

RESOLUTION NO. 4857

A RESOLUTION ACCEPTING THE FOLLOWING QUITCLAIM DEED:

Grantor

Purpose

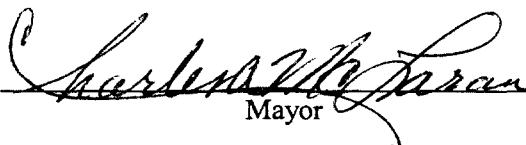
D & M Investors, LLC

Quitclaim/release easement over abandoned sewer.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this quitclaim deed; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 25TH DAY OF JUNE 2003.



Mayor

ATTEST:



City Recorder

CITY OF ALBANY
Grantor

VOL 1451 PAGE 787

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

D & M Investors, LLC
Grantees

Until requested otherwise send
All tax statements to:
D&M Investors, LLC
38693 Neely Road NE
Albany, OR 97322

QUITCLAIM DEED

KNOW ALL PEOPLE 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 **D & M Investors, LLC**, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenance thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to wit:

Legal Description

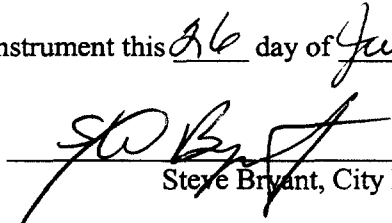
A portion of the easement for public utilities granted to the City of Albany by Douglas C. Darden on June 19, 2000 and recorded in the Linn County Microfilm Deed Records Volume 1117, Page 596, (Attached). The portion quitclaimed to D & M Investors includes that portion lying on the property described in Linn County Microfilm Deed Records Volume 1261, Page 124 (See attached Quitclaim map).


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 dollar, is \$1.00. 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 26 day of June, 2003.

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 SITTING 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

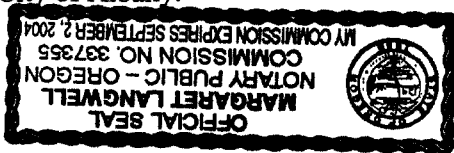


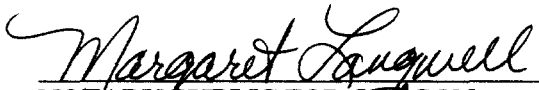
Steve Bryant, City Manager


Gary Holliday, Interim Assistant City Manager
Administrative Services Director

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on June 26, 2003, by Steve Bryant, City Manager for the City of Albany.

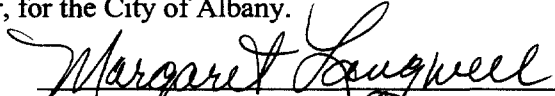




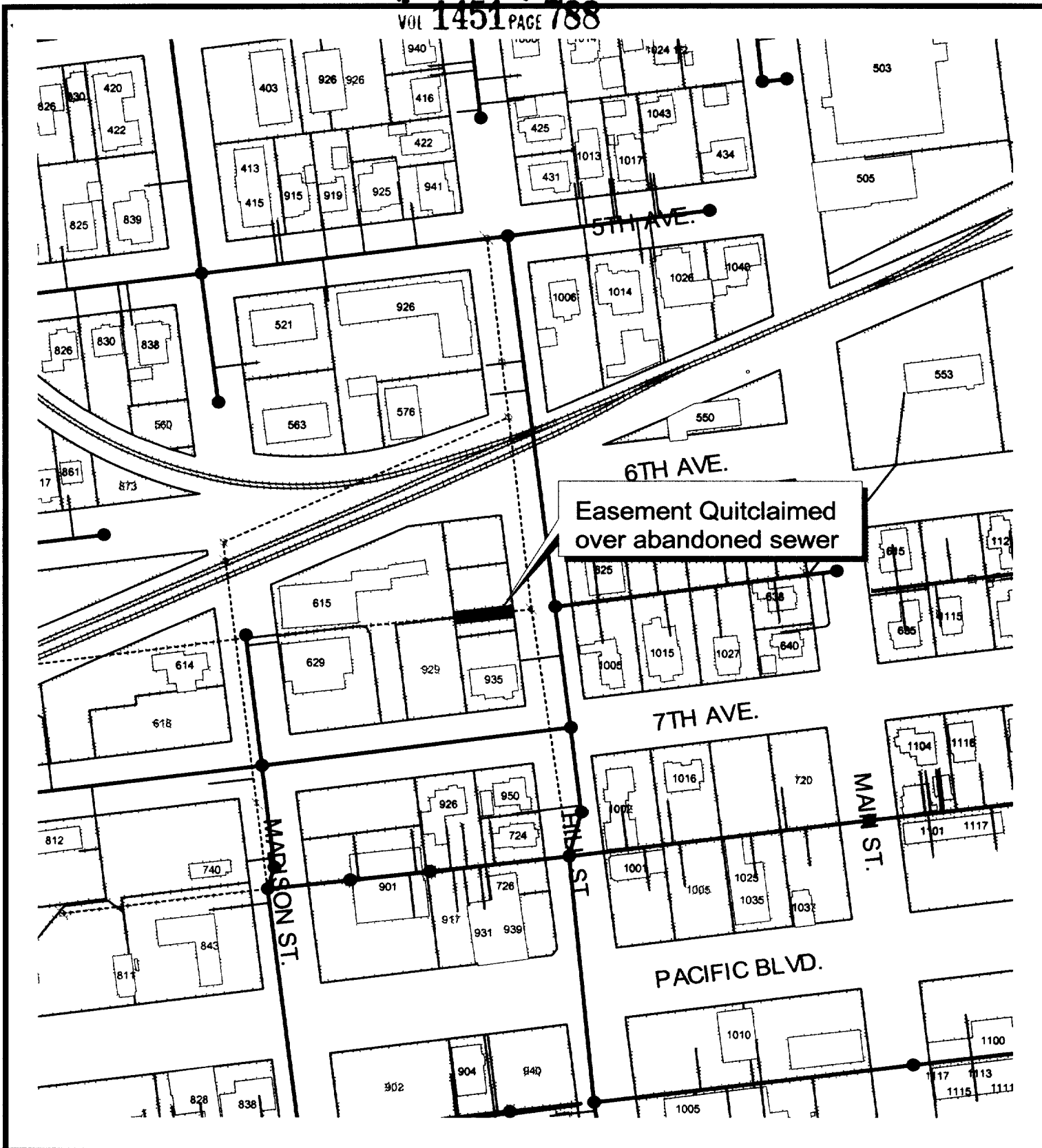
NOTARY PUBLIC FOR OREGON
My Commission Expires: September 2, 2004

This instrument was acknowledged before me on June 26, 2003, by Gary Holliday, Interim Assistant City Manager/Administrative Services Director, for the City of Albany.





NOTARY PUBLIC FOR OREGON
My Commission Expires: September 2, 2004



Quitclaim Map



Public Works

gordons nil

Gordon Steffensmeier

Jun 6, 2003

0 150 Feet



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.



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19th day of June, 2000, by and between Douglas C. Darden, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A public utility easement, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

Douglas C. Darden
Douglas C. Darden

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

STATE OF OREGON)
County of Denton) ss.
City of Albany)

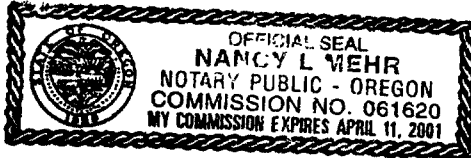
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4805 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of July, 2000.

The foregoing instrument was acknowledged before me this 19th day of June, 2000, by Douglas C. Darden as his voluntary act and deed.

Steve Bryant
City Manager

Nancy L Mehr
Notary Public for Oregon
My Commission Expires: 4-11-01

ATTEST:
Ken Thompson
City Recorder



K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

PUBLIC UTILITY EASEMENT

A public utility easement located in Block 45 of "HACKELMAN'S SECOND ADDITION TO ALBANY", a subdivision of record in Linn County, Oregon that is more particularly described as follows:

The southerly 7.50 feet of even width of the Northeast Quarter of said Block 45;
AND the northerly 7.50 feet of even width of the East half of the Southeast Quarter of said Block 45.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14 1966
JACK R. BURRELL
1630

RENEWAL DATE 12/31/01

June 16, 2000
EXHIBIT "A"
SOSSIE PLA
(00-66) JRB:nm
File: nm\legal\00-66 easement exh a

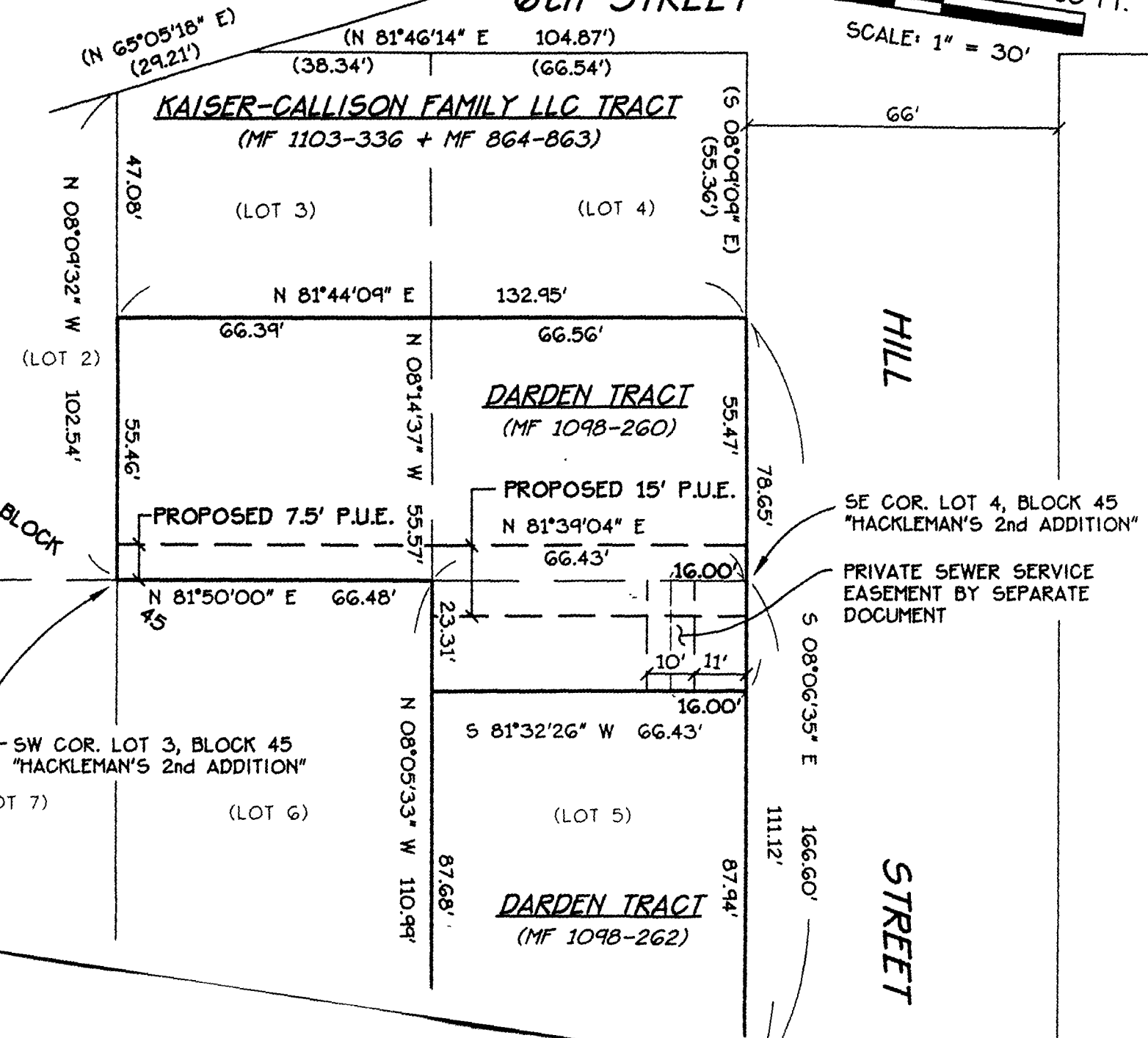
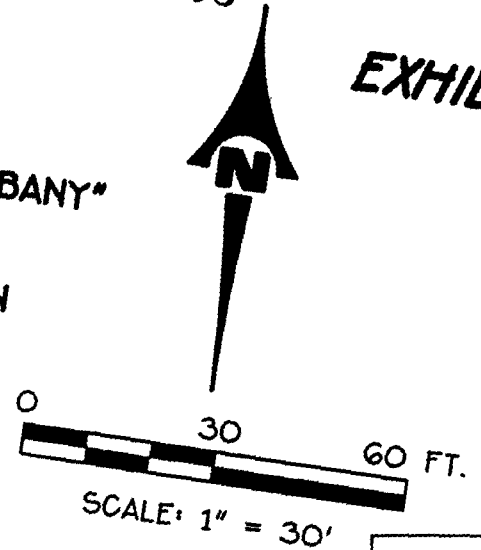
PUBLIC UTILITY EASEMENT FOR CITY OF ALBANY VOL 1117 PAGE 599

LOCATED IN LOTS 3, 4 AND 5, BLOCK 45 OF "HACKLEMAN'S SECOND ADDITION TO ALBANY" IN THE NE 1/4 SEC. 7, T. 11 S, R. 3 W., W.M. CITY OF ALBANY, LINN COUNTY, OREGON JUNE 16, 2000

EXHIBIT

O.E.R.R. S.P.R.R.

6th STREET



KAISER-CALLISON FAMILY LLC TRACT
(MF 1103-336 + MF 864-863)

(LOT 3) (LOT 4)

DARDEN TRACT
(MF 1098-260)

PROPOSED 15' P.U.E.
N 81°39'04" E

PROPOSED 7.5' P.U.E.

SE COR. LOT 4, BLOCK 45 "HACKLEMAN'S 2nd ADDITION"

PRIVATE SEWER SERVICE EASEMENT BY SEPARATE DOCUMENT

DARDEN TRACT
(MF 1098-262)

- SW COR. LOT 3, BLOCK 45 "HACKLEMAN'S 2nd ADDITION"

(LOT 6)

(LOT 5)

HILL STREET

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

M 30
R 10
S 10
A 11
O —

51

2003 JUL 10 A 10:41

MF 1451

By gln Deputy PAGE 787

Resolution No. 4857

Recorded Document Recorder File No. 4266