#### RESOLUTION NO. 4326

A RESOLUTION TO EXECUTE A QUITCLAIM DEED FOR A PUBLIC SANITARY SEWER EASEMENT FOR PROPERTY LOCATED AT 828 BELMONT STREET.

WHEREAS the Albany City Council passed Resolution accepting a public easement for the sanitary sewer, recorded in Linn County Deed Records Volume 968, Page 514 and Volume 1103, Page 830, said easement being located south of Belmont Ave. between U.S. Highway 99E and Lanier Street; and

WHEREAS, the sanitary sewer serving the Blazer apartment complex has been constructed to the Uniform Plumbing Code standards, the said sewer does not meet the City of Albany standards of construction for public sewer; and

WHEREAS, the owner of the said property is willingly accepting the sewer as their private sewer connection to the public system at their property line as their system is limited to provide service to their property and will not be extended for future public use; and

THEREFORE, the easement dedication for public utilities is no longer necessary.

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 Blazer Apartments, LLC for that portion of the sanitary sewer easement that lies over the property.

Charlesa

DATED THIS 23RD DAY OF AUGUST 2000.

ATTEST:

City Recorder

#### **QUITCLAIM DEED**

KNOW ALL PERSONS BY THESE PRESENTS that on the 23 day of August 2000, that THE CITY OF ALBANY, a municipal corporation, hereinafter referred to as the Grantor, does hereby remise, release and quitclaim unto BLAZER APARTMENTS, LLC., an Oregon Limited Liability 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:

Three tracts of land described in the attached legal descriptions titled LEGAL DESCRIPTION 1, LEGAL DESCRIPTION 2, and LEGAL DESCRIPTION 3, and as shown in the attached drawing labeled Exhibit A.

Tract 1 and Tract 2 were previously granted to the grantor as Easement 1 and Easement 2 in Linn County Records Volume 968, Page 514. Tract 3 was previously granted to the grantor in Linn County Records Volume 1103, Page 830.

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 \$0.00 (zero dollars). 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 THEREOF, the Grantor has executed this release this day of

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OR A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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.

Ken Thompson, Assistant City Manager Administrative Services Director

STATE OF OREGON ) ss. County of Linn

This instrument was acknowledged before me on this day, the A of STEVE BRYANT as City Manager for the City of Albany.

2000, by

My Commission Expires

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STATE OF OREGON	)	
County of Linn	) ss. )	
This instrument was acknowledged before me on this day, the Homeson as Assistant City Manager for the City of Albany.		
MAR	M	ARD PUBLIC FOR OREGON My Commission Expires: 9-2-00

### **LEGAL DESCRIPTION 1**

Commencing at the Northwest corner of Lot 2 in Block 1 of College Green Subdivision, a subdivision of record in Linn County, Oregon; thence along the South right-of-way line of Belmont Avenue South 89°19'00" East 90.06 feet to the point of beginning; thence along the South right-of-way line of Belmont Avenue South 89°19'00" East 15.00 feet; thence South 0°51'18" West 199.40 feet to the East right-of-way line of Lanier Street; thence along said East right-of-way line along a 173.00 foot radius curve to the right 72.61 feet (the long chord of which bears North 11°09'52" West 72.08 feet); thence continuing along said East right-of-way line North 0°51'36" East 128.86 feet to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

> OREGON JULY 22, 1974 JOHN SEADERS 1014

#### **LEGAL DESCRIPTION 2**

Commencing at the point of intersection of the West right-of-way line of U.S. Highway 99E with the South line of Lot 1 in Block 1 of College Green Subdivision, a subdivision of record in Linn County, Oregon; thence along said South line of Lot 1 North 89°14'38" West 24.50 feet to the point of beginning; thence continuing along said South line of Lot 1 North 89°14'38" West 426.84 feet; thence North 15.00 feet; thence South 89°14'39" East 427.10 feet; thence South 1°00'10" West 15.00 feet to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

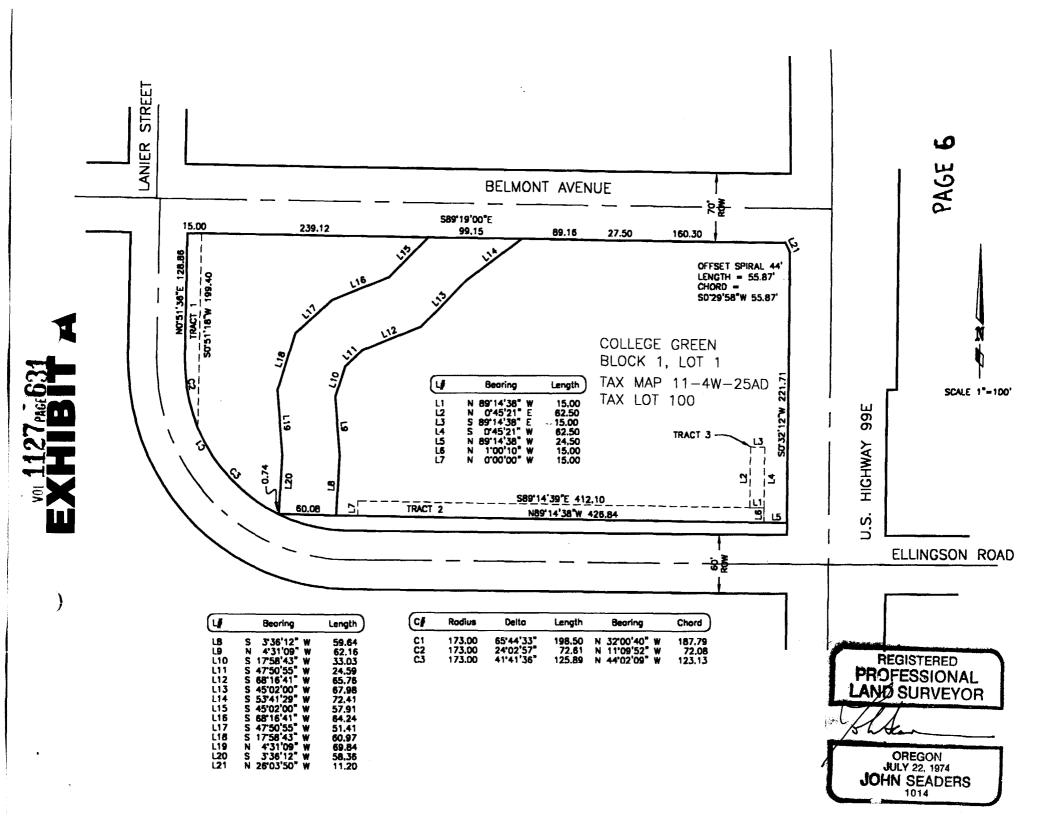
> OREGON JULY 22, 1974 JOHN SEADERS 1014

### **LEGAL DESCRIPTION 3**

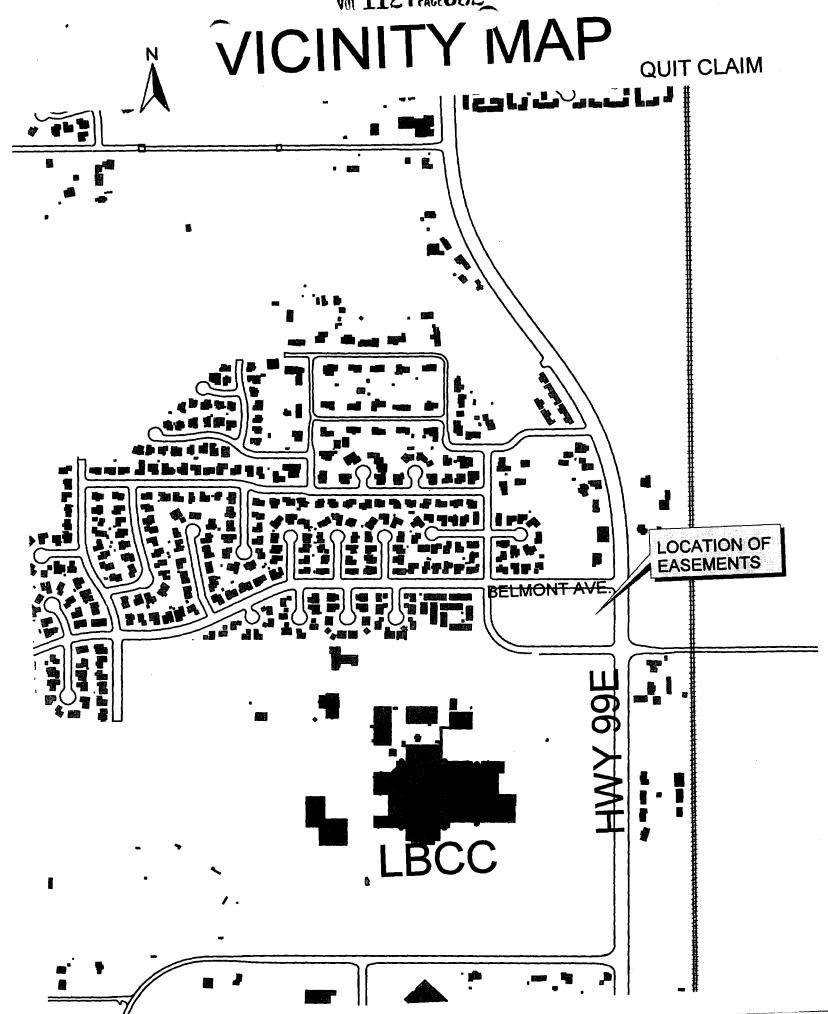
Commencing at the southeast corner of Lot 1 in Block 1 of College Green Subdivision, a subdivision of record in Linn County, Oregon, said corner lying along the West right-of-way line of U.S. Highway 99E, said corner being marked by a 5/8 inch iron rod with a yellow plastic cap stamped "SEADERS LS 1014," said corner also being in the Northeast ¼ Section 25, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence N 89°14'38" W 24.50 feet; thence N 1°00'10" E 15.00 feet to the true point of beginning; thence N 89°14'38" W 15.00 feet; thence N 0°45'21" E 62.50 feet; thence S 89°14'38" E 15.00 feet; thence S 0°45'21" W 62.50 feet to the true point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

> OREGON JULY 22, 1974 JOHN SEADERS 1014



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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 

Reputy PAGE

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## Resolution No. 4326

Recorded Document Recorder File No. 3676