RESOLUTION 2810

THIS RESOLUTION TERMINATES THE DECLARATION OF RESTRICTIVE COVENANT FOR ALBANY PLAZA.

WHEREAS, Dr. Victor G. Lands signed a Declaration of Restrictive Covenant for Albany Plaza on the 24th day of October, 1983; and

WHEREAS, the covenant required a reclamation plan and action to fill a detention basin satisfactory to the Director of Public Works of the City of Albany; and

WHEREAS, the detention basin has been filled to the satisfaction of the Director of Public Works of the City of Albany;

NOW, THEREFORE, BE IT RESOLVED that the conditions of the Declaration of Restrictive Covenant are hereby satisfied and the mayor is hereby authorized to execute a termination of restrictive covenant for the property described in Vol. 347, page 781 through page 785, of Linn County Records, Oregon.

DATED this 14th day of September, 1988.

Mayor

ATTEST:

capelulay

RETURN TO:
HOWARD E. GOLDBERG
FOSTER PEPPER & SHEFELMAN
1111 THIRD AVENUE
SUITE 3400
SEATTLE, WASHINGTON 98101

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TERMINATION OF RESTRICTIVE COVENANT

This Termination of Restrictive Covenant is executed by the CITY OF ALBANY, OREGON, a municipal corporation (the "City").

- I. The City hereby terminates that certain Declaration of Restrictive Covenant executed by Victor G. Lands, Trustee, on October 24, 1983, recorded under Linn County File number 555964 at Volume 347, page 781 (the "Declaration"), which Declaration shall be null and void and of no force or effect upon the recording of this Termination of Restrictive Covenant.
- 2. The City acknowledges that all obligations created by the Declaration, including without limitation the obligation of the current owner of the Property described in Exhibit "A" attached hereto and incorporated herein or of its successors or assigns to fill the storm detention basin which was located on the Property at the time of execution of the Declaration (the "Detention Basin"), are hereby deemed fully satisfied and terminated.
- 3. The City acknowledges that the Detention Basin does not constitute a public nuisance and that the City has no claims against the owner of the Property or against its successors or assigns for any costs incurred by the City in the City's performing any work in connection with the Detention Basin as contemplated by Section 4 of the Declaration.

Executed this15th day	of	September , 1988.
	_	TOULOR ALBANY ORDCON
		CITY OF ALBANY, OREGON BY Wille RESIDENCE
	~	By Wille Rismons Its City Manager
STATE OF OREGON) ss.		
COUNTY OF Tenn		•

This document was acknowledged before me on Sectimber 15

1988 by William B. Barrens as City manager
of THE CITY OF ALBANY, OREGON, a municipal corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.

Notary public in and for the state of Oregon, residing at Albany, breasure

My appointment expires