

RESOLUTION NO. 3581

WHEREAS, Ordinance No. 4031 of the City of Albany passed by the Council on June 8, 1977, with an effective date of July 8, 1977, the City did vacate Chicago Street right-of-way between 15th Avenue and 16th Avenue in the City of Albany; and

WHEREAS, by Ordinance No. 4031, there was reserved to the City of Albany the following: "That the benefiting property owners be required to provide any necessary utility easements as may be required by the City for future extensions of utilities within the vacated right-of-way;" and

WHEREAS, it has been determined that the requirement for reservation of right-of-way by the City within the vacated area is not necessary and that the same should be deeded to the adjoining property owner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany that the City Manager and the City Recorder execute a quitclaim deed to MBE Properties, LLC, a limited liability corporation as the abutting property owner, granting all of the reservation rights to provide the necessary utility easements as might be required for future extension of utilities with the western half of the vacated right-of-way of Chicago Street between 15th Avenue and 16th Avenue in the City of Albany.

DATED THIS 13TH DAY OF DECEMBER 1995.



Mayor

ATTEST:



Deputy City Recorder

quitclaim.res



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF ALBANY, a municipal corporation, hereinafter called Grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto MBE PROPERTIES, L.L.C., an Oregon limited liability corporation, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

All those rights reserved in Ordinance No. 4031 of the City of Albany, passed by the Council on June 8, 1977, with an effective date of July 8, 1977. The rights reserved consisted as follows: That the benefiting property owners be required to provide any necessary utility easements as may be required by the City for future extension of utilities within the vacated right of way." The right-of-way is described as follows:

The western one-half of Chicago Street right-of-way being 30 feet in width located between the south right-of-way line of Fifteenth Avenue and the north right-of-way line of Sixteenth Avenue as shown on Assessor's Parcel Map 11-3W-8CA, Linn County, Oregon.

To Have and to Hold the same unto said Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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.

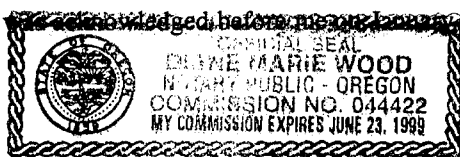
IN WITNESS WHEREOF, the Grantor has executed this instrument this 22 day of January, 1996.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Steve Bryant, City Manager
Gary Holliday, City Recorder

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on January 22, 1996, by STEVE BRYANT as City Manager for the City of Albany.



Diane Marie Wood
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-23-99

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on January 22, 1996, by Gary Holliday, as City Recorder for the City of Albany.



Diane Marie Wood
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-23-99

FOR RECORDER'S USE

City of Albany - Grantor
P.O. Box 490
Albany, OR 97321
MBE Properties LLC - Grantee
After recording return to:
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321
Until requested otherwise send all tax statements to:

STATE OF OREGON
County of Linn
I hereby certify that the attached was received and duly recorded by me in Linn County records.
STEVE DRUCKENMILLER
Linn County Clerk
By [Signature], Deputy

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S 20
O 20
MF 784
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Recorded Document Recorder File No. 2707