

RESOLUTION NO. 5791

A RESOLUTION ACCEPTING THE CONVEYANCE OF TAX FORECLOSED PROPERTIES FROM LINN COUNTY TO THE CITY OF ALBANY.

WHEREAS, the City of Albany operates and maintains the Santiam-Albany Canal and has identified the need to acquire two unimproved, tax foreclosed, Linn County properties along the canal near Lebanon; and

WHEREAS, the properties are Tax Lots 3200 and 4200, Map 12S-02W-14DB, described below and shown on Exhibit "A".

Account # 721775 **Map 12S-02W-14DB Tax Lot 4200**

Beginning at a 5/8 inch iron rod (as shown on County Survey No. 3129) on the West bank of the Lebanon-Santiam Canal, being the Northwest corner of that property described in Book 349, Page 447, Deed Records, Linn County, Oregon; thence Northwesterly along the West bank of said canal to the Westerly extension of the North line of that property described in Microfilm Volume 1109, Page 33, Deed Records, Linn County, Oregon; thence Easterly along said line to the Northwest corner of that property described in Microfilm Volume 1109, Page 33, Deed Records, Linn County, Oregon; thence Southwesterly along the West line of said property to the Southwest corner thereof; thence West to the point of beginning. SUBJECT TO that portion lying within the Lebanon-Sanitation Canal right of way, conveyed to the City of Albany Microfilm Volume 388, Page 163, Deed Records, Linn County, Oregon. ALSO SUBJECT TO the rights of the public in and to that portion lying within roads, streets, and highways.

Account # 193538 **Map 12S-02W-14DB Tax Lot 3200**

All of that property lying between County Road No. 719 and the canal and South of the South line of Garvard Street if extended to the canal, and North of the South line of that property described in MF 51, page 564, if extended West to the canal.

WHEREAS, the City is working on the River Road Bank Stabilization project and Tax Lots 3200 and 4200 provide the City with direct access to the canal; and

WHEREAS, at the May 11, 2009, Council Work Session, the Public Works Department requested acquisition of the parcels from Linn County to improve access to the canal banks for canal maintenance and berm preservation for the cost of advertising and recording; and

WHEREAS, the Council approved the May 11, 2009, acquisition request and the City presented the request to the Linn County Commissioners at the May 13, 2009, County Commissioner's meeting; and

WHEREAS, the Linn County Commissioners discussed the benefits and consequences of transferring the properties and agreed to hold a public hearing on June 10, 2009, to further consider conveyance of the two parcels to the City of Albany; and

WHEREAS, a public hearing was held on June 10, 2009, by the Linn County Commissioners and no objections from the public were received; and

WHEREAS, the parcels were conveyed and recorded by deed from Linn County to the City of Albany on June 15, 2009 (Exhibit "B").

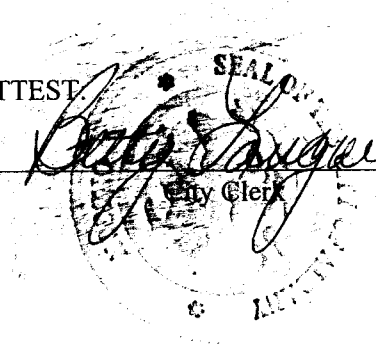
NOW, THEREFORE, BE IT RESOLVED by the City of Albany Council to hereby accept the conveyance of the above tax foreclosed properties from Linn County.

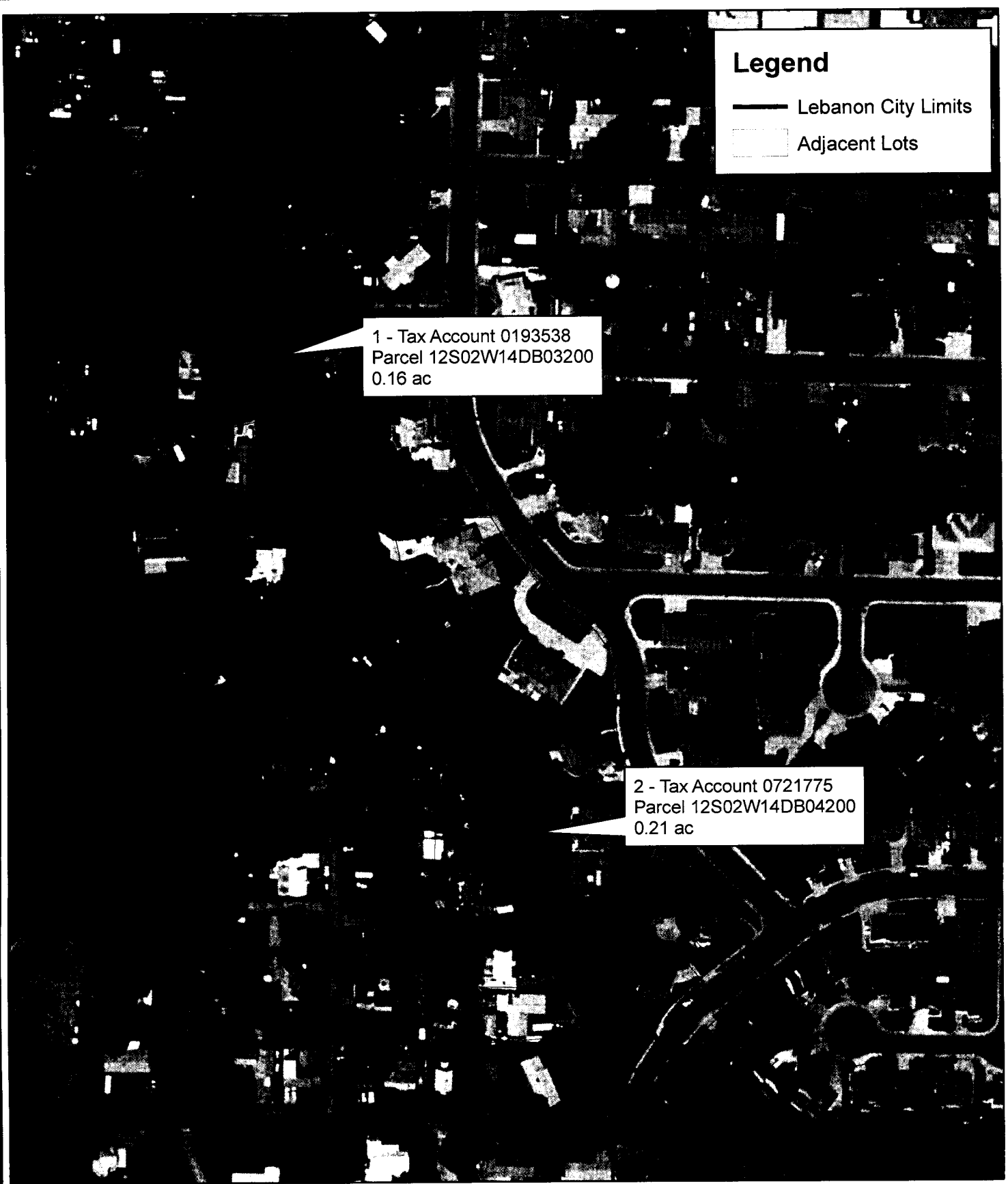
DATED AND EFFECTIVE THIS 24TH DAY OF JUNE 2009.



Mayor

ATTEST





Legend


— Lebanon City Limits

- - - Adjacent Lots

1 - Tax Account 0193538
 Parcel 12S02W14DB03200
 0.16 ac


2 - Tax Account 0721775
 Parcel 12S02W14DB04200
 0.21 ac

Exhibit "A" Linn County Properties near River Road, Lebanon, Conveyed to the City of Albany, 2009



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

0 50 100
 Feet



Project File Location: LinnCoRiverRdProperties_2_conveyed.mxd on U:\Shared\Canal\GIS 6/16/2009

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

Exhibit B

After Recording Return to:

City of Albany
Attn: Diane Wood
PO Box 490
Albany, OR 97321

Send Tax Statements to:

City of Albany
Attn: Diane Wood
PO Box 490
Albany, OR 97321

LINN COUNTY, OREGON 2009-10813
F-CON
Cnt=1 Stn=1 COUNTER 06/15/2009 03:03:59 PM
\$5.00 \$11.00 \$10.00 \$26.00



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



CONVEYANCE OF TAX FORECLOSED PROPERTY

LINN COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to the CITY OF ALBANY, OREGON, a municipal corporation, Grantee, the title Linn County received through tax foreclosure to the following described real property, situated in Linn County, Oregon:

List # 15589 Account # 721775 Map: 12S-02W-14DB Tax Lot: 4200

Beginning at a 5/8 inch iron rod (as shown on County Survey NO. 3129) on the West bank of the Lebanon-Santiam Canal, being the Northwest corner of that property described in Book 349, Page 447, Deed Records, Linn County, Oregon; thence Northwesterly along the West bank of said canal to the Westerly extension of the North line of that property described in Microfilm Volume 1109, Page 33, Deed Records, Linn County, Oregon; thence Easterly along said line to the Northwest corner of that property described in Microfilm Volume 1109, Page 33, Deed Records, Linn County, Oregon; thence Southwesterly along the West line of said property to the Southwest corner thereof; thence West to the point of beginning. SUBJECT TO that portion lying within the Lebanon-Santiam Canal right of way, conveyed to the City of Albany in Microfilm Volume 388, Page 163, Deed Records, Linn County, Oregon. ALSO SUBJECT TO the rights of the public in and to that portion lying within roads, streets and highways.

List # 6669 Account # 193538 Map: 12S-02W-14DB Tax Lot: 3200

All of that property lying between County Road No. 719 and the canal and South of the South line of Garvard Street if extended to the canal, and North of the South line of that property described in MF 51, page 564, if extended West to the canal.

Grantor conveys to Grantee a fee simple determinable for so long as the property is for public purposes, and retaining in the Grantor a possibility of reverter that will automatically take effect such that when the property is no longer so used, the interest of the Grantee and its successors or assigns shall automatically terminate, and fee simple title shall immediately revert to the Grantor and its successors or assigns.

This conveyance is subject to any easements of record.

The true and actual consideration for this transfer is \$0

This conveyance is made pursuant to an Order of the Board of County Commissioners dated and recorded at the volume and page of the County Commissioners Journal as stated below.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED BY ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

IN WITNESS WHEREOF, LINN COUNTY, OREGON, the Grantor above named, has caused this Deed to be executed by its Board of County Commissioners this 10th day of June, 2009.

ABSENT

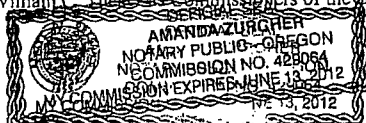
Roger Nyquist, Chairperson

John K. Lindsey, Commissioner

William C. Tucker, Commissioner

State of Oregon)
) ss.
County of Linn)

This instrument was acknowledged before me on June 10th, 2009, by Roger Nyquist, John K. Lindsey, and William C. Tucker Commissioners of the Board of County Commissioners for Linn County.



Amanda Zurcher
Notary Public for Oregon
My Commission expires: June 13, 2012

ORDER #2009-242 A DATE: June 10, 2009
Account # 193538 Map: 12-02W-14DB-3200
Account # 721775 Map: 12-02W-14DB-4200

Commissioner's Journal #: _____