

RESOLUTION NO. 5213

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor:

City of Albany

Purpose

Releasing a public utility easement, as described and as shown in the attached Quitclaim Deed. The sewer main for which this easement was granted is being abandoned and a new easement has been granted for a new sewer main in a different location on the same property. The existing easement is not being used and is not needed.


Grantees:

Rogelio J. Cuevas and Autumn Cuevas

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby direct staff to execute the attached Quitclaim Deed.

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 9TH DAY OF NOVEMBER 2005.



Mayor
Council President

ATTEST:



City Clerk

CITY OF ALBANY
Grantor

After Recording Return to:
City of Albany

ROGELIO J. CUEVAS AND AUTUMN CUEVAS
Grantee

Until requested otherwise send
All tax statements to:
Rogelio J. Cuevas and Autumn Cuevas
1805 Main St. SE
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 ROGELIO J. CUEVAS AND AUTUMN CUEVAS, 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:

Easement for Public Utilities conveyed to the City of Albany and recorded in Book 261, Page 371, Linn County microfilm deed records, being more particularly described in attached Quitclaim and Release Map labeled Exhibit A and attached Vicinity Map labeled Exhibit B. 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 \$-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 14 day of November 2005.

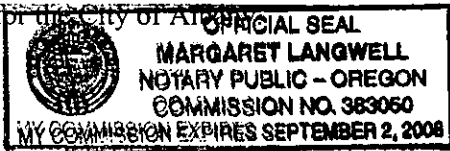
THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST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

Wes Hare
Wes Hare, City Manager

Susan Busbice
Susan Busbice, Assistant City Manager
Chief Financial Officer

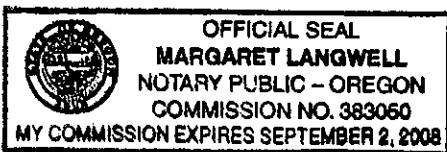
STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on November 14, 2005, by Wes Hare, City Manager for the City of Albany.



Margaret Langwell
NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept. 2, 2008

This instrument was acknowledged before me on November 14, 2005, by Susan Busbice, Assistant City Manager / Chief Financial Officer for the City of Albany.



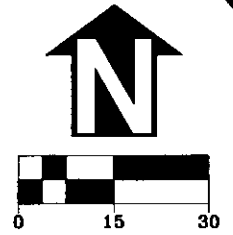
Margaret Langwell
NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept. 2, 2008

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

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P.O. Box 490, Albany, OR 97321



EXHIBIT A
 QUITCLAIM AND RELEASE OF PUBLIC UTILITY EASEMENT
 T11S R3W SEC 7DD TL 2900
 1805 QUEEN AVENUE SE



1805 MAIN ST SE
 T11S R3W SEC 7DD TL 2900
 ROGELIO & AUTUMN CUEVAS
 VOLUME 1424, PAGE 846, LINN
 COUNTY DEED RECORDS.
 LOT 6 AND NORTH HALF OF LOT 7,
 BIRKY AND BEAM ADDITION TO THE
 CITY OF ALBANY, LINN COUNTY,
 OREGON

EXISTING PUBLIC UTILITY EASEMENT
 BOOK 261, PAGE 371
 LINN COUNTY DEED RECORDS

MAIN STREET RIGHT-OF-WAY

LOT 5

SEWER MAIN TO
 BE ABANDONED

LOT 6
 LOT 7

LOT 8

VOL. 1798 PAGE 918

EXHIBIT B

1805 Main St. SE
Rogelio J and Autumn Cuevas

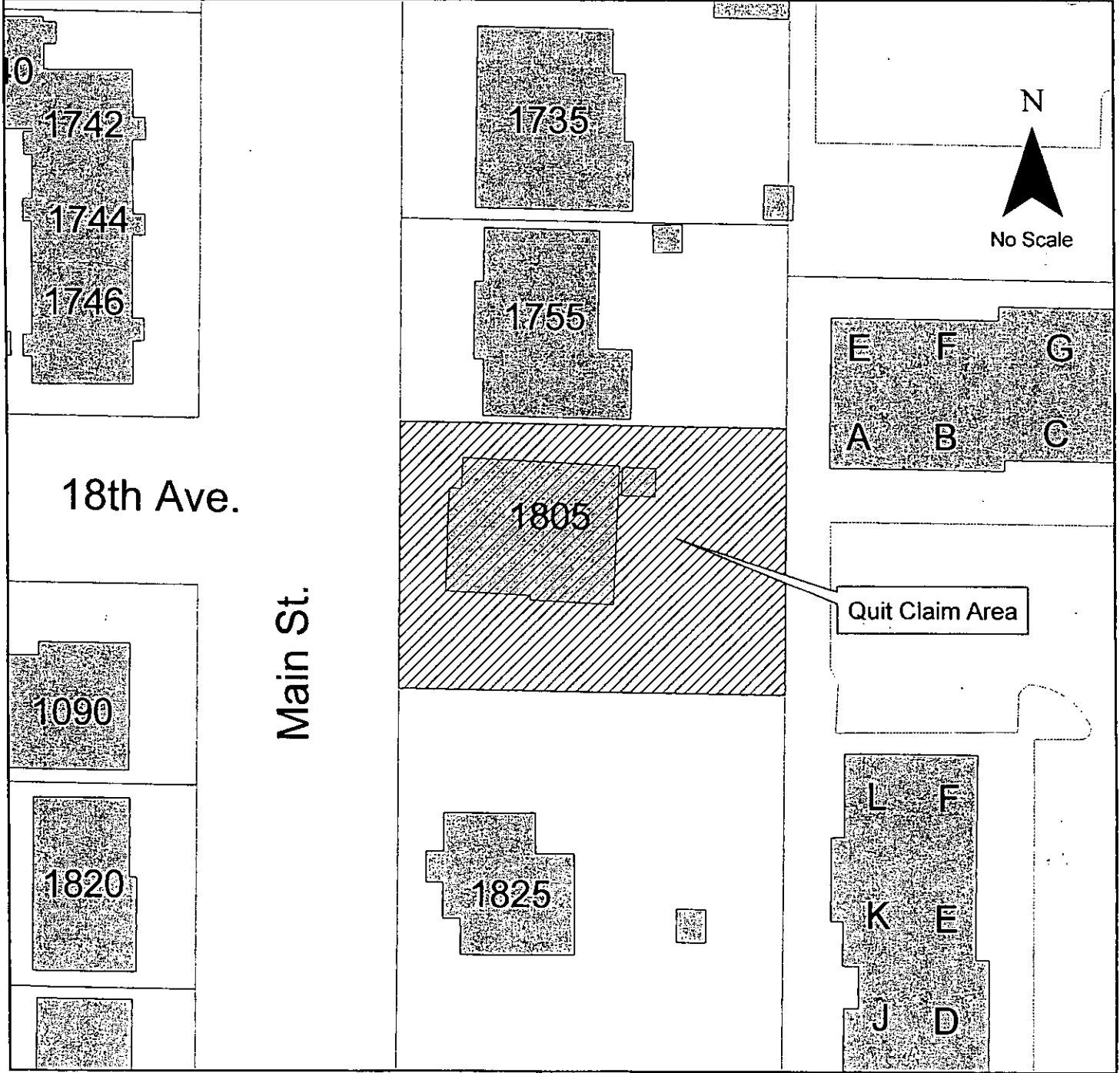
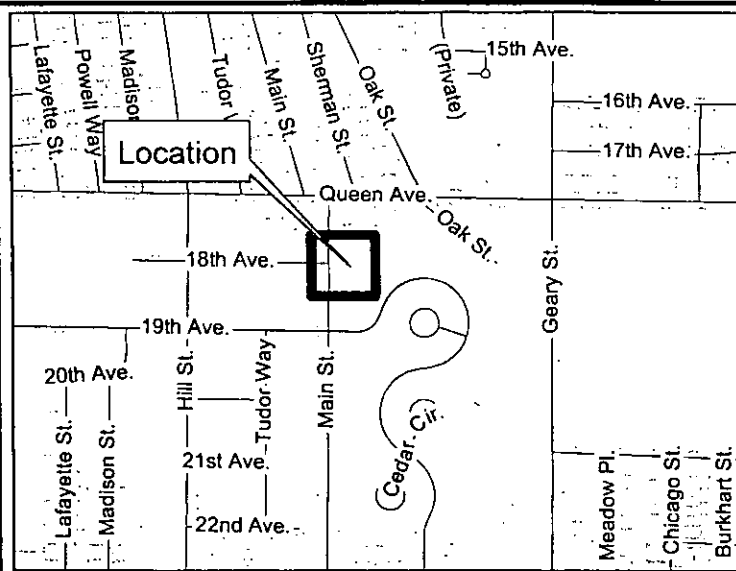
11S03W07DD02900

Quit Claim deed to the entire parcel

SS-05-01
Main & 19th Sewer Replacement



Geographic Information Services



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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 gjm, Deputy

M
R 15
S 20
A 11
O

MF 1798
PAGE 917

2005 DEC 14 P 2: 26

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Recorded Document Recorder File 4691