

RESOLUTION NO. 882

A RESOLUTION ACQUIRING 10TH AVENUE RIGHT-OF-WAY

WHEREAS, the City has obtained a grant from the Oregon Transportation to construct 10th Avenue improvements; and

WHEREAS, the City has determined that additional right-of-way is required to accomplish the roadway improvements along 10th Avenue; and

WHEREAS, the City has completed the design of the 10th Avenue improvements and the plans show the need to acquire right-of-way from two property owners in order to construct the public improvements; and

WHEREAS, the attached Exhibit A (Carole Carey) and Exhibit B (Santiam Memorial Hospital) describe the acquisition procedure and include the legal descriptions of the properties to be donated for right-of-way purposes; and

WHEREAS, the City of Stayton also wishes to dedicate a portion of a city-owned parcel for the 10th Avenue right-of-way, as shown on the attached Exhibit C (City); and

WHEREAS, the City has determined that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway.

WHEREAS, the owners of the subject properties have agreed to donate such properties and the City agrees to accept such properties.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. In accordance with ORS 35.605 and ORS 35.610 the Stayton City Council hereby determines that there is a public need to acquire the properties shown on the attached Exhibits and the appropriation of such land is necessary to protect the full use and enjoyment of by the public of the 10th Avenue roadway.

SECTION 2. In accordance with ORS 92.014, the City Administrator is hereby authorized to accept, on behalf of the City of Stayton, the dedication of the right-of-way for the parcels identified in the attached Exhibits.

This Resolution shall become effective upon its adoption by the Stayton City Council.


ADOPTED BY THE STAYTON CITY COUNCIL this 21st day of February, 2012.

Signed: 2-21, 2012

Signed: 2-22, 2012

CITY OF STAYTON


By:


A. Scott Vigil, Mayor

ATTEST:


Den Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



City of Stayton

Administration • Finance
362 N. Third Avenue, Stayton, OR 97383
(503) 769-3425 • (503) 769-1456 (fax)

DONATION AGREEMENT

Date: February 16, 2012

Name: Santiam Memorial Hospital
Attn: Maggie Hudson
1401 N. 10th Avenue
Stayton, OR 97383

Project: 10th Avenue Street Improvements

Reference: 91W11BC Tax Lot 400 and 1600

Whenever a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation based upon a valuation report under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 281.060, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate. Property owners may also release the public agency from its requirement to provide a valuation report.

If you elect to donate the property rights referenced above and as described in the attached Exhibit A or deed, subject to the above information, please date and sign this Donation Agreement in the space below.

I release the City of Stayton from providing a valuation report.

SANTIAM MEMORIAL HOSPITAL

 2/28/2012

Representative Date

Police
386 N. Third Avenue
Stayton, OR 97383
Phone: (503) 769-3423
Fax: (503) 769-7497

Planning
362 N. Third Avenue
Stayton, OR 97383
Phone: (503) 769-2998
Fax: (503) 767-2134

Public Works
362 N. Third Avenue
Stayton, OR 97383
Phone: (503) 769-2919
Fax: (503) 767-2134

Wastewater Facilities
950 Jettens Way
Stayton, OR 97383
Phone: (503) 769-2810
Fax: (503) 769-7413

Public Library
515 N. First Avenue
Stayton, OR 97383
Phone: (503) 769-3313
Fax: (503) 769-3218



City of Stayton

Administration • Finance
362 N. Third Avenue, Stayton, OR 97383
(503) 769-3425 • (503) 769-1456 (fax)

February 16, 2012

Santiam Memorial Hospital
Attn: Maggie Hudson
1401 N. 10th Avenue
Stayton, OR 97383

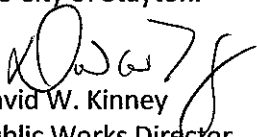
Subject: Letter of Understanding for a Land Donation to the City of Stayton

Dear Ms Hudson:


As you are aware, the City of Stayton is planning the 10th Avenue Street Improvement Project. Property owned by Santiam Memorial Hospital, identified as 91W11BC Tax Lots 400 and 1600, is affected by this project. Based on our prior discussions, the Board of Directors for the Santiam Memorial Hospital have indicated a willingness to donate the required property described in the attached Exhibits A and B on February 8, 2012 at a regularly scheduled Board meeting, approved the donation. In exchange for donating the property and executing the legal documents, the City of Stayton agrees to the following:

1. To construct street improvements including curb, gutter, sidewalks and storm drainage improvements on 10th Avenue in accordance with the City's 90% design prepared by HHPR Engineers/Planners in January 2012.
2. To maintain reasonable access to the property at all times during construction.
3. To pay all recording and closing costs.
4. To clean up all construction debris at the conclusion of the project.
5. To abide by the terms of the Hospital-City Construction Agreement dated October 4, 2010, or a subsequent successor agreement that must be approved by both the City of Stayton and the Santiam Memorial Hospital.
6. To provide an appraisal estimating the value of the donation by May 1, 2012.

By your signature below, it is acknowledged that the terms and conditions of this Letter of Understanding is the entire, final and complete agreement between the Owner and the City. Thank you for your donation to the City of Stayton.


David W. Kinney
Public Works Director
City of Stayton Public Works

SANTIAM MEMORIAL HOSPITAL



Representative

2/28/2012

Date

Police
386 N. Third Avenue
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AFTER RECORDING RETURN TO:
CITY OF STAYTON
362 N. Third Avenue
Stayton, Oregon 97383

SEND TAX STATEMENTS TO:
SANTIAM MEMORIAL HOSPITAL
1401 N. 10th Avenue
Stayton, Oregon 97383

CITY OF STAYTON, OREGON Dedication of Right-of-Way

1. PARTIES:

Santiam Memorial Hospital, an Oregon corporation, hereinafter referred to as "Grantor" and the CITY OF STAYTON, a Municipal Corporation in the State of Oregon, hereinafter referred to as "Grantee"

2. AFFECTED PROPERTY:

Grantor is currently the OWNER, of the following described real property (property) located within the Mountain Estates Subdivision, Stayton, Marion County, Oregon, and more particularly described as follows:

As shown on the attached legal description of real property in **EXHIBIT "A"** and sketch for legal description in **EXHIBIT "B"** and Tax Assessor Map with property highlighted in **EXHIBIT "C"** which by this reference incorporated herein.

3. GRANT OF RIGHT-OF-WAY:

Grantor does hereby forever grant and agree to dedicate and dedicates unto the Grantee, its successors and assigns, in FEE SIMPLE, all rights, title and interest which the Grantor has, or may have, in and to any portion of the property of the undersigned, included in or embraced within the limits of the right-of-way as described in **EXHIBIT "A"** and **EXHIBIT "B"** attached hereto, and Grantee hereby accepts, real property situated in the City of Stayton, County of Marion, State of Oregon, as public right-of-way for roadway and utility purposes.

TRUE AND ACTUAL CONSIDERATION: Valuable consideration, but zero dollars (\$-0-) dollars, which is hereby acknowledged by Grantor and Grantee.

Said Grantor hereby warrants that it has the right to sell and convey the above described property and hereby binds itself, its successors and assigns forever to warrant and defend the right and title to the above-described right of way unto Grantee, its successors and assigns against the claims of all persons whomever by virtue of these presents. Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction or maintenance of said roadway as herein agreed.

4. BINDING EFFECT ON SUCCESSOR INTERESTS:

The terms, conditions and provisions of this Dedication shall extend to, be binding upon and inure to the benefit of the successors and assigns of the parties.

5. DISPUTE RESOLUTION

In the event a dispute arises between the parties as to the terms of this agreement, the matter shall first be addressed through mandatory mediation. If not settled by mediation, the parties shall resolve the matter by binding arbitration in accordance with Oregon laws. The prevailing party in the arbitration may be allowed reasonable attorneys fees and costs.

6. GOVERNING LAW:

This Dedication is to be governed and construed in accordance with the laws of the State of Oregon. Venue for any action regarding this Dedication shall be in Marion County.

7. AUTHORIZATION/ACCEPTANCE:

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 28 day of February 2012; Santiam Memorial Hospital has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

GRANTOR: SANTIAM MEMORIAL HOSPITAL

By: Terry Fletcher
Terry Fletcher
Print Name of Authorized Officer



GRANTEE:

Pursuant to ORS 92.014(2), the dedication of land for public purposes set forth in this instrument is hereby approved and accepted by the CITY OF STAYTON this 28th day of February, 2012

CITY OF STAYTON

By: Don Eubank
Don Eubank, City Administrator

Attest: Rebecca Petersen

STATE OF OREGON }
COUNTY OF MARION } ss

On this 28 day of February, 2012, personally appeared before me the above named Terry Fletcher, and being first duly sworn did say that CEO (title), and signed the foregoing Dedication of Right-of-Way on behalf of the Santiam Memorial Hospital by authority of its Board of Directors.

By: Crystal L W Zepeda
Notary Public for Oregon
My Commission expires: 3/20/15

STATE OF OREGON }
COUNTY OF MARION } ss

Personally appeared before me this 28th day of February, 2012, and Don Eubank, City Administrator for the CITY OF STAYTON, has acknowledged the foregoing instrument to be the CITY OF STAYTON's voluntary act and deed.

By: Rebecca Petersen
Notary Public for Oregon
My Commission expires: 07/12/12

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

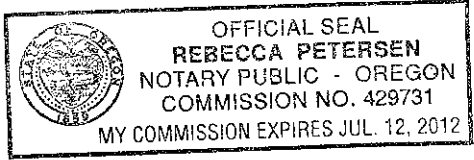


Exhibit A

Right-of-Way Dedication

A tract of land located in the NW 1/4 of Section 11, Township 9 South, Range 1 West, Willamette Meridian, said tract being more particularly described as follows:

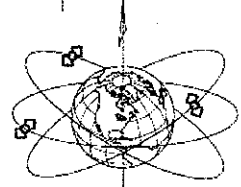
Beginning at the southwest corner of the third tract of land described in Reel 2267 Page 183, Marion County Deed Records, said corner being at the intersection point of the northerly margin of E. Santiam Street and the easterly margin of 10th Avenue; thence North 00° 00' 00" East 23.00 feet along the easterly margin of 10th Avenue to a point; thence South 45° 24' 30" East 32.29 feet, more or less, to a point on the northerly margin of E. Santiam Street, said point bearing North 89° 11' 00" East 23.00 feet from the point of beginning; thence South 89° 11' 00" West 23.00 feet to the point of beginning, containing 264.5 square feet, more or less.

Right-of-Way Dedication Map

NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON

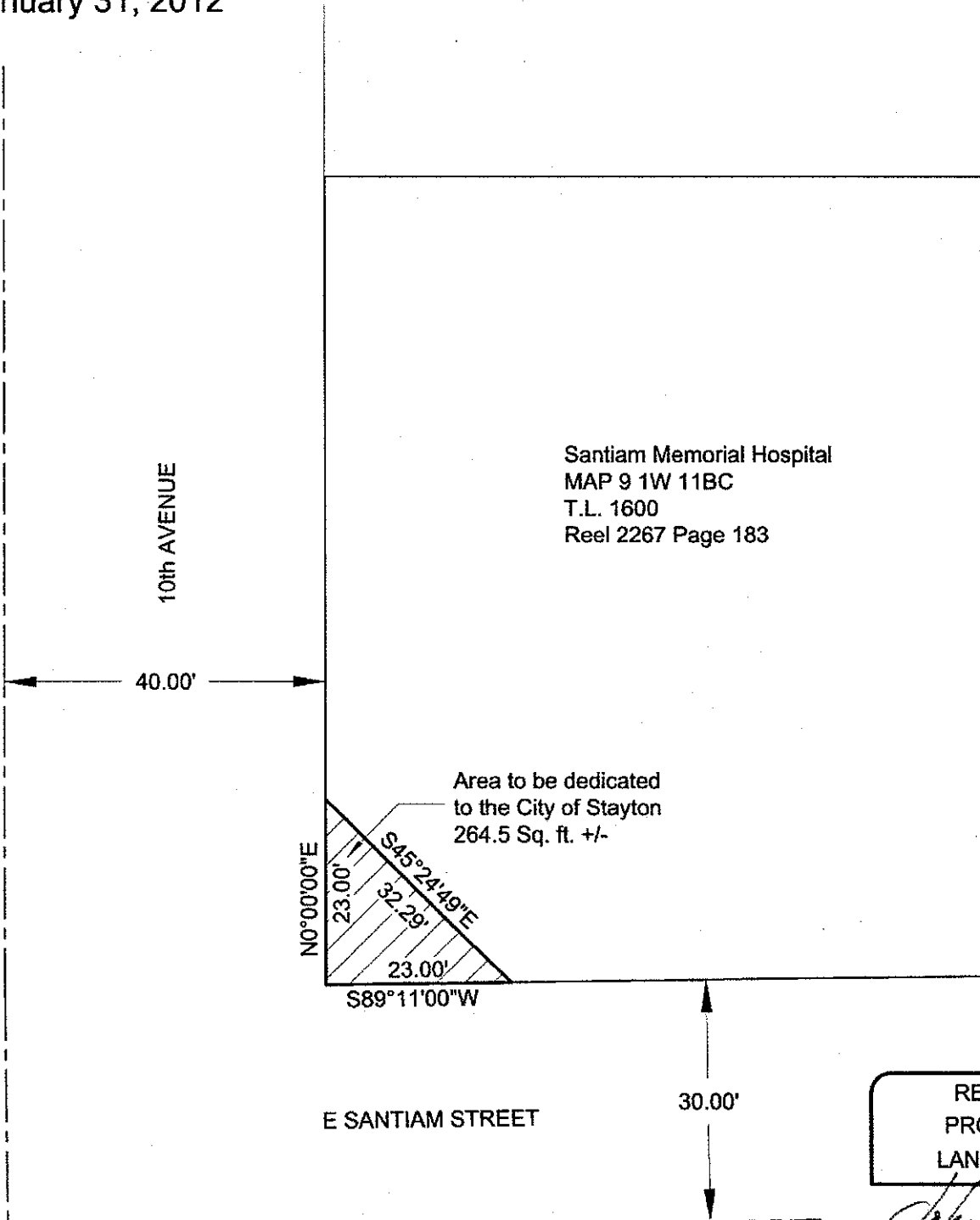
January 31, 2012

Newberg



Surveying

Scale: 1" = 20'



Santiam Memorial Hospital
MAP 9 1W 11BC
T.L. 1600
Reel 2267 Page 183

Area to be dedicated
to the City of Stayton
264.5 Sq. ft. +/-

N0°00'00"E
23.00'
S45°24'49"E
32.29'
23.00'
S89°11'00"W

E SANTIAM STREET

30.00'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

(503)-474-4742

(971)-237-1956 Cell

(503)-474-3752 Fax

newberg@viclink.com

Renewable 12-31-2012

Exhibit A

Right-of-Way Dedication

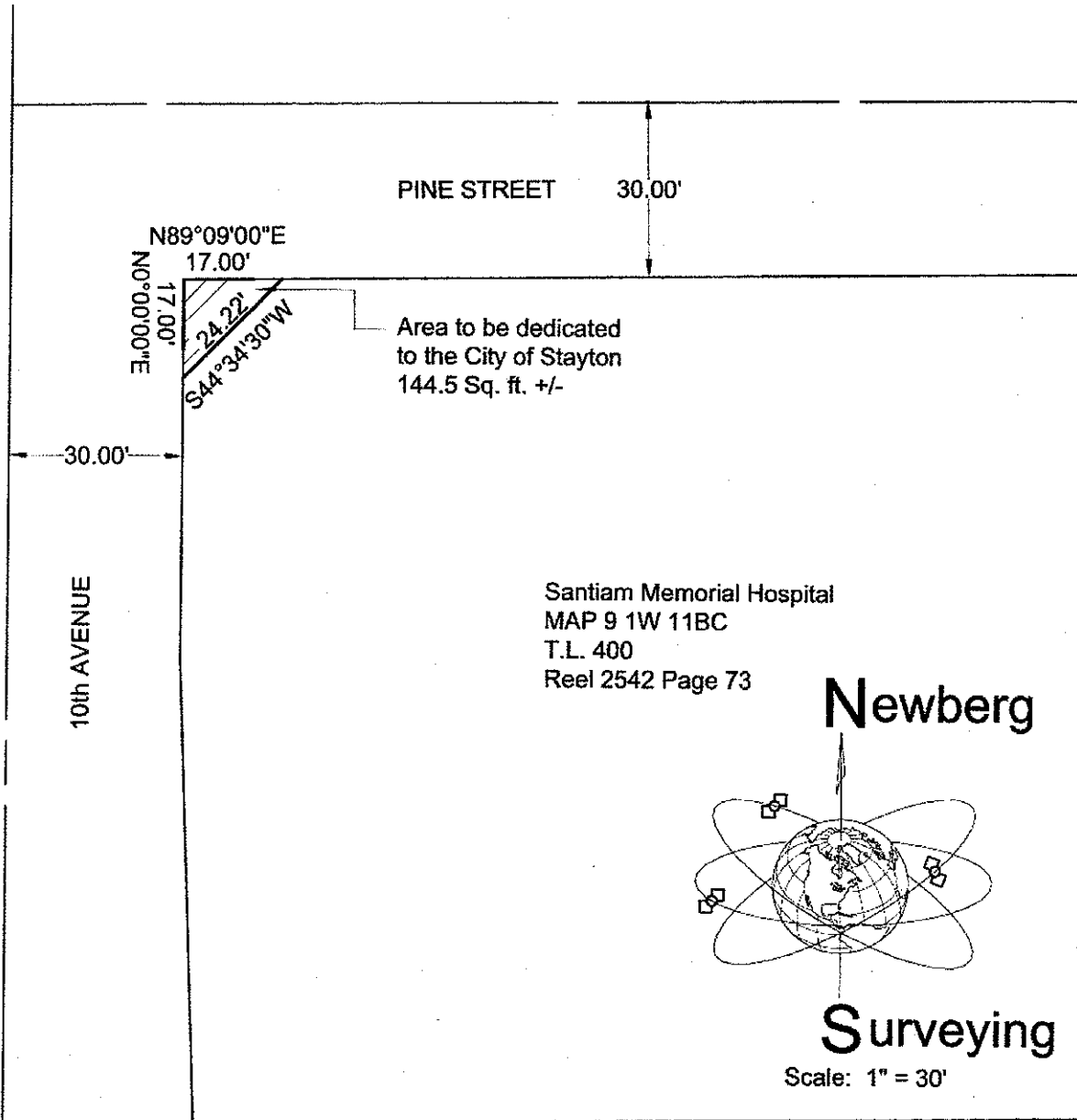
A tract of land located in the NW 1/4 of Section 11, Township 9 South, Range 1 West, Willamette Meridian, said tract being more particularly described as follows:

Beginning at the northwest corner of that tract of land described in Reel 2542 Page 73, Marion County Deed Records, said corner being at the intersection point of the southerly margin of Pine Street and the easterly margin of 10th Avenue; thence North 89° 09' 00" East 17.00 feet along the southerly margin of Pine Street to a point; thence South 44° 34' 30" West 24.22 feet, more or less, to a point on the easterly margin of 10th Avenue, said point bearing South 00° 00' 00" East 17.00 feet from the point of beginning; thence North 00° 00' 00" East 17.00 feet to the point of beginning, containing 144.5 square feet, more or less.

Right-of-Way Dedication Map

NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON

January 31, 2012



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

Renewable 12-31-2012

Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

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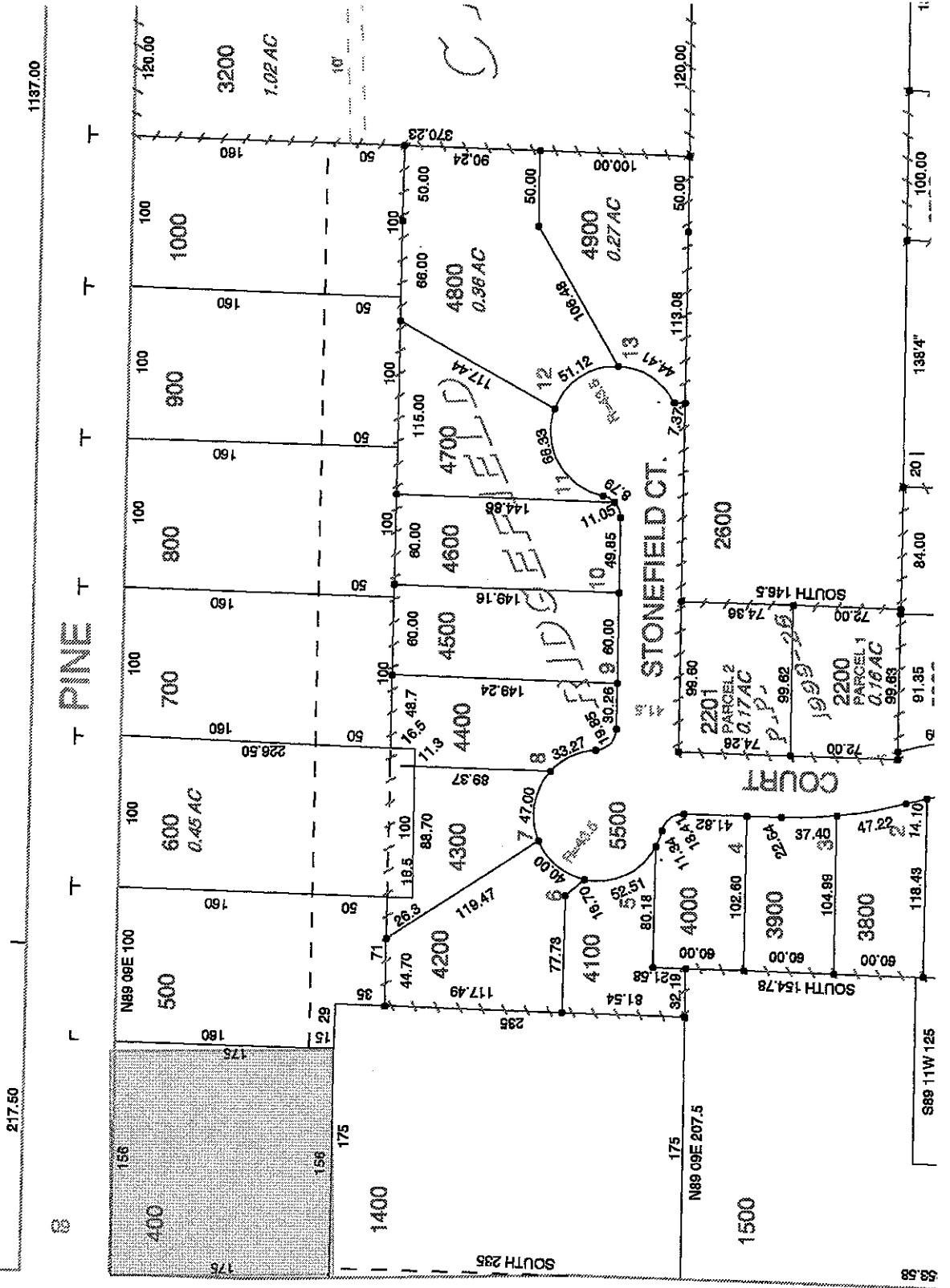
(971)-237-1956 Cell
newberg@viclink.com

AVENUE NORTH

SEE MAP 09 1W 10AD

Exhibit C
Marion County Tax Assessors Map
09 1W 11BC

029 04 04 0



PINE STREET

STONEFIELD CT.

COURT

395.70

217.50

1187.00

53.58

S89 11W 125

SOUTH 154.78

N89 09E 207.5

SOUTH 295

N89 09E 100

SOUTH 148.5

2201 PARCEL 2
0.17 AC
1999-26

2200 PARCEL 1
0.16 AC

STONEFIELD CT.

STONEFIELD CT.

STONEFIELD CT.

11

REEL: 3360

PAGE: 343

February 28, 2012, 03:59 pm.

CONTROL #: 310810

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 61.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

AFTER RECORDING RETURN TO:
CITY OF STAYTON
362 N. Third Avenue
Stayton, Oregon 97383

SEND TAX STATEMENTS TO:
SANTIAM MEMORIAL HOSPITAL
1401 N. 10th Avenue
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1. PARTIES:

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3. GRANT OF RIGHT-OF-WAY:

Grantor does hereby forever grant and agree to dedicate and dedicates unto the Grantee, its successors and assigns, in FEE SIMPLE, all rights, title and interest which the Grantor has, or may have, in and to any portion of the property of the undersigned, included in or embraced within the limits of the right-of-way as described in **EXHIBIT "A"** and **EXHIBIT "B"** attached hereto, and Grantee hereby accepts, real property situated in the City of Stayton, County of Marion, State of Oregon, as public right-of-way for roadway and utility purposes.

TRUE AND ACTUAL CONSIDERATION: Valuable consideration, but zero dollars (\$-0-) dollars, which is hereby acknowledged by Grantor and Grantee.

Said Grantor hereby warrants that it has the right to sell and convey the above described property and hereby binds itself, its successors and assigns forever to warrant and defend the right and title to the above-described right of way unto Grantee, its successors and assigns against the claims of all persons whomever by virtue of these presents. Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction or maintenance of said roadway as herein agreed.

4. BINDING EFFECT ON SUCCESSOR INTERESTS:

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5. DISPUTE RESOLUTION

In the event a dispute arises between the parties as to the terms of this agreement, the matter shall first be addressed through mandatory mediation. If not settled by mediation, the parties shall resolve the matter by binding arbitration in accordance with Oregon laws. The prevailing party in the arbitration may be allowed reasonable attorneys fees and costs.

6. GOVERNING LAW:

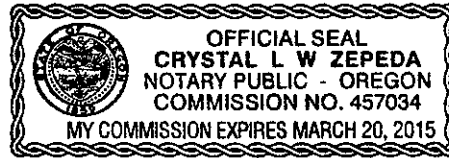
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7. AUTHORIZATION/ACCEPTANCE:

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 28 day of February, 2012; Santiam Memorial Hospital has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

GRANTOR: SANTIAM MEMORIAL HOSPITAL

By: Terry F. Fletcher
Terry Fletcher
Print Name of Authorized Officer



GRANTEE:

Pursuant to ORS 92.014(2), the dedication of land for public purposes set forth in this instrument is hereby approved and accepted by the CITY OF STAYTON this 28th day of February, 2012.

CITY OF STAYTON

By: [Signature]
Don Eubank, City Administrator

Attest: Rebecca Petersen

STATE OF OREGON }
COUNTY OF MARION } ss

On this 28 day of February, 2012, personally appeared before me the above named Terry F. Fletcher, and being first duly sworn did say that CEO (title), and signed the foregoing Dedication of Right-of-Way on behalf of the Santiam Memorial Hospital by authority of its Board of Directors.

By: [Signature]
Notary Public for Oregon
My Commission expires 3/20/15

STATE OF OREGON }
COUNTY OF MARION } ss

Personally appeared before me this 28th day of February, 2012, and Don Eubank, City Administrator for the CITY OF STAYTON, has acknowledged the foregoing instrument to be the CITY OF STAYTON's voluntary act and deed.

By: Rebecca Petersen
Notary Public for Oregon
My Commission expires: 07/12/12

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

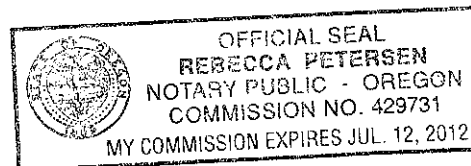


Exhibit A

Right-of-Way Dedication

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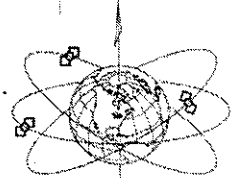
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Right-of-Way Dedication Map

NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON

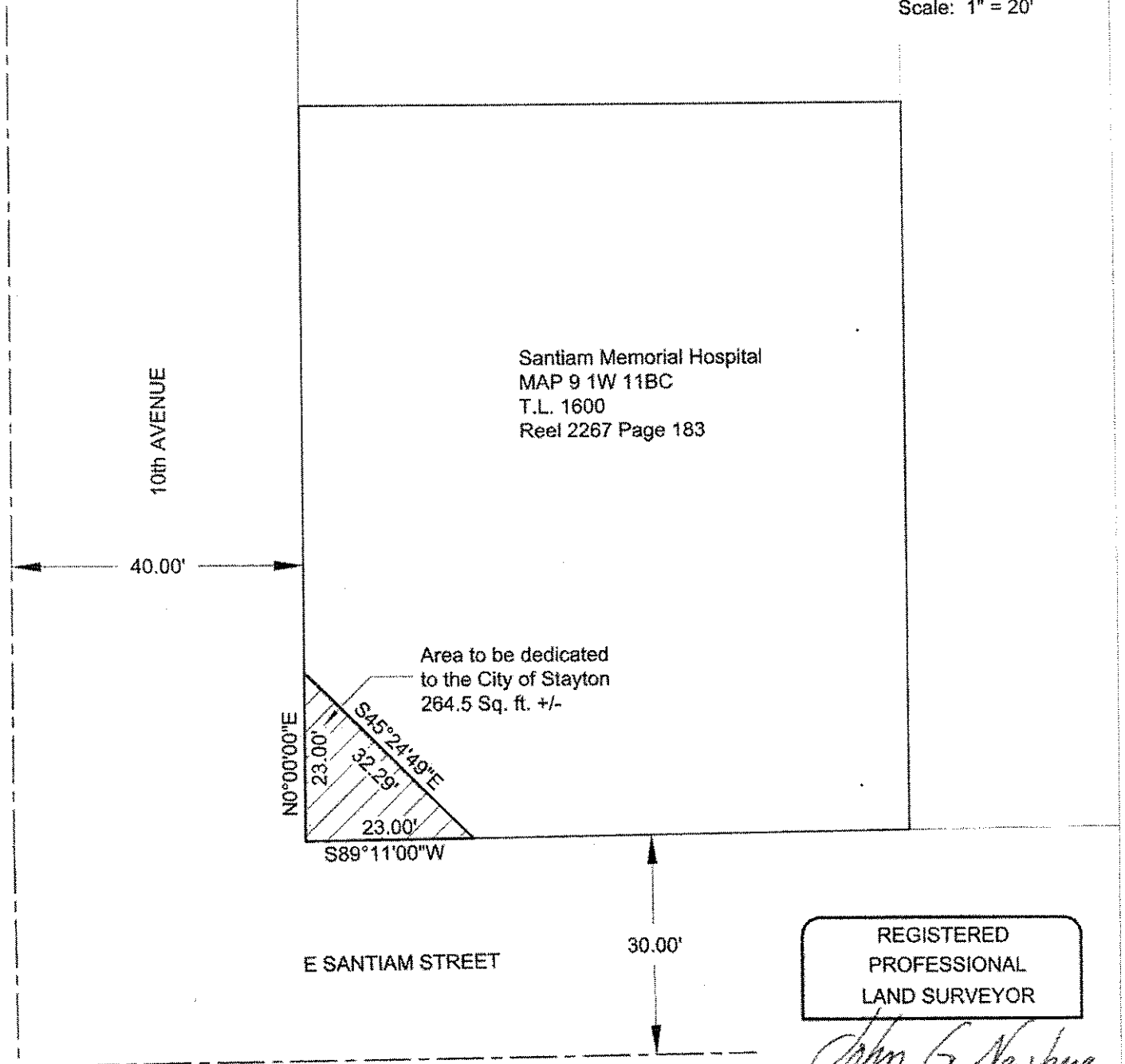
January 31, 2012

Newberg



Surveying

Scale: 1" = 20'



Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

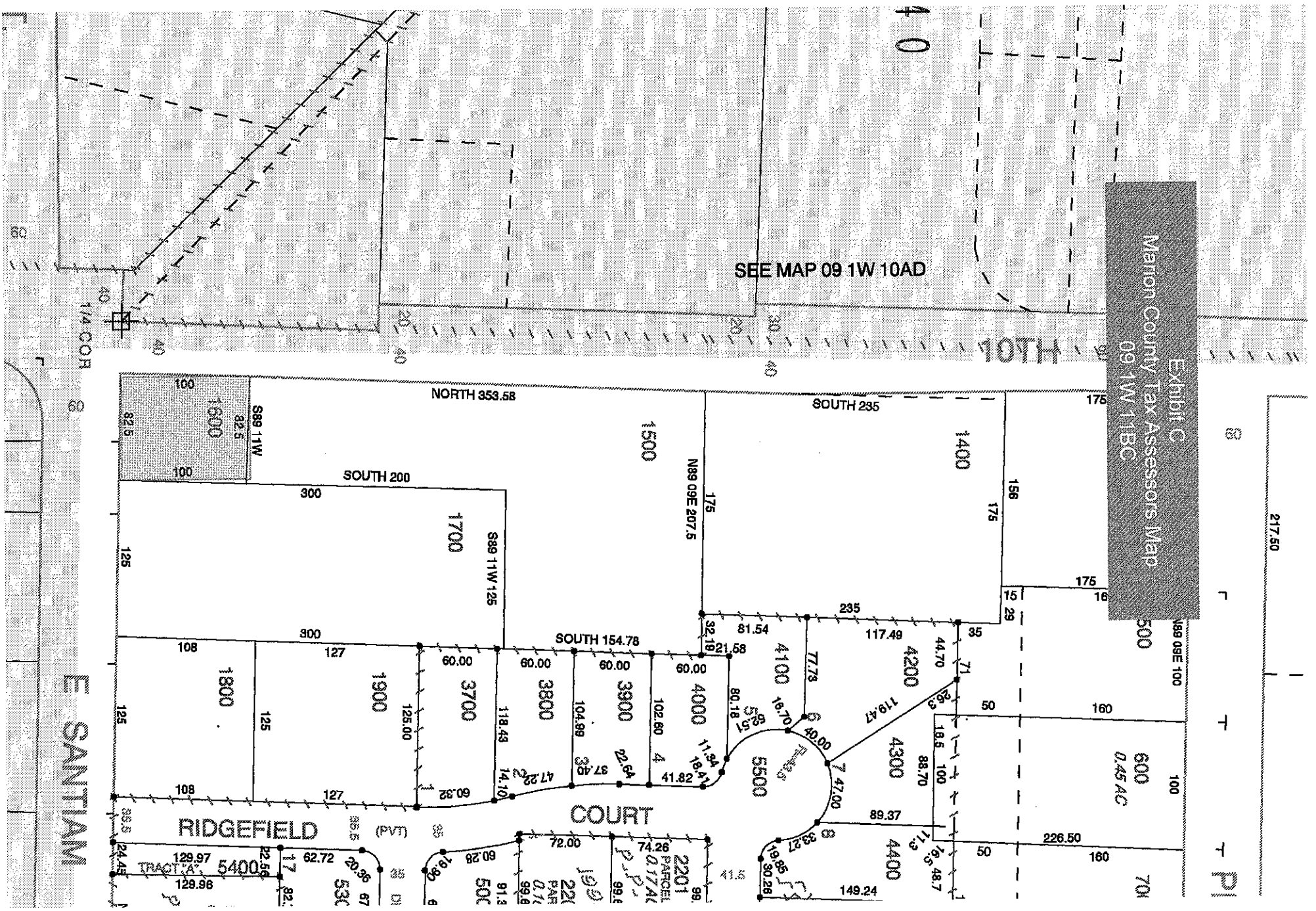
John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

Renewable 12-31-2012 D1

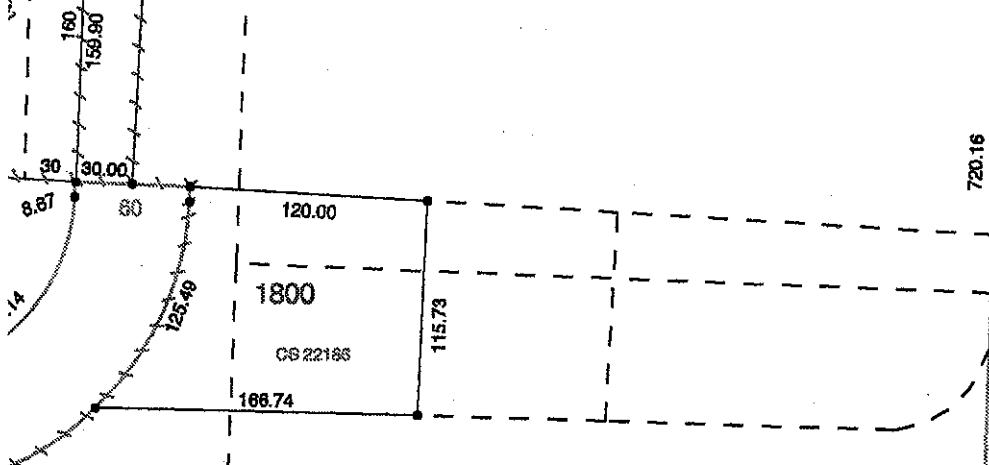
Exhibit C
Marion County Tax Assessors Map
09 1W 11BC

SEE MAP 09 1W 10AD



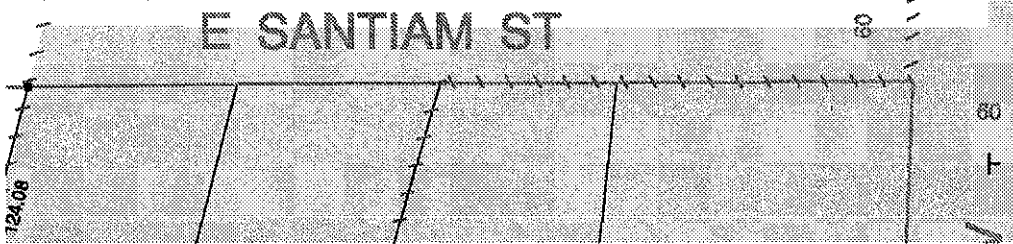
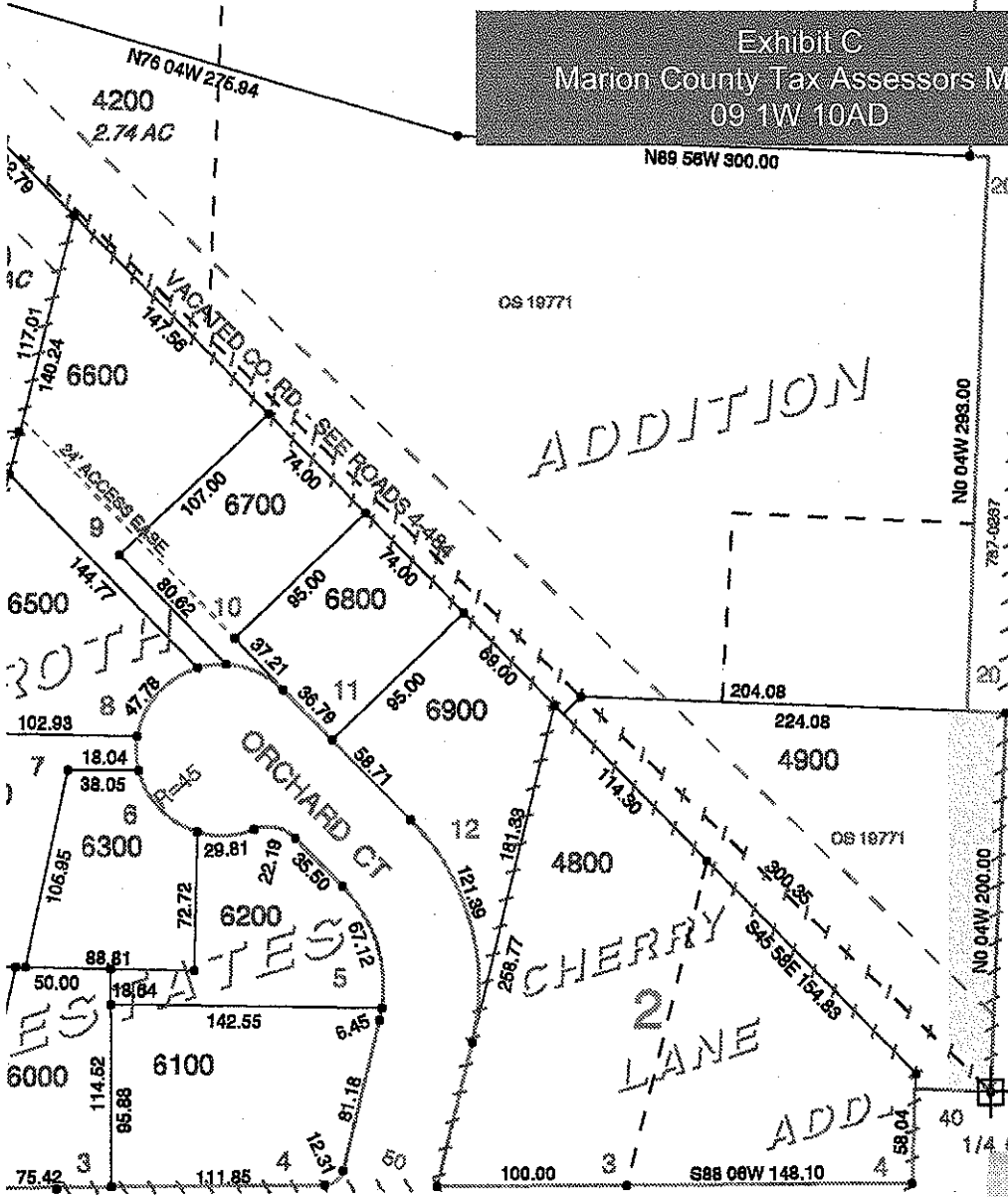
33
T
P1

217.50



029 04 04 0

Exhibit C
 Marion County Tax Assessors Map
 09 1W 10AD



SEE MAP CO. 11W 1-10C

REEL: 3360

PAGE: 342

February 28, 2012, 03:59 pm.

CONTROL #: 310810

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 61.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.



City of Stayton

Administration • Finance

362 N. Third Avenue, Stayton, OR 97383

(503) 769-3425 • (503) 769-1456 (fax)

DONATION AGREEMENT

Date: February 16, 2012

Name: Carole M. Carey
1750 N. 10th Avenue
Stayton, OR 97383

Project: 10th Avenue Street Improvements

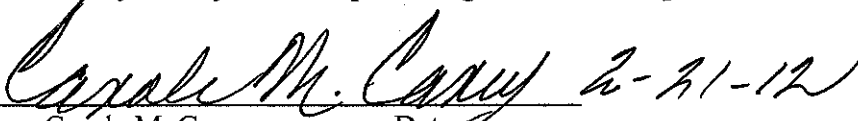
Reference: 91W11BB Tax Lot 7200; 91W11BC Tax Lot 100

Whenever a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation based upon a valuation report under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 281.060, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate. Property owners may also release the public agency from its requirement to provide a valuation report.

If you elect to donate the property rights referenced above and as described in the attached Exhibit A or deed, subject to the above information, please date and sign this Donation Agreement in the space below.

I release the City of Stayton from providing a valuation report.


Owner: Carole M. Carey Date: 2-21-12

Police
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Phone: (503) 769-3423
Fax: (503) 769-7497

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City of Stayton

Administration • Finance

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February 16, 2012

Carole M. Carey
1750 N. 10th Avenue
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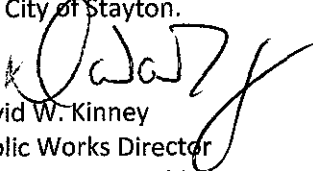
Subject: Letter of Understanding for a Land Donation to the City of Stayton

Dear Ms Carey:

As you are aware, the City of Stayton is planning the 10th Avenue Street Improvement Project. Property you own, identified as 91W11BB Tax Lot 7200 and 91W11BC Tax Lot 100, is affected by this project. Based on our prior discussions, you have indicated a willingness to donate the required property described in the attached Exhibit A and Exhibit B and to provide the City, its agents and contractors temporary construction access to the property. In exchange for donating the property and executing the legal documents, the City of Stayton agrees to the following:

1. To construct street improvements including curb, gutter, sidewalks and storm drainage improvements on 10th Avenue per the City's design prepared by HHPR Engineers/Planners in January 2012.
2. To provide a 24' wide driveway approach to TL 7200 from 10th Avenue (across from E. Fir St.)
3. To maintain reasonable access to the property at all times during construction.
4. To pay all recording and closing costs.
5. To clean up all construction debris at the conclusion of the project.
6. To provide an appraisal estimating the value of the donation by May 1, 2012.

By your signature below, it is acknowledged that the terms and conditions of this Letter of Understanding is the entire, final and complete agreement between the Owner and the City. Thank you for your donation to the City of Stayton.


David W. Kinney
Public Works Director
City of Stayton Public Works


Owner: Carole M. Carey Date: 2-21-12

Police
386 N. Third Avenue
Stayton, OR 97383
Phone: (503) 769-3423
Fax: (503) 769-7497

Planning
362 N. Third Avenue
Stayton, OR 97383
Phone: (503) 769-2998
Fax: (503) 767-2134

Public Works
362 N. Third Avenue
Stayton, OR 97383
Phone: (503) 769-2919
Fax: (503) 767-2134

Wastewater Facilities
950 Jettens Way
Stayton, OR 97383
Phone: (503) 769-2810
Fax: (503) 769-7413

Public Library
515 N. First Avenue
Stayton, OR 97383
Phone: (503) 769-3313
Fax: (503) 769-3218

AFTER RECORDING RETURN TO:
CITY OF STAYTON
362 N. Third Avenue
Stayton, Oregon 97383

SEND TAX STATEMENTS TO:
CAROLE M. CAREY
1750 N. 10th Avenue
Stayton, Oregon 97383

CITY OF STAYTON, OREGON Dedication of Right-of-Way

1. PARTIES:

CAROLE M. CAREY, an individual, hereinafter referred to as "Grantor" and the CITY OF STAYTON, a Municipal Corporation in the State of Oregon, hereinafter referred to as "Grantee"

2. AFFECTED PROPERTY:

Grantor is currently the OWNER, of the following described real property (property) located within the Mountain Estates Subdivision, Stayton, Marion County, Oregon, and more particularly described as follows:

As shown on the attached legal description of real property in **EXHIBIT "A"** and sketch for legal description in **EXHIBIT "B"** and Tax Assessor Map with property highlighted in **EXHIBIT "C"** which by this reference incorporated herein.

3. GRANT OF RIGHT-OF-WAY:

Grantor does hereby forever grant and agree to dedicate and dedicates unto the Grantee, its successors and assigns, in FEE SIMPLE, all rights, title and interest which the Grantor has, or may have, in and to any portion of the property of the undersigned, included in or embraced within the limits of the right-of-way as described in **EXHIBIT "A"** and **EXHIBIT "B"** attached hereto, and Grantee hereby accepts, real property situated in the City of Stayton, County of Marion, State of Oregon, as public right-of-way for roadway and utility purposes.

TRUE AND ACTUAL CONSIDERATION: Valuable consideration, but zero dollars (\$-0-) dollars, which is hereby acknowledged by Grantor and Grantee.

Said Grantor hereby warrants that it has the right to sell and convey the above described property and hereby binds itself, its successors and assigns forever to warrant and defend the right and title to the above-described right of way unto Grantee, its successors and assigns against the claims of all persons whomever by virtue of these presents. Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction or maintenance of said roadway as herein agreed.

4. BINDING EFFECT ON SUCCESSOR INTERESTS:

The terms, conditions and provisions of this Dedication shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

5. DISPUTE RESOLUTION

In the event a dispute arises between the parties as to the terms of this agreement, the matter shall first be addressed through mandatory mediation. If not settled by mediation, the parties shall resolve the matter by binding arbitration in accordance with Oregon laws. The prevailing party in the arbitration may be allowed reasonable attorneys fees and costs.

6. GOVERNING LAW:

This Dedication is to be governed and construed in accordance with the laws of the State of Oregon. Venue for any action regarding this Dedication shall be in Marion County.

7. AUTHORIZATION/ACCEPTANCE:

IN WITNESS WHEREOF, the Grantor has executed this instrument this 21 day of February, 2012.

GRANTOR: CAROLE M. CAREY, AN INDIVIDUAL

By: *Carole M. Carey*
Carole M. Carey

GRANTEE:

Pursuant to ORS 92.014(2), the dedication of land for public purposes set forth in this instrument is hereby approved and accepted by the CITY OF STAYTON this 21 day of February, 2012.

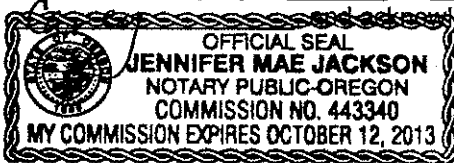
CITY OF STAYTON

By: *[Signature]*
Don Eubank, City Administrator

Attest: *[Signature]*

STATE OF OREGON)
) ss.
County of Marion)

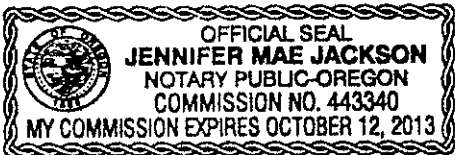
On this February 21, 2012, personally appeared before me the above-named Carol M and acknowledged the foregoing instrument to be her voluntary act and deed.



Jennifer Jackson
Notary Public for Oregon

STATE OF OREGON }
 } ss
COUNTY OF MARION }

Personally appeared before me this 21 day of February, 2012 and Don Eubank, City Administrator for the CITY OF STAYTON, has acknowledged the foregoing instrument to be the CITY OF STAYTON's voluntary act and deed.



Jennifer Jackson
Notary Public for Oregon

My commission expires: 10/12/13

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

Exhibit A

Right-of-Way Dedication

A tract of land located in the NW 1/4 of Section 11, Township 9 South, Range 1 West, Willamette Meridian, said tract being more particularly described as follows:

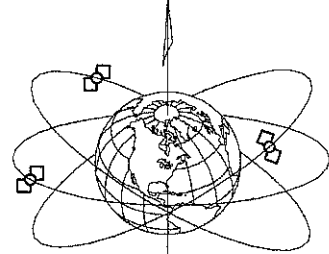
Beginning at the southwest corner of that tract of land described in Parcel 3 of Reel 1445 Page 670, Marion County Deed Records, said corner being at the intersection point of the northerly margin of Pine Street and the easterly margin of 10th Avenue; thence North $89^{\circ} 15' 40''$ East 35.54 feet along the northerly margin of Pine Street to a point; thence North $45^{\circ} 22' 11''$ West 35.88 feet; thence North $00^{\circ} 00' 00''$ East, parallel to and 10.00 feet from the easterly margin of 10th Avenue, 310.19 feet, more or less, to a point on the north line of said Parcel 3 of Reel 1445 Page 670; thence South $89^{\circ} 06' 40''$ West 10.00 feet to the most westerly northwest corner of said Parcel 3 of Reel 1445 Page 670; thence South $00^{\circ} 00' 00''$ East 335.70 feet along the easterly margin of 10th Avenue to the place of beginning, containing 3683.2 square feet, more or less.

Right-of-Way Dedication Map

NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON

February 17, 2012

Newberg



Surveying

Scale: 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

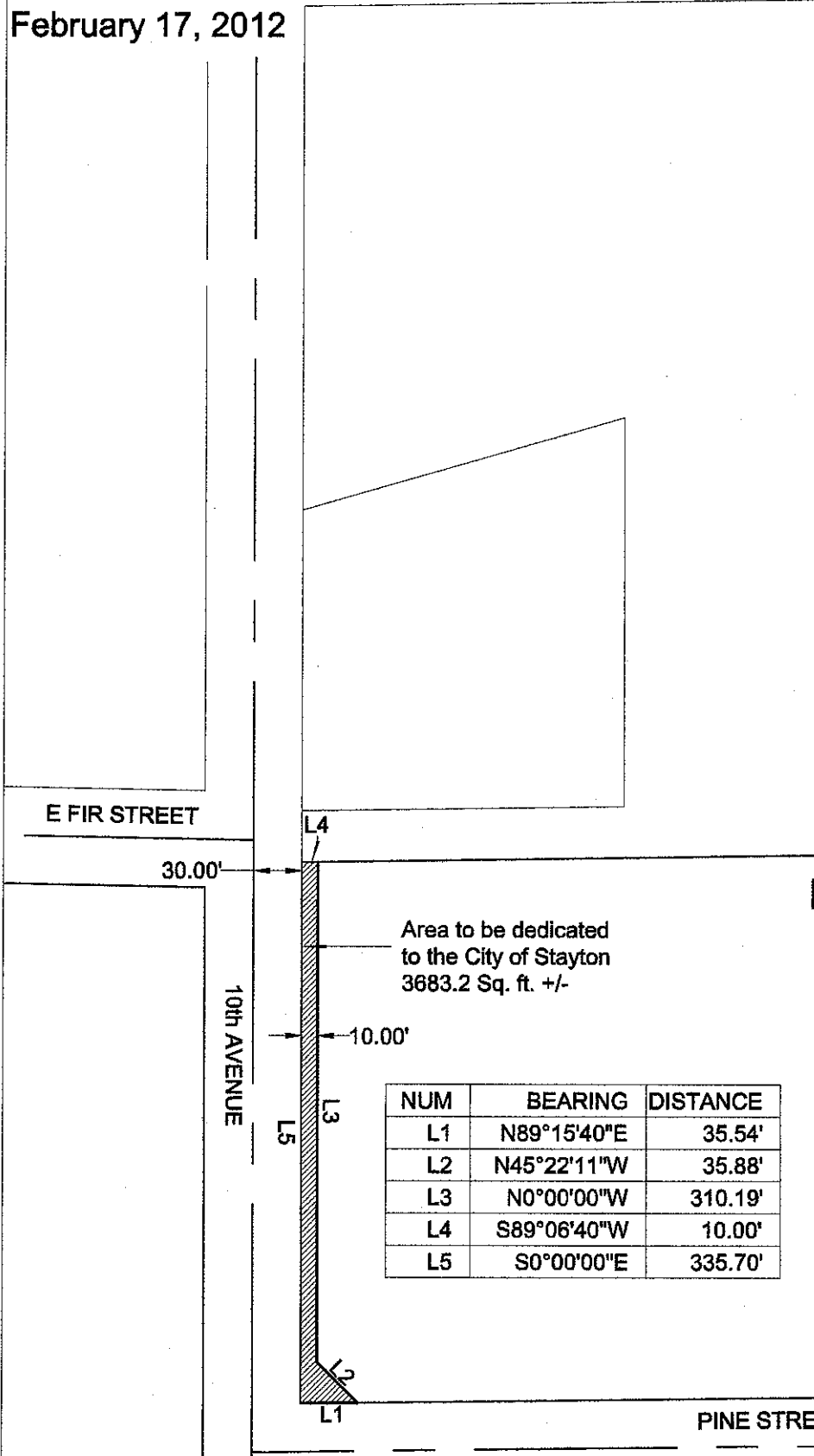
Renewable 12-31-2012

Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

Carey
MAP 9 1W 11BC
T.L. 100
Parcel 3 of Reel 1445 Page 670



NUM	BEARING	DISTANCE
L1	N89°15'40"E	35.54'
L2	N45°22'11"W	35.88'
L3	N0°00'00"W	310.19'
L4	S89°06'40"W	10.00'
L5	S0°00'00"E	335.70'

PINE STREET 30.00'

Exhibit C
 Marion County Tax Assessors Map
 09 1W 11BC

100

217.50

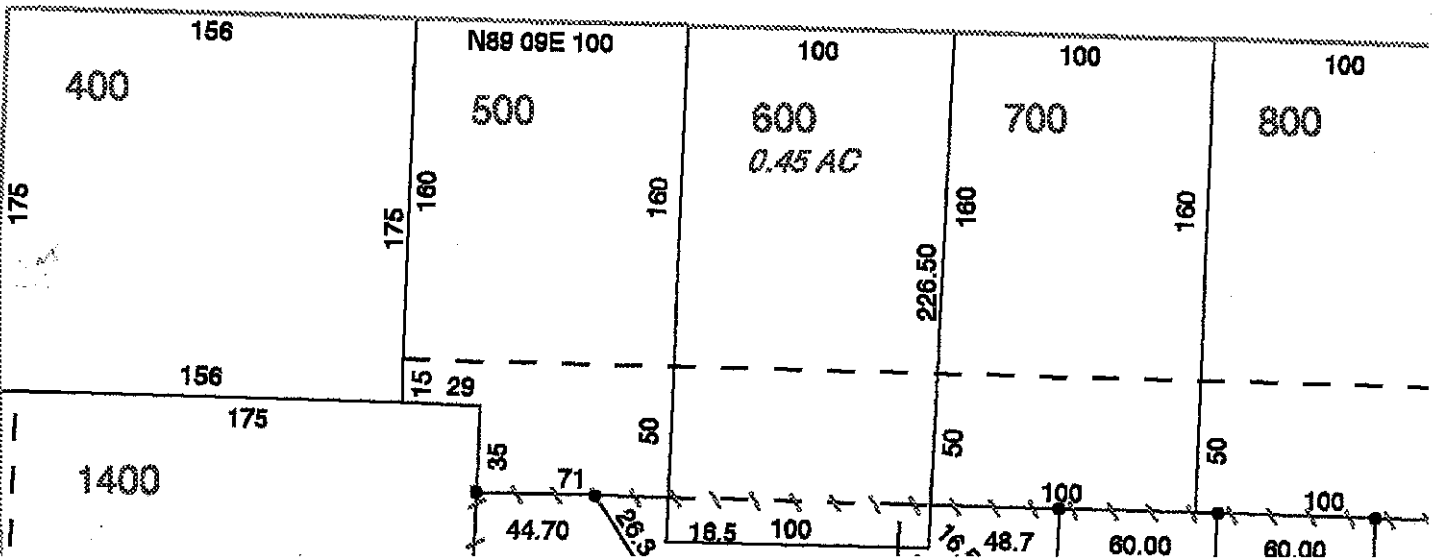
102.79

335.70

217.50

60

PINE



10TH AVENUE

REEL: 3360

PAGE: 341

February 28, 2012, 03:59 pm.

CONTROL #: 310810

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 61.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

§ AFTER RECORDING RETURN TO:
CITY OF STAYTON
362 N. Third Avenue
Stayton, Oregon 97383

SEND TAX STATEMENTS TO:
CAROLE M. CAREY
1750 N. 10th Avenue
Stayton, Oregon 97383

CITY OF STAYTON, OREGON Dedication of Right-of-Way

1. PARTIES:

CAROLE M. CAREY, an individual, hereinafter referred to as "Grantor" and the CITY OF STAYTON, a Municipal Corporation in the State of Oregon, hereinafter referred to as "Grantee"

2. AFFECTED PROPERTY:

Grantor is currently the OWNER, of the following described real property (property) located within the Mountain Estates Subdivision, Stayton, Marion County, Oregon, and more particularly described as follows:

As shown on the attached legal description of real property in **EXHIBIT "A"** and sketch for legal description in **EXHIBIT "B"** and Tax Assessor Map with property highlighted in **EXHIBIT "C"** which by this reference incorporated herein.

3. GRANT OF RIGHT-OF-WAY:

Grantor does hereby forever grant and agree to dedicate and dedicates unto the Grantee, its successors and assigns, in FEE SIMPLE, all rights, title and interest which the Grantor has, or may have, in and to any portion of the property of the undersigned, included in or embraced within the limits of the right-of-way as described in **EXHIBIT "A"** and **EXHIBIT "B"** attached hereto, and Grantee hereby accepts, real property situated in the City of Stayton, County of Marion, State of Oregon, as public right-of-way for roadway and utility purposes.

TRUE AND ACTUAL CONSIDERATION: Valuable consideration, but zero dollars (\$-0-) dollars, which is hereby acknowledged by Grantor and Grantee.

Said Grantor hereby warrants that it has the right to sell and convey the above described property and hereby binds itself, its successors and assigns forever to warrant and defend the right and title to the above-described right of way unto Grantee, its successors and assigns against the claims of all persons whomever by virtue of these presents. Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction or maintenance of said roadway as herein agreed.

4. BINDING EFFECT ON SUCCESSOR INTERESTS:

The terms, conditions and provisions of this Dedication shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

5. DISPUTE RESOLUTION

In the event a dispute arises between the parties as to the terms of this agreement, the matter shall first be addressed through mandatory mediation. If not settled by mediation, the parties shall resolve the matter by binding arbitration in accordance with Oregon laws. The prevailing party in the arbitration may be allowed reasonable attorneys fees and costs.

6. GOVERNING LAW:

This Dedication is to be governed and construed in accordance with the laws of the State of Oregon. Venue for any action regarding this Dedication shall be in Marion County.

7. AUTHORIZATION/ACCEPTANCE:

IN WITNESS WHEREOF, the Grantor has executed this instrument this 21 day of February, 2012.

GRANTOR: CAROLE M. CAREY, AN INDIVIDUAL

By: *Carole M. Carey*
Carole M. Carey

GRANTEE:

Pursuant to ORS 92.014(2), the dedication of land for public purposes set forth in this instrument is hereby approved and accepted by the CITY OF STAYTON this 21 day of February, 2012

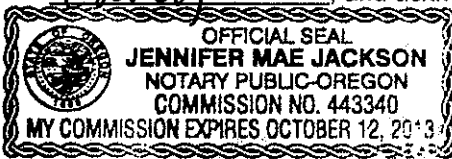
CITY OF STAYTON

By: *[Signature]*
Don Eubank, City Administrator

Attest: *[Signature]*

STATE OF OREGON)
County of Marion) ss.

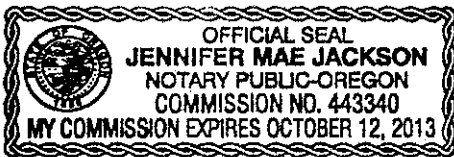
On this February day of 21, 2012, personally appeared before me the above-named Carol M. Carey, and acknowledged the foregoing instrument to be her voluntary act and deed.



Jennifer Jackson
Notary Public for Oregon

STATE OF OREGON)
COUNTY OF MARION) ss.

Personally appeared before me this 21 day of February, 2012, and Don Eubank, City Administrator for the CITY OF STAYTON, has acknowledged the foregoing instrument to be the CITY OF STAYTON's voluntary act and deed.



Jennifer Lumbord
Notary Public for Oregon

My commission expires: 10/12/13

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

Exhibit A

Right-of-Way Dedication

A tract of land located in the NW 1/4 of Section 11, Township 9 South, Range 1 West, Willamette Meridian, said tract being more particularly described as follows:

Beginning at an iron rod on the easterly margin of 10th Avenue, said iron rod being at the most southerly southwest corner of that land described in Parcel 1 of Reel 1445 Page 670, Marion County Deed Records and also on record as being 1228.42 feet North and 30.00 feet North 89° 06' 40" East from the Quarter corner on the West line of Section 11; thence North 00° 00' 00" East 32.14 feet along the easterly margin of 10th Avenue to an iron pipe at the Southwest corner of that certain tract of land conveyed to Carole M. Carey by instrument recorded in Volume 687, page 336, Marion County Deed Records; thence North 89° 09' 00" East 10.00 feet; thence South 00° 00' 00" East 32.13 feet parallel to and 10.00 feet from the easterly margin of 10th Avenue to a point on the south boundary of said Parcel 1; thence South 89° 06' 40" West 10.00 feet to the place of beginning, containing 321.4 square feet, more or less.

Right-of-Way Dedication Map

NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON

January 31, 2012

Carey
MAP 9 1W 11BB
T.L. 7200
Parcel 1 of Reel 1445 Page 670

30.00'

E FIR STREET

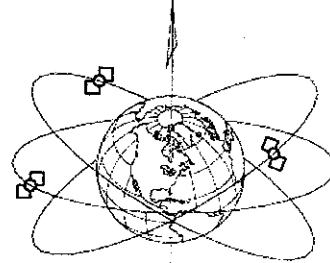
10th AVENUE

L3
L4
L5
10.00' Area to be dedicated
to the City of Stayton
321.4 Sq. ft. +/-

NUM	BEARING	DISTANCE
L1	N0°00'00"E	335.70'
L2	N0°00'00"E	32.14'
L3	N89°09'00"E	10.00'
L4	S0°00'00"W	32.13'
L5	S89°06'40"W	10.00'

PINE STREET

Newberg



Surveying

Scale: 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

Renewable 12-31-2012

Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

(503)-474-4742
(503)-474-3752 Fax

(971)-237-1956 Cell
newberg@viclink.com

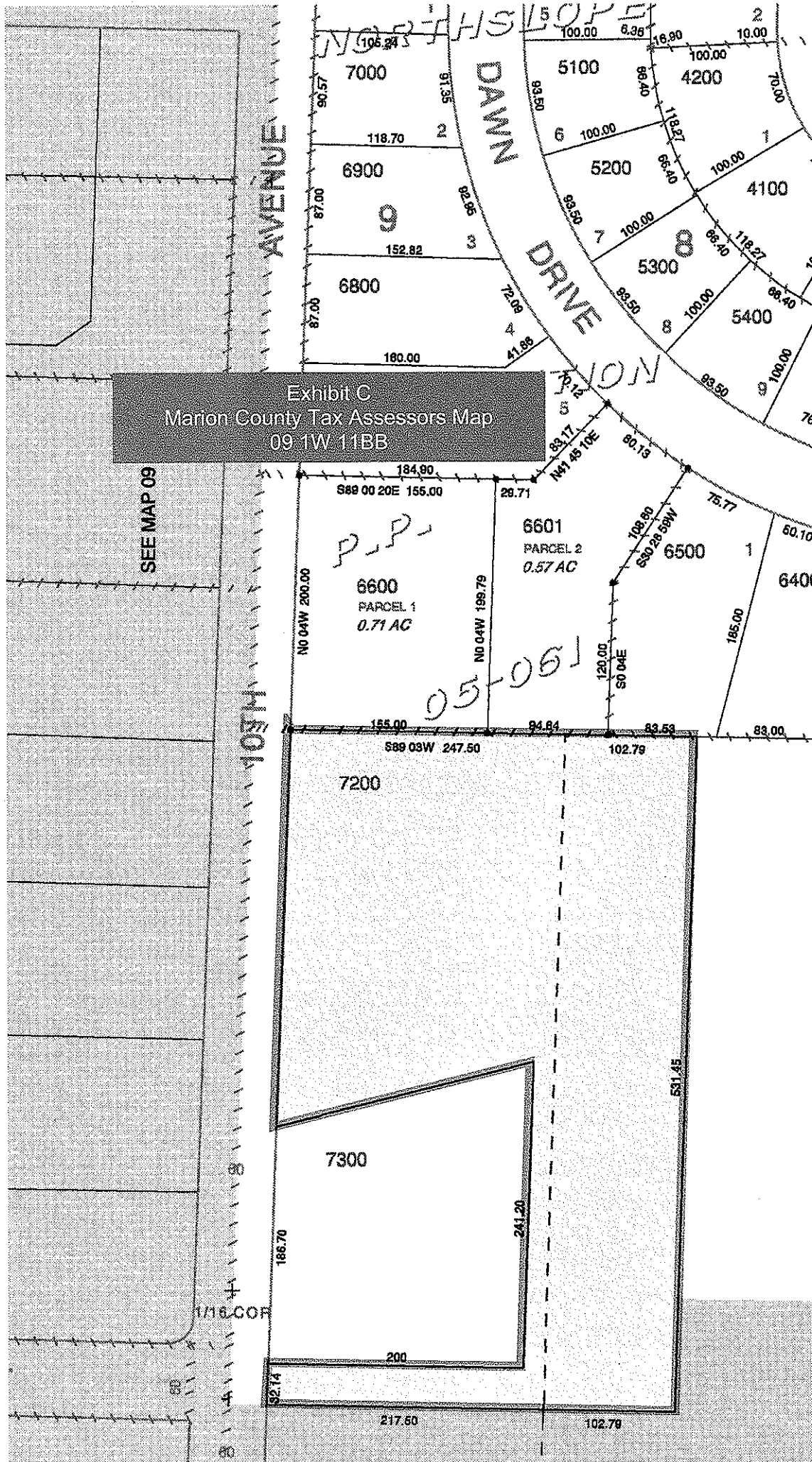


Exhibit C
 Marion County Tax Assessors Map
 09 1W 11BB

SEE MAP 09

P.P.

05-061

103M

1/16 COR

REEL: 3360

PAGE: 345

February 28, 2012, 04:33 pm.

CONTROL #: 310796

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 61.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.