

RESOLUTION NO. 4921

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor: **City of Albany**

Purpose

Grantee: **Robert and Barbara Powell**

Releasing a 10-foot wide public utility easement for storm drainage, as described and as shown in the attached Quitclaim Deed. The easement is not being used and is not needed.

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

DATED THIS 22ND DAY OF DECEMBER 2003.



Mayor

ATTEST:



City Recorder Clerk

RECORDING COVER SHEET

ALL TRANSACTIONS, ORS: 205.234

This cover sheet has been prepared by the person Presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the Transaction(s) contained in the instrument itself.

BENTON COUNTY, OREGON **2004-360653**

DE-QCD

01/22/2004 02:28:32 PM

Cnt=1 Stn=8 NE

\$35 00 \$11 00 \$10 00 \$15 00

\$71.00



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records

James V. Morales - County Clerk



AFTER RECORDING RETURN TO:

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

1.) NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)

Quitclaim Deed

2.) DIRECT PARTY / GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160

City of Albany

3) INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160

Robert & Barbara Powell

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$1.00

5) ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Robert & Barbara Powell
1200 21st Street NW
Albany, OR 97321

6) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERKS LIEN RECORDS, ORS 205.121(1)(e)

7) THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES, INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325

8) Rerecorded to correct
Previously recorded as

CITY OF ALBANY Grantor	After Recording Return to: City of Albany
Robert and Barbara Powell Grantees	Until requested otherwise send <u>All tax statements to:</u>
Robert and Barbara Powell 1200 21st Street NW Albany, OR 97321	

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 **Robert and Barbara Powell**, 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 Benton, State of Oregon, described as follows, to wit:

Legal Description

The storm drainage easement across the eastern 10-feet of even width of Lot 8, Block 11, of the First Addition to Riverview Heights Subdivision, granted to the City of Albany by Neal Craig and Robert S. Powell, Jr. on April 29, 1993 and recorded in the Benton County Microfilm Deed Records M-165709-93, (Attached).

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 22 day of December, 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
Steve Bryant, City Manager

Gary Holiday
Gary Holiday, Acting Finance Director

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on December 23rd, 2003, by Steve Bryant, City Manager for the City of Albany.



Margaret Langwell
NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept. 2, 2004

This instrument was acknowledged before me on January 5th, 2003, by Gary Holiday, Acting Finance Director, for the City of Albany.



Margaret Langwell
NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept. 2, 2004

EASEMENT FOR PUBLIC UTILITIES

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

THIS AGREEMENT, made and entered into this 29 day of April, 1993, by and between Neal Craig and Robert S. Powell, Jr., herein called Grantors, 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 grantors have this day bargained and sold and by these presents do 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 permanent public utility easement (for storm drainage) across portions of First Addition to Riverview Heights Subdivision, a subdivision of record, in the City of Albany, Benton County, Oregon, more particularly described as follows and shown on the attached map labeled Exhibit A:

The easterly 10-feet of even width across Lot 2, Block 11, said First Addition.
(Containing 1,192 square feet, more or less.)

Easement being
Quitclaimed/Released

ALSO the easterly 10-feet of even width across Lot 8, Block 11, said First Addition.
(Containing 1,150 square feet of land, more or less.)

ALSO beginning at the Northwest corner of Lot 2, Block 12, said First Addition; thence on the north line of said Lot 2 North 89° 56' 00" East 6.00 feet; thence South 06° 47' 51" West 106.02 feet to the north right-of-way line of 21st Street NW; thence along said right-of-way on the arc of a 250.00 foot radius curve to the right (the long chord of which bears North 76° 10' 38" West 23.70 feet) 23.71 feet to the Southwest corner of said Lot 2; thence North 16° 31' 50" East 103.90 feet to the Point of Beginning.
(Containing 1,550 square feet, more or less.)

ALSO the northerly 5-feet of even width across Lot 3, Block 12, said First Addition.
TOGETHER WITH the southerly 5-feet of even width across Lot 4, Block 12, said First Addition.
(Containing 1,130 square feet, more or less.)

ALSO the easterly 10-feet of even width across Lot 5, Block 13, said First Addition.
(Containing 1,100 square feet, more or less.)

- 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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

4. The Grantors do 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.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

Neal Craig
 Neal Craig

Robert S Powell Jr
 Robert S. Powell, Jr.

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

The foregoing instrument was acknowledged before me this 29th day of April, 1993, by Neal Craig as his voluntary act and deed.

Bruce B. ...
 NOTARY PUBLIC - OREGON
 My Commission Expires 12-21-93

 Notary Public for Oregon

My Commission Expires: _____

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

The foregoing instrument was acknowledged before me this 29th day of April, 1993, by Robert S. Powell, Jr. as his voluntary act and deed.

Bruce B. ...
 NOTARY PUBLIC - OREGON
 My Commission Expires 12-21-93

 Notary Public for Oregon

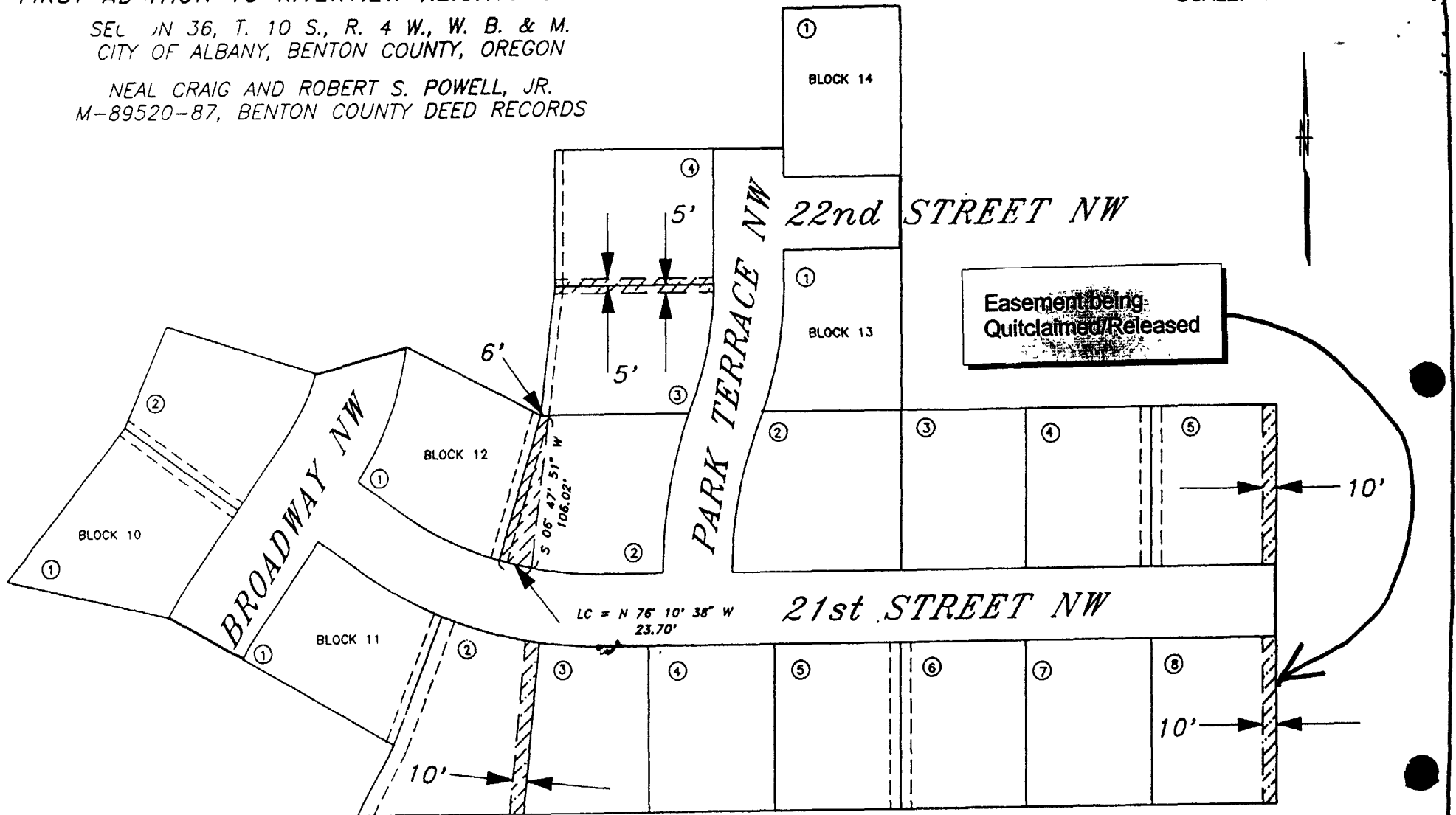
My Commission Expires: _____

FIRST ADDITION TO RIVERVIEW HEIGHTS SUBDIVISION

SCALE: 1" = 100'


SEC 1N 36, T. 10 S., R. 4 W., W. B. & M.
CITY OF ALBANY, BENTON COUNTY, OREGON

NEAL CRAIG AND ROBERT S. POWELL, JR.
M-89520-87, BENTON COUNTY DEED RECORDS



Easement being
Quitclaimed/Released

LEGEND:

- LOT LINES
- ② LOT NUMBERS
- - - EXISTING INTERNAL EASEMENTS (AS PLATTED)
-  EASEMENTS GRANTED HEREIN BY CRAIG & POWELL, JR.


CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/APRIL 1993

EXHIBIT A:
PUBLIC UTILITY (STORM DRAIN)
EASEMENTS FROM NEAL CRAIG
AND ROBERT S. POWELL, JR.
TO THE CITY OF ALBANY

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3260, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26th day of May, 1993.



City Manager

ATTEST:



City Recorder

STATE OF OREGON }
County of Benton } ss. **155083**

I hereby certify that the within instrument was received for record.

'93 JUN 17 AM 11 10

AND ASSIGNED **No 165709** 1993

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

DANIEL G. BURK
Director Of Records & Elections

By  _____ Deputy

20⁰⁰

Resolution No. 4921

Recorded Document Recorder File 4310