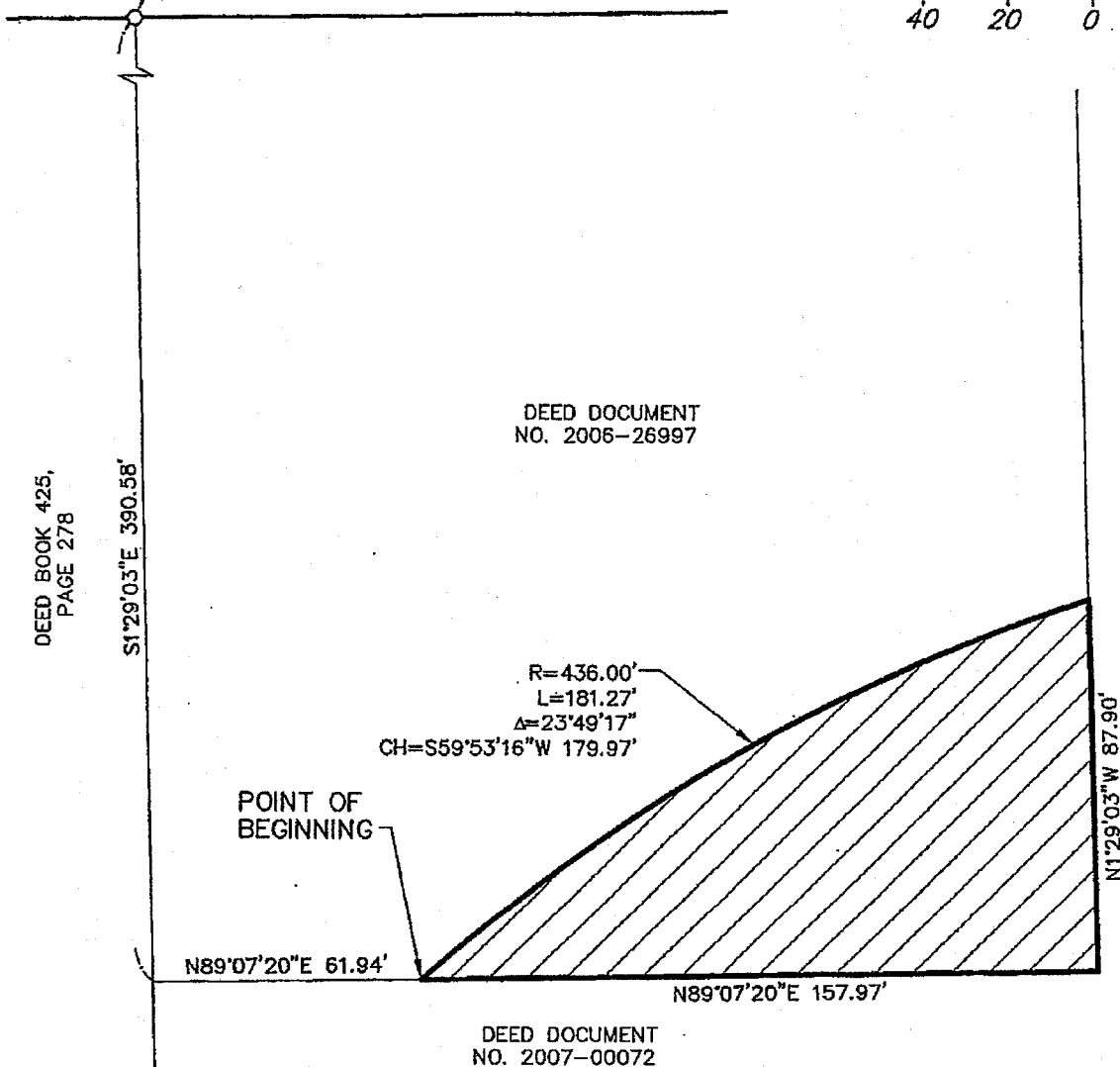
SANTIAM HIGHWAY SE (U.S. HWY #20)



SCALE: 1"=40'



POINT OF COMMENCEMENT  
FOUND 5/8" IRON ROD WITH  
YELLOW PLASTIC CAP, MARKED  
"JIM UDELL RLS 1366", PER  
COUNTY SURVEY NUMBER 22,245.



DEED BOOK 425,  
PAGE 278

DEED DOCUMENT  
NO. 2006-26997

R=436.00'  
L=181.27'  
Δ=23°49'17"  
CH=S59°53'16"W 179.97'

POINT OF  
BEGINNING

N89°07'20"E 61.94'

N89°07'20"E 157.97'

DEED DOCUMENT  
NO. 2007-00072

N1°29'03"W 87.90'

LEGEND:



RIGHT-OF-WAY DEDICATION  
8,071 SQ. FT. OR 0.185 ACRES  
(MORE OR LESS)

SEE ATTACHED LEGAL DESCRIPTION



PORTLAND  
5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221  
TEL: (503) 419-2500 FAX (503) 419-2600  
www.cardnowrg.com  
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

EXHIBIT "B"  
RIGHT-OF-WAY DEDICATION

SE 1/4 OF S9, T11S, R3W, WILLAMETTE MERIDIAN  
CITY OF ALBANY, LINN COUNTY, OREGON

PROJECT NO. FPS8969  
DATE: 07/23/2010  
BY: SRB  
SCALE: 1"=40'  
PAGE NO. 2 OF 2

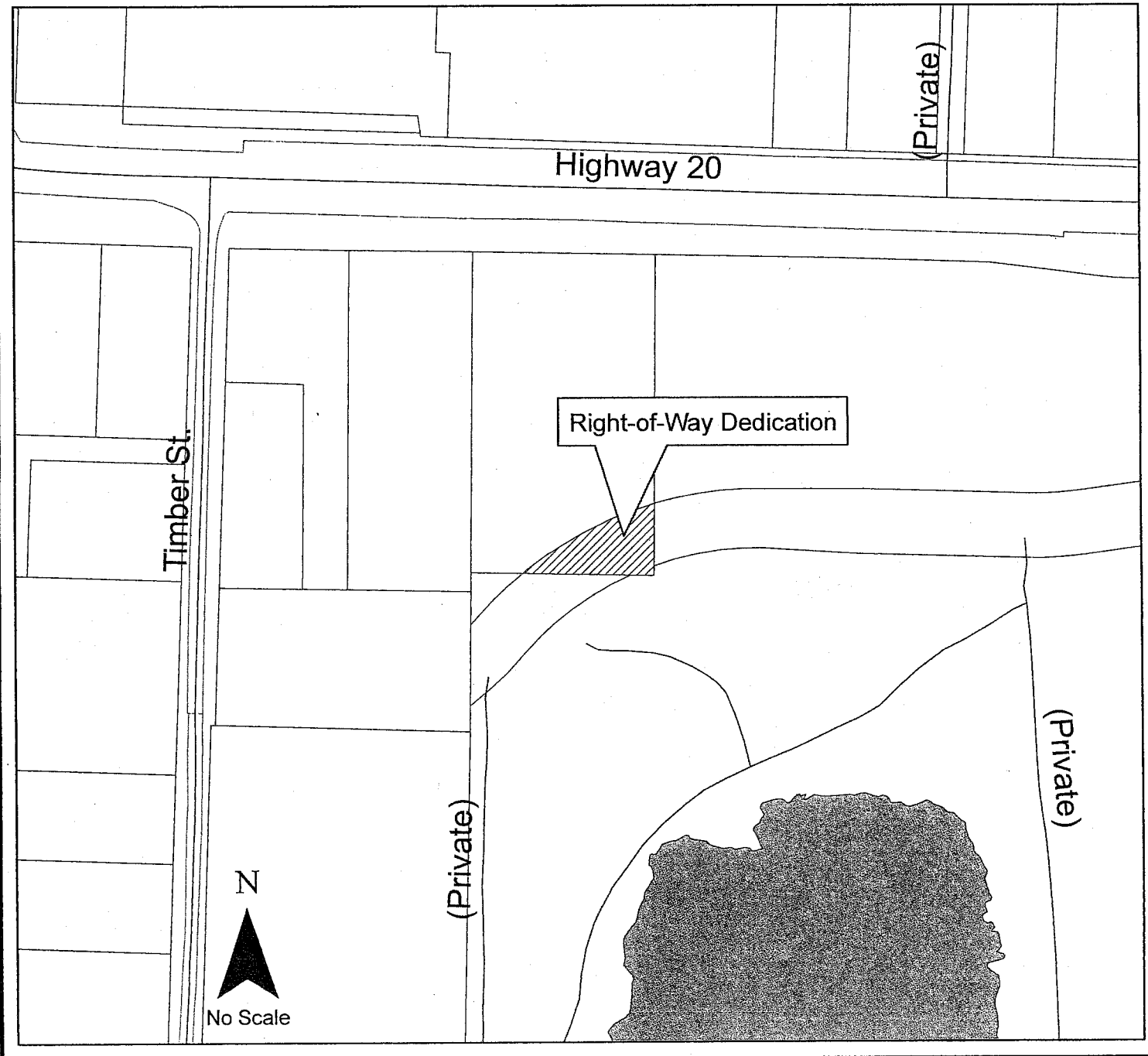
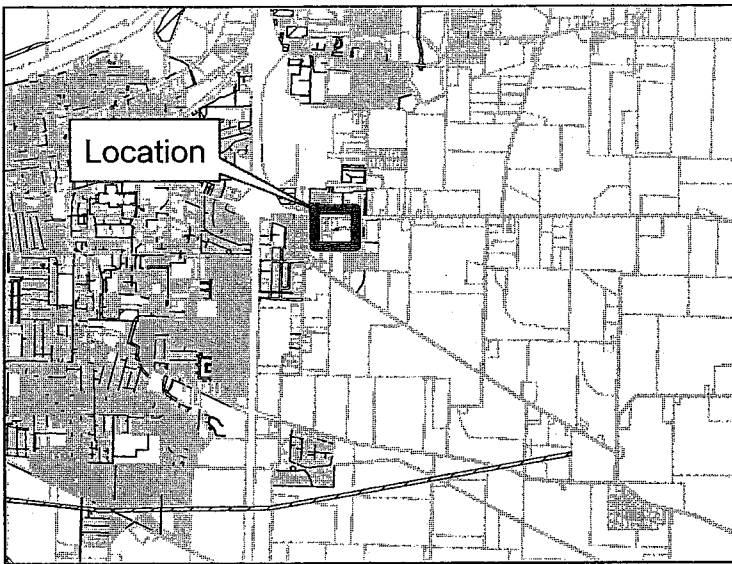
# EXHIBIT C

11SO3W09D 00201

A variable width street and utility right-of-way dedication deed on Maple Leaf Avenue as part of the SmartCenters/Wal-Mart development.



Geographic Information Services



LINN COUNTY  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2010-13418  
E-ROW  
Cnt=1 Stn=1 COUNTER 08/20/2010 08:39:04 AM  
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



00141212201000134180060067

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

RIGHT-OF-WAY DEDICATION

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

JACKSONS FOOD STORES, INC.

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

CITY OF ALBANY

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

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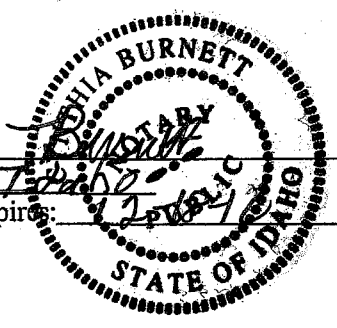
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Notary Public for \_\_\_\_\_  
My Commission Expires: 7/20/12

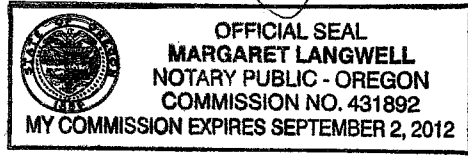


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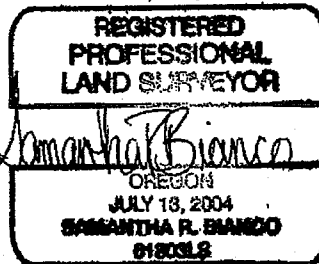
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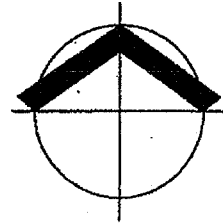
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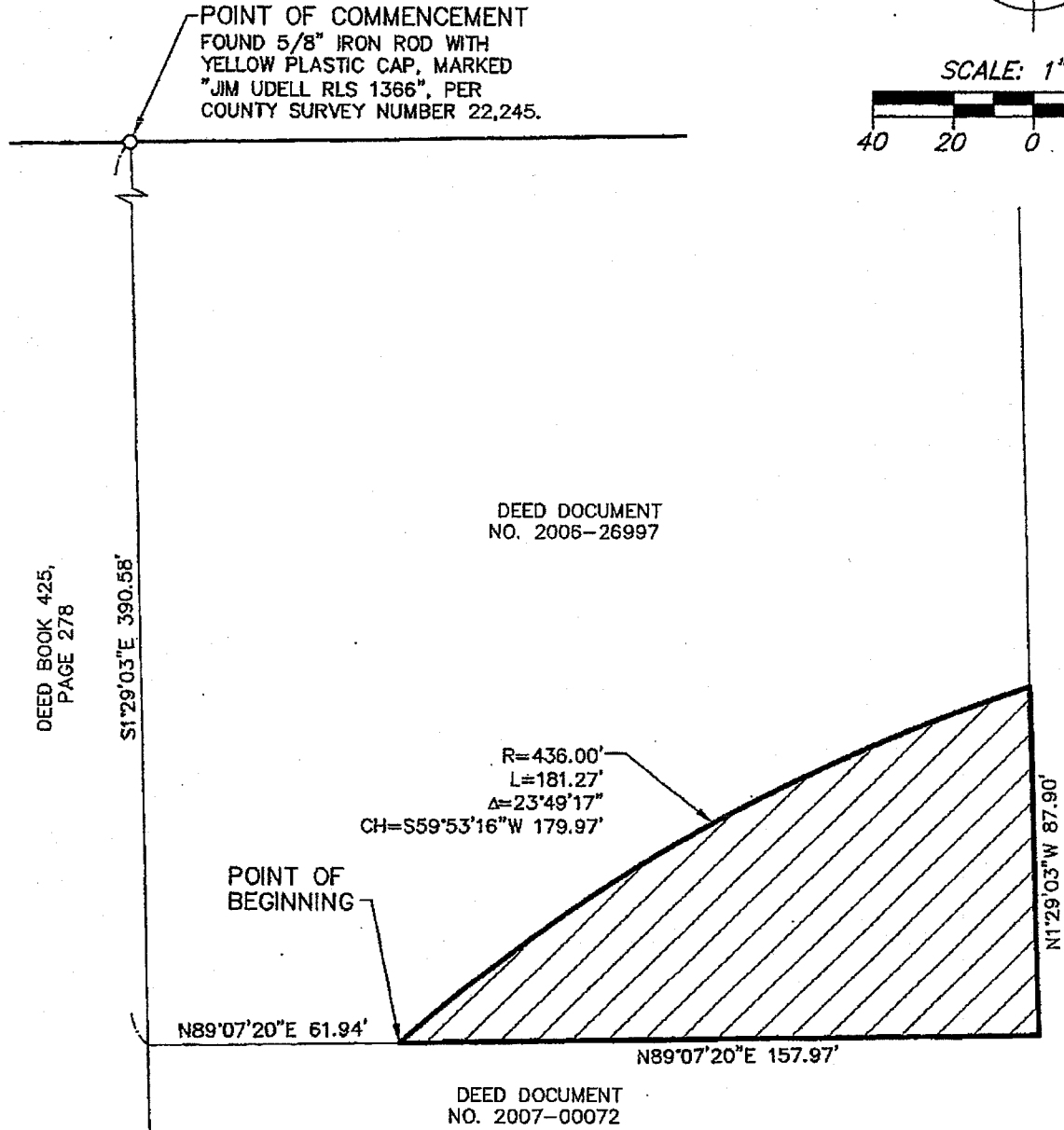
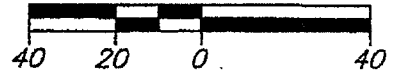
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DEED BOOK 425,  
PAGE 278

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(MORE OR LESS)

SEE ATTACHED LEGAL DESCRIPTION



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WRG**  
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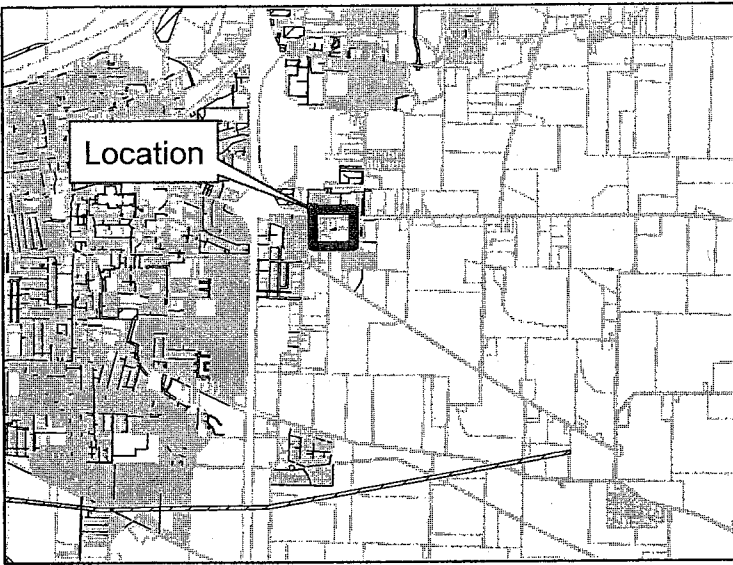
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