

RESOLUTION NO. 4066

A RESOLUTION TO EXECUTE A QUITCLAIM DEED FOR A STORM DRAINAGE EASEMENT FOR PROPERTY LOCATED AT 4660 COLUMBUS AVENUE.

WHEREAS, on August 8, 1973, the Albany City Council passed Resolution No. 1536 accepting a storm drainage easement for a future storm drainage main recorded in Linn County Deed Records Volume 68, Page 922, said easement being located south of the Southern Pacific Railroad tracks between Geary Street and Columbus Street, and said easement being 75 feet wide for purposes of construction and zero feet wide for purposes of maintenance; and

WHEREAS, Habitat for Humanity has applied to partition the property at 4660 Columbus Avenue in order to construct a second Habitat house on the property; and

WHEREAS, the extreme southeast corner of the storm drainage easement lies over a portion of the property at 4660 Columbus Avenue and renders the proposed second house site undevelopable, and Habitat for Humanity has requested that the portion of the storm drainage easement that covers the proposed house site be abandoned; and

WHEREAS, it has been determined that abandoning the portion of the easement that covers the proposed house site will not prevent the installation of a storm drainage main in the remainder of the 75 foot wide easement, and it has been determined that there is no current need for the installation of a storm drainage main in the easement;


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 Habitat for Humanity for that portion of the storm drainage easement that lies over the proposed house site.

DATED THIS 13TH DAY OF JANUARY 1999.




Mayor

ATTEST:



City Recorder



CITY OF ALBANY
Grantor

ALBANY AREA HABITAT FOR HUMANITY,
an OREGON NON-PROFIT CORPORATION
Grantees

✓ After Recording Return to:
City of Albany
P.O. Box 490
Albany, OR 97321

Until requested otherwise send
All tax statements to:

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 ALBANY ARE HABITAT FOR HUMANITY, an OREGON NON-PROFIT 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 of that portion of storm sewer easement described by instrument recorded in Microfilm Volume 68, Page 922 of the Linn County Deed Records on August 9, 1973 that is located within Parcel 1 of Partition Plat No. 1995-35, a partition of record in Linn County, Oregon that lies south of the southerly right-of-way line of Transmission Power Line Easement described by instrument recorded in Book 234, Page 465 of the Linn County Deed Records on September 29, 1953. The purpose of this quitclaim deed is to remove only that portion of said storm sewer easement lying within said Parcel 1 that lies southerly of said Transmission Power Line Easement.

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 13 day of January, 1999.

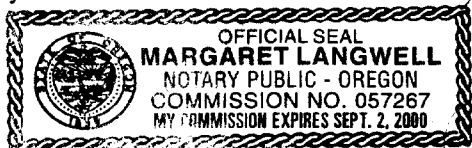
THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUTTS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPOERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

[Signature]
Steve Bryant, City Manager

[Signature]
Gary Holliday, City Recorder

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on January 13, 1999, by STEVE BRYANT as City Manager for the City of Albany.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires:

This instrument was acknowledged before me on January 13, 1999, by GARY HOLLIDAY as City Recorder for the City of Albany.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires:

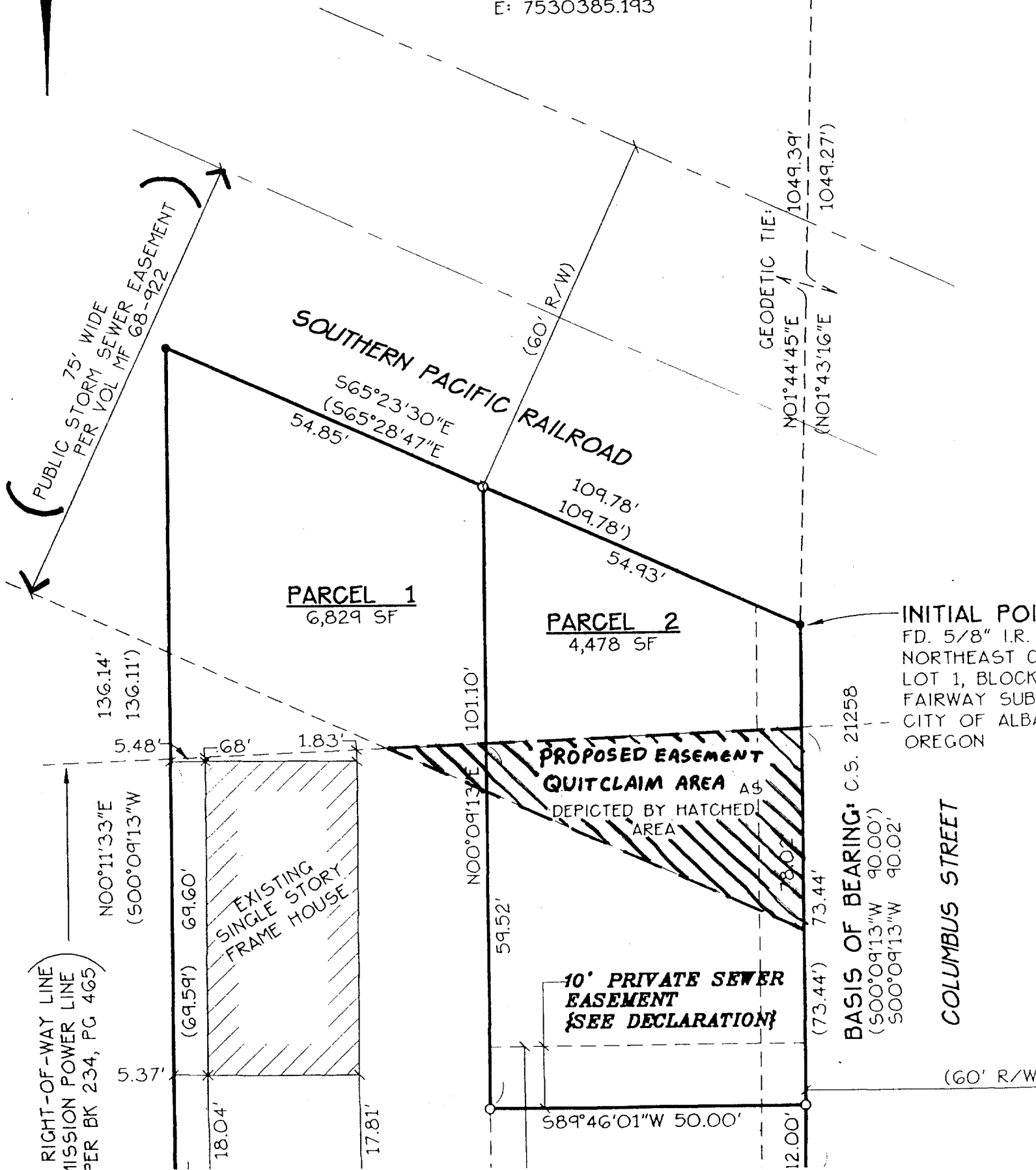


0 10 20 40 FT.



ORIG. SCALE: 1" = 20'

FD. 2" ALUMINUM CAP IN
MONUMENT BOX
G.P.S. STATION #93282
N: 352611.986
E: 7530385.193



(PUBLIC STORM SEWER EASEMENT
75' WIDE
PER VOL MF 68-922)

SOUTHERN PACIFIC RAILROAD
565°23'30"E
(565°28'47"E
54.85'
(60' R/W)

GEODETIC TIE:
1049.39'
1049.27'
N01°44'45"E
(N01°43'16"E

PARCEL 1
6,829 SF

PARCEL 2
4,478 SF

INITIAL POINT
FD. 5/8" I.R.
NORTHEAST CORNER
LOT 1, BLOCK 1
FAIRWAY SUBDIVISION
CITY OF ALBANY
OREGON

136.14'
136.11'

5.48' 68' 1.83'

N00°11'33"E
(500°09'13"W

EXISTING
SINGLE STORY
FRAME HOUSE

**PROPOSED EASEMENT
QUITCLAIM AREA AS
DEPICTED BY HATCHED
AREA**

**10' PRIVATE SEWER
EASEMENT
{SEE DECLARATION}**

BASIS OF BEARING: C.S. 21258
(500°09'13"W 90.00')
(500°09'13"W 90.02')

COLUMBUS STREET

RIGHT-OF-WAY LINE
MISSION POWER LINE
PER BK 234, PG 465

5.37'

18.04'

17.81'

100°09'13"E 101.10'

59.52'

78.02'

73.44'

73.44'

S89°46'01"W 50.00'

12.00'

(60' R/W)

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 PA, Deputy

M
R 10
S 10
A 20
O

JAN 15 2 41 PM '99

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MF 1003

PAGE 555

Resolution No. 4066

Recorded Document Recorder File No. 3332