

A RESOLUTION AUTHORIZING THE MAYOR)
AND RECORDER TO ENTER INTO AN)
AGREEMENT OF UNDERSTANDING OF WHEN)
THE CITY WILL REQUIRE DEDICATION OF)
AIRPORT ROAD RIGHT-OF-WAY.)

RESOLUTION NO. 27
for 1981

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEBANON AS FOLLOWS:

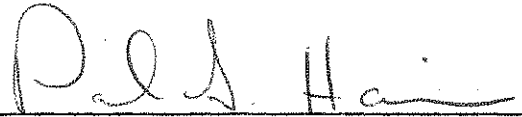
Section 1. That the Mayor and Recorder of the City of Lebanon are hereby authorized and directed to enter into an Agreement of Understanding of when the City will require dedication of Airport Road Right-of-way with George B. Cross, D.M.C., P.C., Profit Sharing and Retirement Plan Trust; J. D. Griffith and Ruth Davies. A copy of said agreement is attached hereto and made a part hereof.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 10th day of June, 1981.



Mayor

ATTEST:



Recorder

AMENDMENT AGREEMENT

This agreement is made between GEORGE B. CROSS, D.M.D., P.C., PROFIT SHARING AND RETIREMENT PLAN TRUST (hereinafter called "grantor"); J. D. GRIFFITH and RUTH DAVIES (hereinafter called "grantees"); and the CITY OF LEBANON (hereinafter called "City").

The parties recite and agree as follows:

1) Grantor and grantee entered into an agreement dated October 28, 1980, relating to the future dedication of the South 30 feet of the real properties of grantor and grantee. A copy of said agreement is attached hereto and incorporated herein by reference.

2) Said agreement of October 28, 1980, is hereby amended to provide that the City of Lebanon shall also have the rights given to both grantor and grantees by paragraph 2 of said agreement. Provided, however, that the City shall not exercise the rights provided for in said paragraph except upon the receipt of an application for a building permit for a new building or for a modification of an existing building which increases the assessed value by more than fifty per cent (50%), minor land partition, or lot line adjustment, or upon request to approve final subdivision plat upon any portion of the real properties of grantor or grantees described in said October 28, 1980 agreement. In other words, upon the receipt of such an application or request, the City may demand as a condition to the approval of the permit, or land division, or lot line adjustment that the property exchange described in said paragraph be consummated and that the South 30 feet of grantor's real property be dedicated to the City of Lebanon free and clear of any liens or encumbrances as of the date thereof.

3) Except as amended by this agreement, said October 28, 1980 agreement shall remain in full force and effect according to the terms thereof.


4) Within thirty (30) days of the date hereof, this agreement, together with the said October 28, 1980 agreement shall be recorded in the office of the Linn County Recorder, Albany, Oregon.

5) The consideration for this agreement includes the mutual covenants contained herein and the agreement by the Common Council of the City of Lebanon to annex the real properties of grantor and grantees upon the execution of this amendment agreement.

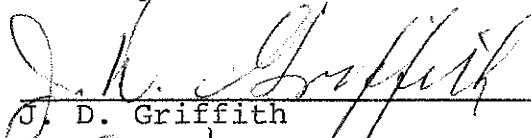
6) This agreement shall bind and inure to the benefit of, not only the parties hereto, but also their respective heirs, successors and assigns.

7) This agreement was prepared by Glen D. Baisinger, Attorney for the City of Lebanon. Grantor and Grantee are advised to consult independent counsel before signing this agreement.


Date: 5-22-81

By:  TTEE
George B. Cross, D.M.D., P.C., Profit Sharing and Retirement Plan Trust

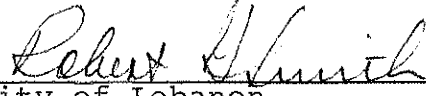
Date: 4-27-81


J. D. Griffith

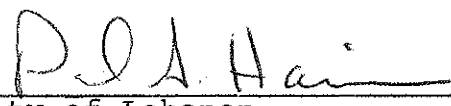
Date: 4-27-81

By: , Attorney in Fact
Ruth Davies

Date: 6-10-81

By:  Mayor
City of Lebanon

Date: 6-10-81

By:  Recorder
City of Lebanon

STATE OF OREGON)
) ss.
County of Linn)

On this 22nd day of May, 1981, personally appeared the above named GEORGE B. CROSS, Trustee of George B. Cross, D.M.D., P.C., Profit Sharing and Retirement Plan Trust, and acknowledged the foregoing agreement to be his voluntary act and deed.

Janet Wills
Notary Public for Oregon
My Commission Expires: 12-13-1984

STATE OF OREGON)
) ss.
County of Linn)

On this 27th day of April, 1981, personally appeared the above named J. D. GRIFFITH, for himself, and as Attorney in Fact for RUTH DAVIES, and acknowledged the foregoing agreement to be his voluntary act and deed.

Janet Wills
Notary Public for Oregon
My Commission Expires: 12-13-1984

STATE OF OREGON)
) ss.
County of Linn)

Personally appeared Robert G. Smith and Paul S. Haines, who being duly sworn each for himself and not one for the other, did say that the former is the Mayor and that the latter is the Acting City Administrator/Recorder of the City of Lebanon, a Municipal Corporation and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of the City Council and each of them acknowledged said instrument to be his voluntary act and deed.

Jennifer S. Sewalker
Notary Public for Oregon
My commission expires: 10-15-83