

REEL 4668 PAGE 189
MARION COUNTY
BILL BURGESS, COUNTY CLERK
10-28-2022 10:57 am.
Control Number 722812 \$ 116.00
Instrument 2022 00043824

When recorded return to:

Michelle McAtee
Jenner & Block LLP
353 North Clark Street
Chicago, Illinois 60654
1B9R*OR10

**Until a change is requested, all tax statements
should be sent to the following address:**

Safeway Realty LLC
250 East Parkcenter Boulevard
Boise, ID 83706
Attention: Real Property Tax –
Aaron Barrett

SPECIAL WARRANTY DEED

ACI Real Estate SPE 128, LLC, a Delaware limited liability company ("**Grantor**"), hereby conveys and specially warrants to Safeway Realty LLC, a Delaware limited liability company ("**Grantee**"), the following described real property, situated in the City of Keizer, County of Marion, State of Oregon, and legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the "**Property**"), free of encumbrances created or suffered by the Grantor except current taxes not yet due and payable; patent reservations; all leases, liens, covenants, conditions, restrictions, reservations, easements, encumbrances and declarations or other matters of record or to which reference is made in the public record; the state of facts which a physical inspection, or accurate survey, of the Property would reveal; and the applicable zoning and use regulations of any municipality, county, state, or the United States affecting the Property.

The true consideration for this conveyance is \$0.00.

And Grantor, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the property hereby conveyed is, or may be, in any manner encumbered or charged, except as herein recited, that Grantor is lawfully seized of said property in fee simple; that Grantor has good right and lawful authority to convey said real property and hereby specially warrants the title to said property, and that said property against all persons lawfully claiming, or to claim the same, by, through and under Grantor, but not otherwise, Grantor will **SPECIALLY WARRANT AND DEFEND**, subject to current taxes not yet due and payable; patent reservations; all leases, liens, covenants, conditions, restrictions, reservations, easements, encumbrances and declarations or other matters of record or to which reference is made in the public record; the state of facts which a physical inspection, or accurate survey, of the Property would reveal; and the applicable zoning and use regulations of any municipality, county, state, or the United States affecting the Property.

*Store# SS01516AS: Keizer, OR
Special Warranty Deed*

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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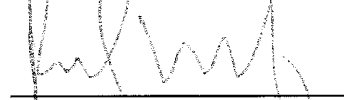
*Store# SS01516AS: Keizer, OR
Special Warranty Deed*

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the day and year written below.

DATED as of the 29th day of August, 2022.

GRANTOR:

ACI Real Estate SPE 128, LLC,
a Delaware limited liability company



Name: Bradley Beckstrom
Title: Authorized Signatory

STATE OF IDAHO)
) ss.
County of Ada)

On this 29th day of August, 2022, before me Kandi L. Walters, personally appeared Bradley Beckstrom, known or identified to me to be the Authorized Signatory of ACI Real Estate SPE 128, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

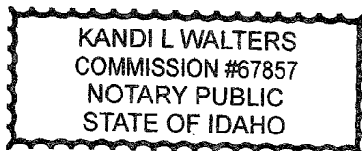
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC FOR IDAHO

Residing at Boise, Idaho

My Commission Expires 6/6/2028



Store# SS01516AS: Keizer, OR
Special Warranty Deed

EXHIBIT A TO DEED
(LEGAL DESCRIPTION)

PARCEL A:

PARCEL I:

BEGINNING AT A POINT ON THE SOUTH LINE OF CHEMAWA ROAD AT ITS INTERSECTION WITH THE EAST LINE OF NORTH RIVER ROAD, SAID POINT BEING SOUTH 0° 08' EAST 45.50 FEET AND SOUTH 89° 57' 50" EAST 40.00 FEET FROM THE NORTHEAST CORNER OF THE J. B. KEIZER DONATION LAND CLAIM;
THENCE SOUTH 89° 57' 50" EAST ALONG THE SOUTH LINE OF SAID CHEMAWA ROAD PARALLEL WITH THE NORTH LINE OF SAID DONATION LAND CLAIM 403.394 FEET;
THENCE SOUTH 0° 11' EAST 77.00 FEET;
THENCE SOUTH 89° 57' 50" EAST PARALLEL WITH THE SOUTH LINE OF SAID CHEMAWA ROAD, 89.00 FEET;
THENCE NORTH 0° 11' WEST 77.00 FEET TO A POINT ON THE SOUTH LINE OF SAID CHEMAWA ROAD;
THENCE SOUTH 89° 57' 50" EAST ALONG THE SOUTH LINE OF SAID CHEMAWA ROAD, 62.62 FEET;
THENCE SOUTH 0° 21' EAST 393.45 FEET;
THENCE SOUTH 89° 57' 12" WEST, A DISTANCE OF 556.48 FEET TO A POINT ON THE EAST LINE OF SAID NORTH RIVER ROAD;
THENCE NORTH 0° 08' WEST, ALONG THE EAST LINE OF SAID NORTH RIVER ROAD PARALLEL WITH THE WEST LINE OF SAID DONATION LAND CLAIM, A DISTANCE OF 52.97 FEET;
THENCE NORTH 89° 52' EAST A DISTANCE OF 85.00 FEET;
THENCE NORTH 0° 08' WEST, A DISTANCE OF 110.00 FEET;
THENCE SOUTH 89° 52' WEST, 85.00 FEET TO A POINT ON THE EAST LINE OF SAID NORTH RIVER ROAD;
THENCE NORTH 0° 08' WEST, ALONG THE EAST LINE OF SAID NORTH RIVER ROAD PARALLEL WITH THE WEST LINE OF SAID DONATION LAND CLAIM, A DISTANCE OF 231.45 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT ADJUSTED TRACT II DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NORTH RIVER ROAD AND THE SOUTH RIGHT OF WAY LINE OF CHEMAWA ROAD AT A POINT WHICH IS 60.45 FEET SOUTH 41° 32' 33" EAST FROM THE NORTHWEST CORNER OF THE JOHN PUGH DONATION LAND CLAIM NO. 55 IN SECTION 2, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON;
THENCE SOUTH 89° 57' 50" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF CHEMAWA ROAD 135.00 FEET;

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THENCE SOUTH 00° 06' 42" EAST, PARALLEL TO SAID EAST RIGHT OF WAY LINE OF NORTH RIVER ROAD, 195.00 FEET;
THENCE NORTH 89° 57' 50" WEST, PARALLEL TO SAID SOUTH RIGHT OF WAY LINE OF CHEMAWA ROAD, 135.00 FEET TO SAID EAST RIGHT OF WAY LINE;
THENCE NORTH 00° 06' 42" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 195.00 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PARCEL II:

BEGINNING AT A POINT ON THE SOUTH LINE OF CHEMAWA ROAD WHICH IS AN ANGLE CORNER IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN A MORTGAGE RECORDED IN REEL 100 AND PAGE 1455, FILM RECORDS, SAID POINT BEING SOUTH 0° 08' 13" WEST 45.50 FEET AND SOUTH 89° 57' 50" EAST 443.394 FEET FROM THE NORTHWEST CORNER OF THE JOHN M. PUGH DONATION LAND CLAIM NO. 55 IN SECTION 2, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON;
THENCE ALONG THE BOUNDARY OF THE PROPERTY DESCRIBED IN THE ABOVE NOTED MORTGAGE AS FOLLOWS: SOUTH 0° 11' EAST 77.00 FEET AND SOUTH 89° 57' 50" EAST 89.00 FEET AND NORTH 0° 11' WEST 77.00 FEET TO A POINT ON THE SOUTH LINE OF CHEMAWA ROAD;
THENCE NORTH 89° 57' 50" WEST ALONG THE SOUTH LINE OF SAID CHEMAWA ROAD 89.00 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PARCEL III:

BEGINNING AT A POINT ON THE SOUTH LINE OF CHEMAWA ROAD WHICH IS THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN A MORTGAGE RECORDED IN REEL 100 AND PAGE 1455, FILM RECORDS, SAID POINT BEING SOUTH 0° 08' 13" WEST 45.50 FEET AND SOUTH 89° 57' 50" EAST 595.014 FEET FROM THE NORTHWEST CORNER OF THE JOHN M. PUGH DONATION LAND CLAIM NO. 55 IN SECTION 2, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON;
THENCE SOUTH 89° 57' 50" EAST ALONG THE SOUTH LINE OF SAID CHEMAWA ROAD, 224.57 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO NORTH RIVER LTD., BY DEED RECORDED IN REEL 89 AND PAGE 0543, FILM RECORDS;
THENCE FOLLOWING THE EASTERLY BOUNDARY OF SAID NORTH RIVER LTD. TRACT AS FOLLOWS; SOUTH 0° 13' 31" EAST 183.08 TO AN ANGLE CORNER AND NORTH 89° 55' 45" WEST 3.15 FEET TO A REENTRANT CORNER AND SOUTH 0° 21' 19" EAST TO A 1 3/4" IRON PIPE MARKING THE SOUTHEAST CORNER OF SAID TRACT;

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THENCE SOUTH 89° 57' 12" WEST ALONG THE SOUTHERLY LINE OF SAID NORTH RIVER LTD. TRACT 221.03 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN THE ABOVE MENTION MORTGAGE RECORDED IN REEL 100 AND PAGE 1455, FILM RECORDS;
THENCE NORTH 0° 21' 00" WEST ALONG THE EASTERLY LINE OF SAID MORTGAGE TRACT, 393.65 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PERIMETER DESCRIPTION:

PARCEL I:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NORTH RIVER ROAD AND THE SOUTH RIGHT OF WAY LINE OF CHEMAWA ROAD AT A POINT WHICH IS 60.45 FEET SOUTH 41° 32' 33" EAST FROM THE NORTHWEST CORNER OF THE JOHN PUGH DONATION LAND CLAIM NO. 55 IN SECTION 2, TOWNSHIP 7 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON;
THENCE SOUTH 89° 57' 50" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF CHEMAWA ROAD 135.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;
THENCE SOUTH 89° 57' 50" EAST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, 644.54 FEET TO THE EAST LINE OF PARCEL III OF A TRACT OF LAND DESCRIBED REEL 89 AND PAGE 0545, FILM RECORDS;
THENCE SOUTH 00° 12' 23" EAST, ALONG SAID EAST LINE, 181.93 FEET TO AN ANGLE IN SAID EAST LINE;
THENCE NORTH 89° 54' 37" WEST 3.15 FEET TO AN ANGLE IN SAID EAST LINE;
THENCE SOUTH 00° 18' 45" EAST, CONTINUING ALONG SAID EAST LINE 210.09 FEET TO THE SOUTHEAST CORNER THEREOF;
THENCE SOUTH 89° 56' 37" WEST, ALONG THE SOUTH LINE OF SAID PARCEL III, AND THE SOUTH LINE OF PARCEL I OF SAID TRACT DESCRIBED IN REEL 89 AND PAGE 0545, FILM RECORDS, 777.32 FEET TO SAID EAST RIGHT OF WAY LINE OF NORTH RIVER ROAD;
THENCE NORTH 00° 07' 49" WEST, ALONG SAID RIGHT OF WAY LINE, 52.98 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN REEL 317 AND PAGE 1292, FILM RECORDS;
THENCE NORTH 89° 52' 53" EAST, ALONG THE SOUTH LINE OF SAID TRACT, 84.99 FEET TO THE SOUTHEAST CORNER THEREOF;
THENCE NORTH 00° 08' 06" WEST, ALONG THE EAST LINE OF SAID TRACT, 110.00 FEET TO THE NORTHEAST CORNER THEREOF;
THENCE SOUTH 89° 52' 02" WEST, ALONG THE NORTH LINE OF SAID TRACT 85.04 FEET TO SAID EAST RIGHT OF WAY LINE;
THENCE NORTH 00° 06' 42" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 36.45 FEET;

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THENCE SOUTH 89° 57' 50" EAST, PARALLEL TO SAID SOUTH RIGHT OF WAY LINE OF CHEMAWA ROAD, 135.00 FEET;
THENCE NORTH 00° 06' 42" WEST, PARALLEL TO SAID EAST RIGHT OF WAY LINE OF NORTH RIVER ROAD, 195.00 FEET TO THE TRUE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

PARCEL B:

THOSE EASEMENT RIGHTS SET FORTH IN THE 'DECLARATION OF ESTABLISHMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS AND GRANTS OF EASEMENTS' RECORDED NOVEMBER 20, 1973 IN VOLUME 765, PAGE 0695, IN DEED RECORDS.

PARCEL C:

THOSE EASEMENT RIGHTS SET FORTH IN THE 'DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND' RECORDED SEPTEMBER 29, 1995 IN REEL 1264 AND PAGE 0041, FILM RECORDS AND RERECORDED NOVEMBER 6, 1995 IN REEL 1271 AND PAGE 0675, FILM RECORDS.

REEL: 4668

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October 28, 2022, 10:57 am.

CONTROL #: 722812

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: \$ 116.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.