

RESOLUTION NO. 3870

A RESOLUTION DIRECTING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED:

Grantor

City of Albany

Purpose

Quitclaim that portion of an existing easement over an abandoned sewer line within Summerhill Subdivision as described on the attached quitclaim deed and as shown on attached drawing labeled Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby direct the City Manager to execute this quitclaim deed.

DATED THIS 22ND DAY OF OCTOBER 1997.

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

<p>CITY OF ALBANY Grantor</p> <p>SUMMERHILL JOINT VENTURE Grantee</p>	<p><b>After Recording Return to:</b></p> <p>✓ K &amp; D Engineering c/o Jack Burrell P.O. Box 725 ALBANY, OR 97321</p> <p><b>Until requested otherwise send all tax statements to:</b></p> <p>Summerhill Joint Venture c/o Carl Coffman Norway Development Company PO Box 387 Oregon City, OR 97045</p>
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### 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 **SUMMERHILL JOINT VENTURE**, 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 Benton, State of Oregon, described as follows, to-wit:

All that portion of a 20 foot wide Public Utility Easement described by document recorded in M-153839-92 of the Benton County Deed and Microfilm Records on September 17, 1992, that is located within Lots 12, 13 and 14 of "SUMMERHILL," a subdivision of record of Benton County, Oregon, EXCEPT for the southern 10 feet of Lot 14.

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 October, 1997.

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.

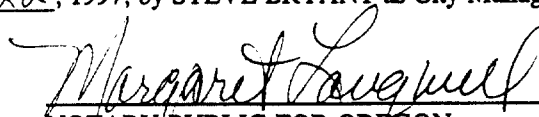
  
Steve Bryant, City Manager

  
Gary Holliday, City Recorder

STATE OF OREGON, County of Linn ) ss.

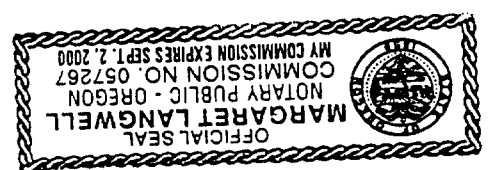
This instrument was acknowledged before me on October 22, 1997, by STEVE BRYANT as City Manager for the City of Albany.

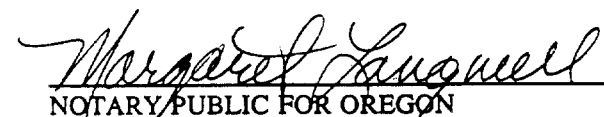


  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-2-2000

STATE OF OREGON, County of Linn ) ss.

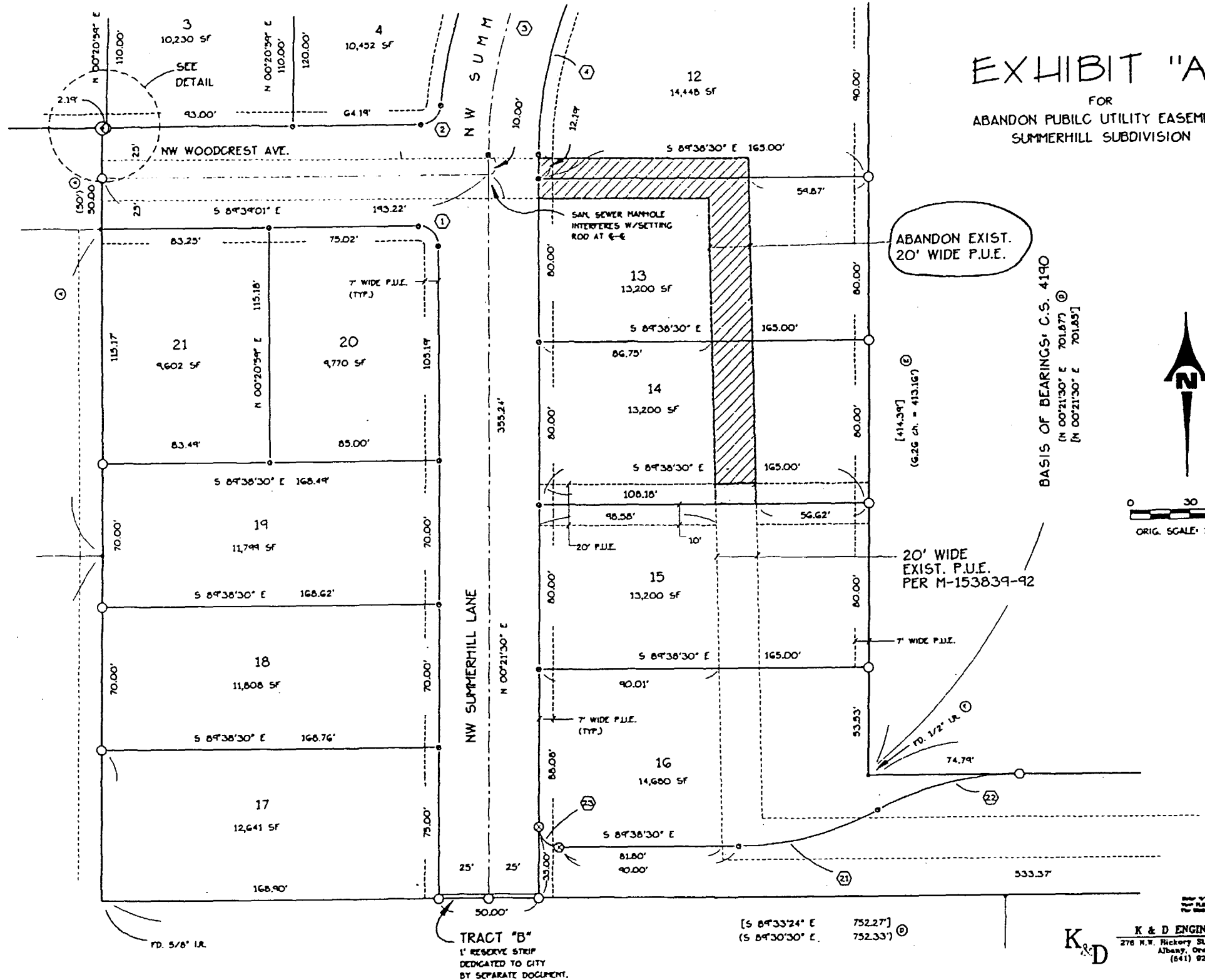
This instrument was acknowledged before me on October 23, 1997, by Gary Holliday, as City Recorder for the City of Albany.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-2-2000

# EXHIBIT "A"

FOR  
ABANDON PUBLIC UTILITY EASEMENT  
SUMMERHILL SUBDIVISION



ABANDON EXIST.  
20' WIDE P.U.E.

BASIS OF BEARINGS: C.S. 4190  
(N 00°21'30" E 701.87') @  
(N 00°21'30" E 701.85')



STATE OF OREGON } ss. **229731**  
County of Benton }

I hereby certify that the within instrument  
was received for record

'97 OCT 31 PM 1 19

AND ASSIGNED **M No 237040** 1997

In the microfilm records of said county  
Witness My Hand and Seal of County Affixed

**JOHN K. ANDERSON**  
County Administrative Officer

By *Rukoma Whitney*  
Deputy

40 -  
15-615

TRACT "B"  
1' RESERVE STRIP  
DEDICATED TO CITY  
BY SEPARATE DOCUMENT.

(S 89°33'24" E 752.27') @  
(S 89°30'30" E 752.33')

**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street, P.O. Box 722  
Albany, Oregon 97321  
(541) 928-2665

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Recorded Document Recorder File No. 3051