

RESOLUTION NO. 572


**A RESOLUTION FOR THE DEDICATION OF PROPERTY
FOR THE EXTENSION OF S. ELM STREET**

WHEREAS, the extension of S. Elm Street to Elmwood Mobile Home Park and Village on the Lochs is an essential piece in the City of Canby's overall Transportation Plan; and

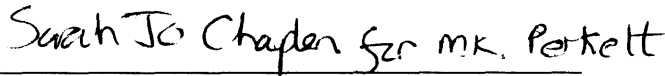
WHEREAS, DAC Income Realty Fund and DeAnza Corporation are willing to dedicate a portion of its property along its southerly border for the extension of S. Elm Street.

NOW THEREFORE, BE IT RESOLVED, that the City of Canby City Council accepts the dedication of property described in Exhibit "A" for public use as a street.

ADOPTED by the Canby City Council at a regular meeting thereof this 7th day of September, 1994.



Scott Taylor, Mayor



Marilyn K. Perkett
City Recorder

FOSTER PEPPER & SHEFELMAN

A LAW PARTNERSHIP INCLUDING
PROFESSIONAL SERVICE CORPORATIONS

ONE MAIN PLACE
101 S.W. MAIN STREET

15TH FLOOR
PORTLAND, OREGON 97204-3223
(503) 221-0607

SEATTLE, WASHINGTON OFFICE
(206) 447-4400
TELECOPIER: (206) 447-8283

BELLEVUE, WASHINGTON OFFICE
(206) 461-0600
TELECOPIER: (206) 466-6487

TELECOPIER: (503) 221-1510

**TELECOPY COVER LETTER
CONFIDENTIAL**

Respond to Portland Office

DATE: August 17, 1994

TIME: 9:15 A.M. (Pacific Time)

TO: Bob Hoffman

TELECOPIER: 266-1574

FROM: Bonnie Serkin

RE: Elmwood Mobile Home Park

ATTACHMENT: Dedication Deed covering portion of Elm Street

MESSAGE: The deed will be executed today. It would be very helpful if the City Council could accept it at tonight's meeting. Thanks.

There are ____ pages, including this cover page.

Please advise Misty at (503) 221-0607 if you have trouble receiving this document.

TIME SENT: ____ By: ____ Client No.: 50900-3

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED IN THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Original will not follow.

After Recording, Return To:

City of Canby
182 North Holly
Canby, OR 97013

Send Tax Statements To:

City of Canby
182 North Holly
Canby, OR 97013

**DEDICATION DEED
(Street)**

KNOW ALL MEN BY THESE PRESENTS, That DAC INCOME REALTY FUND, a California limited partnership, hereinafter called GRANTOR, conveys to THE CITY OF CANBY, an Oregon Municipal Corporation, hereinafter called GRANTEE, for public use as a street all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

The true and actual consideration paid for this conveyance is NONE, as the purpose of this Deed is to dedicate the above-mentioned property to the City of Canby for a street in compliance with certain requirements of the City Council in connection with The Village on the Lochs.

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.

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.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this ____ day of _____, 1994.

DAC INCOME REALTY FUND,
a California Limited Partnership

By De Anza Corporation,
Its Operating General Partner

By: _____

Its: _____

STATE OF ILLINOIS)
) ss.
County of _____)

This instrument was acknowledged before me on the ____ day
of _____, 1994 by _____, as
_____ of De Anza Corporation, general
partner of DAC Income Realty Fund.

Before me: _____
Notary Public for Illinois
My commission expires: _____

KNOW ALL MEN BY THESE PRESENTS, that the City of Canby has
accepted the foregoing right-of-way dedication by motion and
order of the City Council made on this ____ day of _____,
1994.

CITY OF CANBY

By: _____
Mayor

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on the ____ day
of _____, 1994 by _____, as
Mayor of the City of Canby.

Before me: _____
Notary Public for Oregon
My commission expires: _____

Job No. 2464

Revised By:

Compass Corp.

6564 SE Lake Rd.

Milw. OR 97222

10/28/91 DWD

A parcel of land being a part of that parcel of land conveyed to DAC Income Realty Fund and recorded March 3, 1988 by Fee No. 88-08346, Clackamas County Deed records, located in the Southwest one-quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the City of Canby, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

Beginning at the Northeast corner of the parcel of land conveyed to Dwayne L. Lingel and Nola A. Lingel and recorded August 25, 1976 by Fee No. 76-29481, Clackamas County Deed records; thence North 00° 14' 30" East along the northerly extension of the easterly line of said Lingel property a distance of 21.00 feet to the most southerly Southeast corner of said DAC Income Realty Fund property; thence North 89° 25' 57" West along the southerly line of said DAC Income Realty Fund property a distance of 35.37 feet to the true point of beginning of the parcel of land herein described.

Thence continuing North 89° 25' 57" West along said southerly line a distance of 17.00 feet to a point of curve; thence along a 15.00 foot radius curve to the right, through a central angle of 89° 40' 25" an arc distance of 23.48 feet (the long chord of said curve bears North 44° 35' 44" West a distance of 21.13 feet) to a point on the easterly right-of-way line of South Elm Street; thence North 00° 14' 28" East a distance of 54.34 feet; thence southeasterly along a 79.00 foot radius curve to the left through a central angle of 39° 06' 29" an arc distance of 53.92 feet (the long chord of said curve bears South 19° 23' 42" East a distance of 52.88 feet) to a point of reverse curve; thence along a 202.57 foot radius curve to the right, through a central angle of 06° 50' 49" an arc distance of 24.21 feet (the long chord of said curve bears South 35° 31' 32" East a distance of 24.19 feet) to the true point of beginning.

Said parcel of land contains an area of 724 square feet more or less.

Exhibit "C"
724 S.E.)

SOUTH Elm Street

محکمہ تعلیم و تربیت

$\Delta = 35' 02.25''$
 $R = 79.00$
 $L = 53.92$
 $L.C. = 314' 23.42'' E, 52.88$

$\Delta = 0.5047$
 $\Sigma = 203.57$
 $L = 24.7$
 $\Sigma = 335.31$
 $\Sigma = 24.19$

$\Delta = 89^{\circ}40'5''$
 $E = 15.03$
 $L = 23.48$
 $L.C. = 24435.44''$, 21.15

139'25" 57' 5"

N 00°14 E 30"E

NE COR. Lincoln
76-39491

EX-10 (1000) OK

3/3/38 45

$\Delta = 05^{\circ} 13' 46''$
 $R = 202.57$
 $L = 18.78$
 $L.C. = 429.56$
 18.78

$\Delta = 23^{\circ} 27' 41''$
 $\alpha = 15.00$
 $\lambda = 615$
 $\lambda. c = 11393211''$
 $\mu. 11$

$\Delta = 57.0453$
 $12 = 15.00$
 $76.44 = 21$
 $2.6 = 2.7$

88-2464

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