

RESOLUTION NO. 3755

A RESOLUTION TO EXECUTE A QUITCLAIM DEED FOR PROPERTY OWNED BY DONALD AND SHANNON POLLARD AND HARRY POLLARD.

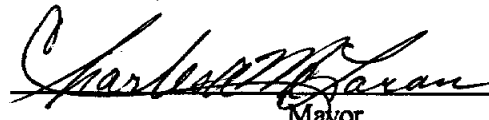
WHEREAS, Ordinance No. 4031 of the City of Albany passed by the Council on June 8, 1977, with an effective date of July 8, 1977, the City did vacate Chicago Street right-of-way between 17th Avenue and Queen Avenue in the City of Albany; and

WHEREAS, by Ordinance No. 4031, there was reserved to the City of Albany the following: "That the benefiting property owners be required to provide any necessary utility easements as may be required by the City for future extensions of utilities within the vacated right-of-way"; and

WHEREAS, it has been determined that the requirement for reservation of right-of-way by the City within the vacated area is not necessary and that the same should be deeded to the adjoining property owner.

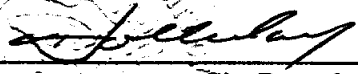
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany that the City Manager and the City Recorder execute a quitclaim deed to Donald R. and Shannon J. Pollard, and Harry S. Pollard as the abutting property owner, granting all of the reservation rights to provide the necessary utility easements as might be required for future extension of utilities with the western half of the vacated right-of-way of Chicago Street between 17th Avenue and 100 feet south of 17th Avenue in the City of Albany.

DATED THIS 12TH DAY OF FEBRUARY 1997.

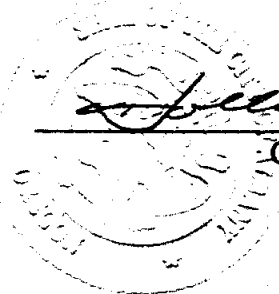


Mayor

ATTEST:



City Recorder



The City of Albany
Grantor

Donald R. and Shannon J. Pollard
and Harry S. Pollard, Grantee

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

Until requested otherwise send
all tax statements to:
Donald R. and Shannon Pollard

*P.O. Box 490
Albany, OR 97321*

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 **DONALD R. and SHANNON J. POLLARD, and HARRY S. POLLARD**, 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:

All those rights reserved in Ordinance No. 4031 of the City of Albany, passed by the Council on June 8, 1977, with an effective date of July 8, 1977. The rights reserved consisted as follows: That the benefiting property owners be required to provide any necessary utility easements as may be required by the City for future extension of utilities within the vacated right of way." The right-of-way is described as follows:

The western one-half of Chicago Street right-of-way being 30 feet in width located between the south right-of-way line of Seventeenth Avenue and a line 100 feet south of the south right-of-way line of Seventeenth Avenue as shown on Assessor's Parcel Map 11-3W-8CA, Linn County, Oregon.

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 12 day of February, 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
Steve Bryant, City Manager

Gary Holliday
Gary Holliday, City Recorder

STATE OF OREGON, County of Linn) ss.

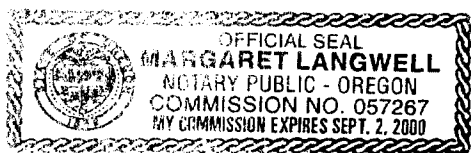
This instrument was acknowledged before me on February 13, 1997, by STEVE BRYANT as City Manager for the City of Albany.



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

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on February 13, 1997, by GARY HOLLIDAY, as City Recorder for the City of Albany.



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

Exhibit

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VOL 0852 PAGE 943

ORDINANCE NO. 4031

AN ORDINANCE VACATING CHICAGO STREET RIGHT OF WAY BETWEEN 15TH AVENUE AND QUEEN AVENUE.

WHEREAS, the City Council of the City of Albany, did, by adoption of Resolution No. 1869, City of Albany Resolutions, at the Council meeting held on the 11th day of May, 1977, set the hour of 7:15 p.m. o'clock on the 8th day of June, 1977, as the time for hearing of objections to the proposed vacation of a portion of Chicago Street right of way between 15th Avenue and Queen Avenue.

WHEREAS, the said notice has been posted and published as required by law, and

WHEREAS, the said hearing on the 8th day of June, 1977, has been duly held and parties were given an opportunity to be heard and the Council being fully informed,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That three street sections of 60'x200' of Chicago Street right of way between 15th Avenue and Queen Avenue is hereby vacated subject to the following condition:

1. That the benefitting property owners be required to provide any necessary utility easements as may be required by the City for future extension of utilities within the vacated right of way.

Passed by the Council: June 8, 1977

Approved by the Mayor: June 8, 1977

Effective Date: July 8, 1977


MAYOR

ATTEST:


CITY RECORDER

OPND STREET PROJECTOR PS-5

EEI. PROTECTOR PS-8

3
4031

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

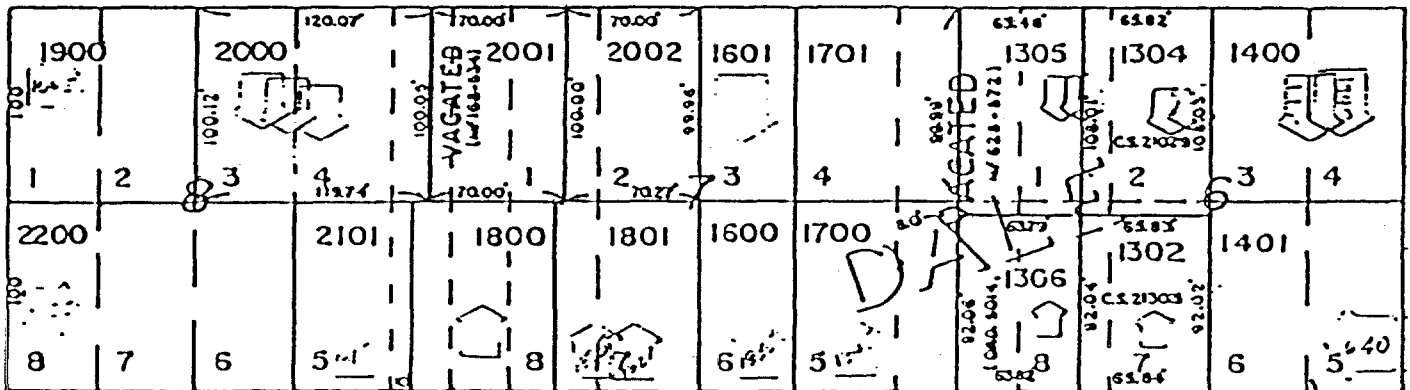
MF 852

By PA, Deputy PAGE 942

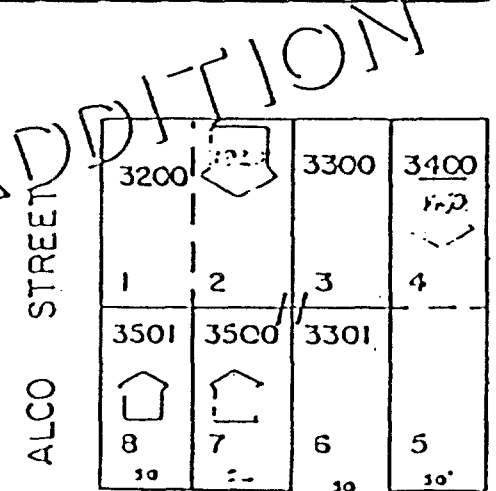
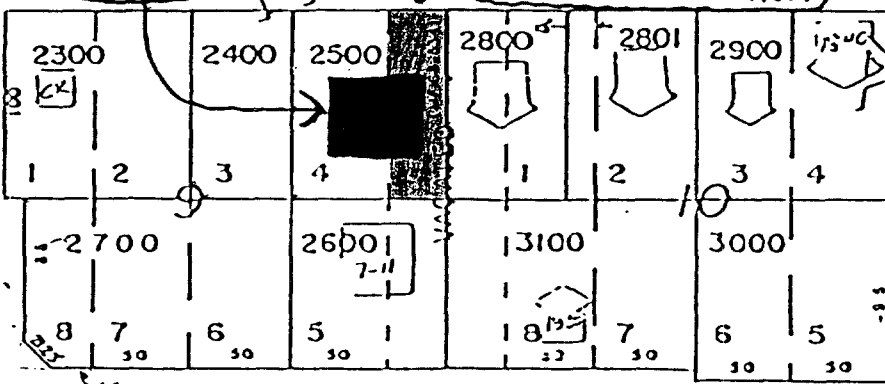
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R 15
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45
FEB 18 2 34 PM '97

SIXTEENTH



PROPOSED BUILDING
SEVENTEENTH
QUITCLAIM AREA



QUEEN AVENUE

GEARY STREET

ALCO STREET

CS 17748

Resolution No. 3755

Recorded Document Recorder File No. 2908