

RESOLUTION NO. 4966

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY ON 41<sup>ST</sup> AVENUE, WEST OF MARION STREET, NOT NEEDED FOR PUBLIC USE.

WHEREAS, in 1980 the City of Albany acquired a parcel of land platted as Parcel A of the Marion Industrial Park Subdivision, for a possible future extension of 41<sup>st</sup> Avenue; and

WHEREAS, it has been determined that 41<sup>st</sup> Avenue will not be extended to the west at this location and is not needed for emergency access; and

WHEREAS, the adjacent property owners, Carol and Homer Rhodaback, have contacted the City and indicated their interest in purchasing Parcel A; and

WHEREAS, Parcel A is of little value except to the adjacent property owners; and

WHEREAS, Albany Municipal Code 2.64.060 allows for exemptions from the competitive bidding process if it would be inappropriate for the type of property involved.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council authorizes staff to sell Parcel A by executing the attached warranty deed to Carol and Homer Rhodaback.

DATED AND EFFECTIVE THIS 12<sup>TH</sup> DAY OF MAY 2004.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that CITY OF ALBANY hereinafter called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto Carol A. Rhodaback and Homer L. Rhodaback, Trustees of the Carol A. Rhodaback Trust dated February 22, 2000, an undivided one-half interest, and Homer L. Rhodaback and Carol A. Rhodaback, Trustees of the Homer L. Rhodaback Trust dated February 22, 2000, an undivided one-half interest, together as tenants in common, hereinafter called the GRANTEEES, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Linn and State of Oregon, to wit:

Parcel A of the Marion Industrial Park Subdivision, Albany, Linn County, Oregon, as shown on attached Exhibit A.

Linn County Assessor's Account No. R0713103, Map No. T11S-R3W-S19A, Tax Lot 01500.

The said property is free from encumbrances without exception, including the Grantor's relinquishment of the right to use this property as a future street right-of-way in accordance with the Deed dated July 3, 1980, recorded in Volume 680, Page 410. The Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

Grantor represents that there are no presently pending City assessments for sanitary sewer, storm sewer, streets, sidewalk or right-of-way improvements against the subject property.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. 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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$14,000.00.

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 23<sup>rd</sup> day of June 2004.

GRANTOR: CITY OF ALBANY -

*Steve Bryant*  
Steve Bryant, City Manager

*Susan Busbice*  
Susan Busbice, Assistant City Manager / Chief Financial Officer

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

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

This instrument was acknowledged before me on June 23, 2004, by Steve Bryant, City Manager, for the City of Albany, Oregon.

This instrument was acknowledged before me on June 23, 2004, by Susan Busbice, Assistant City Manager / Chief Financial Officer, for the City of Albany, Oregon.



*Diane Marie Wood*  
Notary Public for Oregon  
My Commission Expires: 1-13-2008

*Diane Marie Wood*  
Notary Public for Oregon  
My Commission Expires: 1-13-2008

Until a change is requested, all tax statements shall be sent to Grantee at the following address:

Carol A. Rhodaback, Trustee  
PO Box 3175  
Albany, OR 97321

After recording return to:

Carol A. Rhodaback, Trustee  
via City of Albany - Recorder  
PO Box 490  
Albany, OR 97321

X Re-record to correct or change previously recorded in MF 1595 Pg 534 adding Exhibit A referred to in legal description

STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

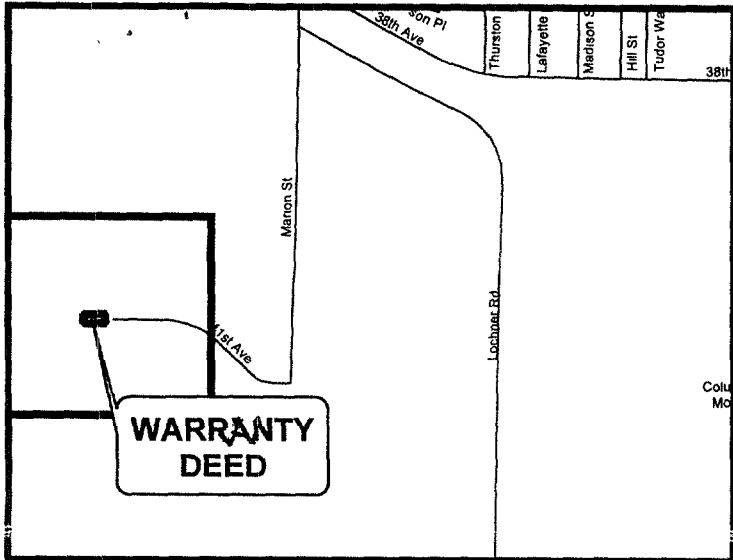
STEVE DRUCKENMILLER  
Linn County Clerk

By *[Signature]* Deputy PAGE 534

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2004 JUN 25 P 3:27

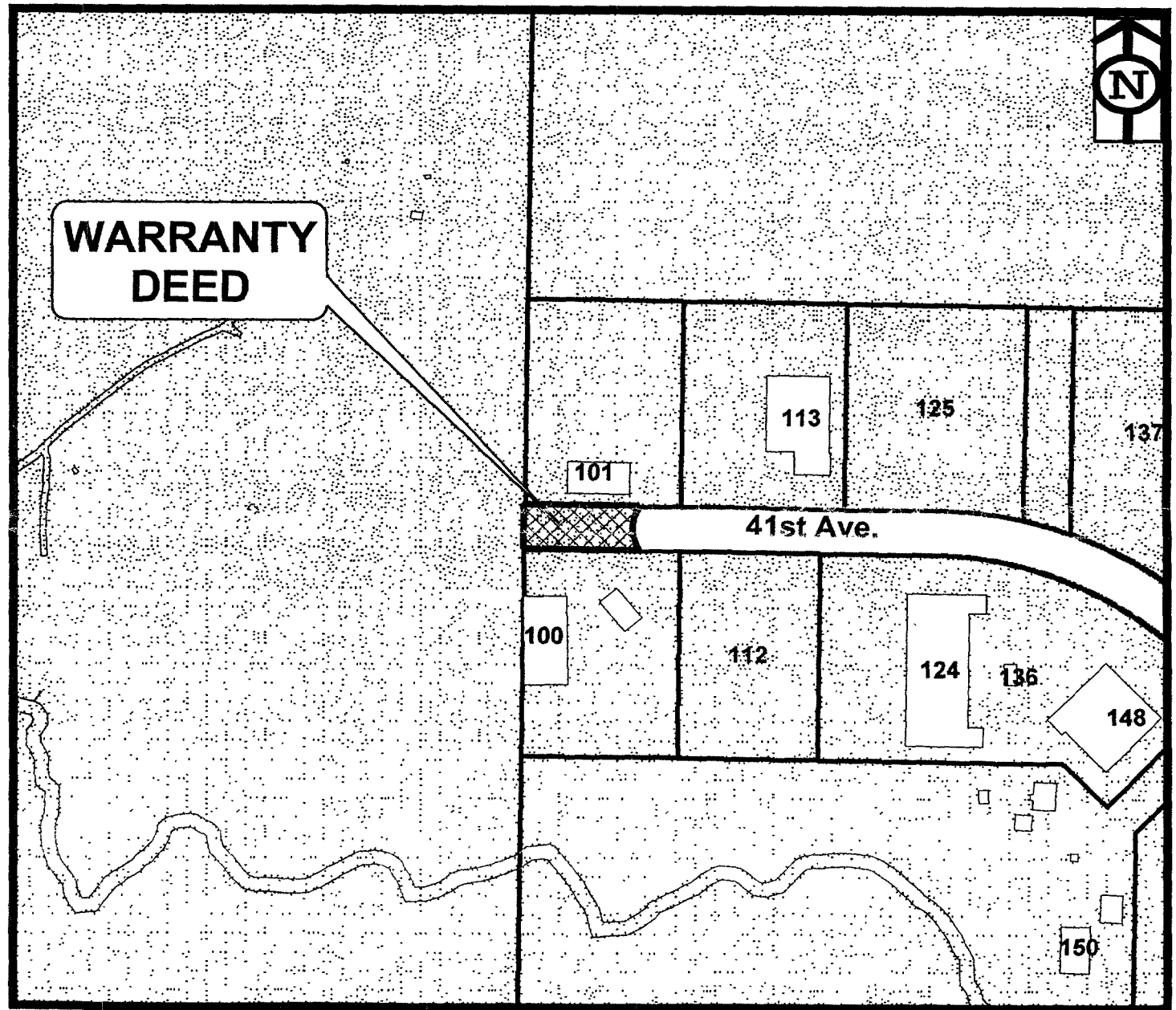
MF 1595



City of Albany  
11S03W19A 01500  
Marion Industrial Park  
Track A Block #1  
No Site Address  
City of Albany, Linn Co., OR  
Warranty Deed

VICINITY MAP

1 inch equals 200 feet



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

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2004 JUL -7 P 3: 29

MF 1599

By SW Deputy PAGE 678

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that CITY OF ALBANY hereinafter called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto Carol A. Rhodaback, Co-Trustee, and Homer L. Rhodaback, Co-Trustee, hereinafter called the GRANTEE, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Linn and State of Oregon, to wit:

Parcel A of the Marion Industrial Park Subdivision, Albany, Linn County, Oregon, as shown on attached Exhibit A.

SUBJECT TO: All those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. 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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$14,000.00.

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 May 2004.

GRANTOR: CITY OF ALBANY

Steve Bryant, City Manager

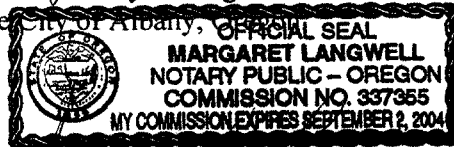
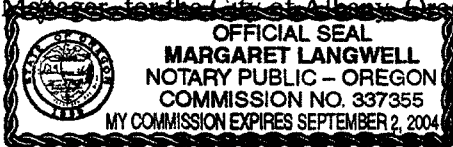
Susan Busbice, Assistant City Manager / Chief Financial Officer

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

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

This instrument was acknowledged before me on May 12, 2004, by Steve Bryant, City Manager for the City of Albany, Oregon.

This instrument was acknowledged before me on May 13, 2004, by Susan Busbice, Assistant City Manager / Chief Financial Officer, for the City of Albany, Oregon.



Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2004

Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2004

Until a change is requested, all tax statements shall be sent to Grantee at the following address

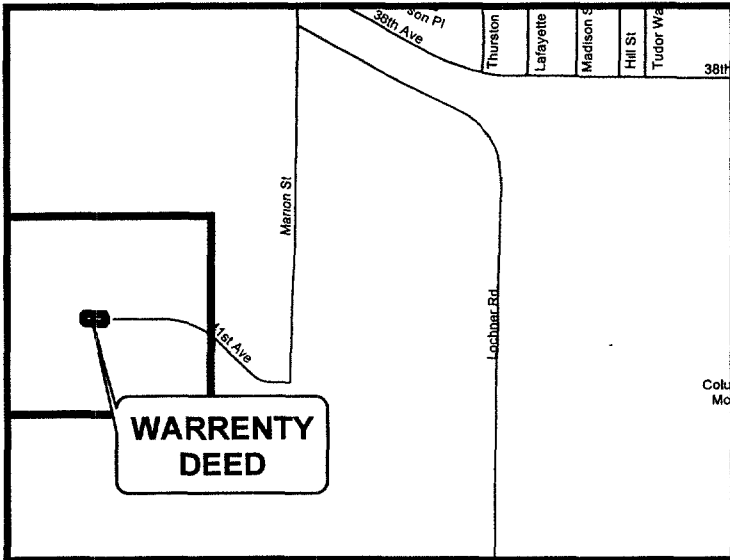
Carol A Rodaback, Co-Trustee
Homer L Rodaback, Co-Trustee
PO Box 444
Albany, OR 97321

After recording return to

Carol A Rodaback, Co-Trustee
Homer L Rodaback, Co-Trustee
PO Box 444
Albany, OR 97321

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

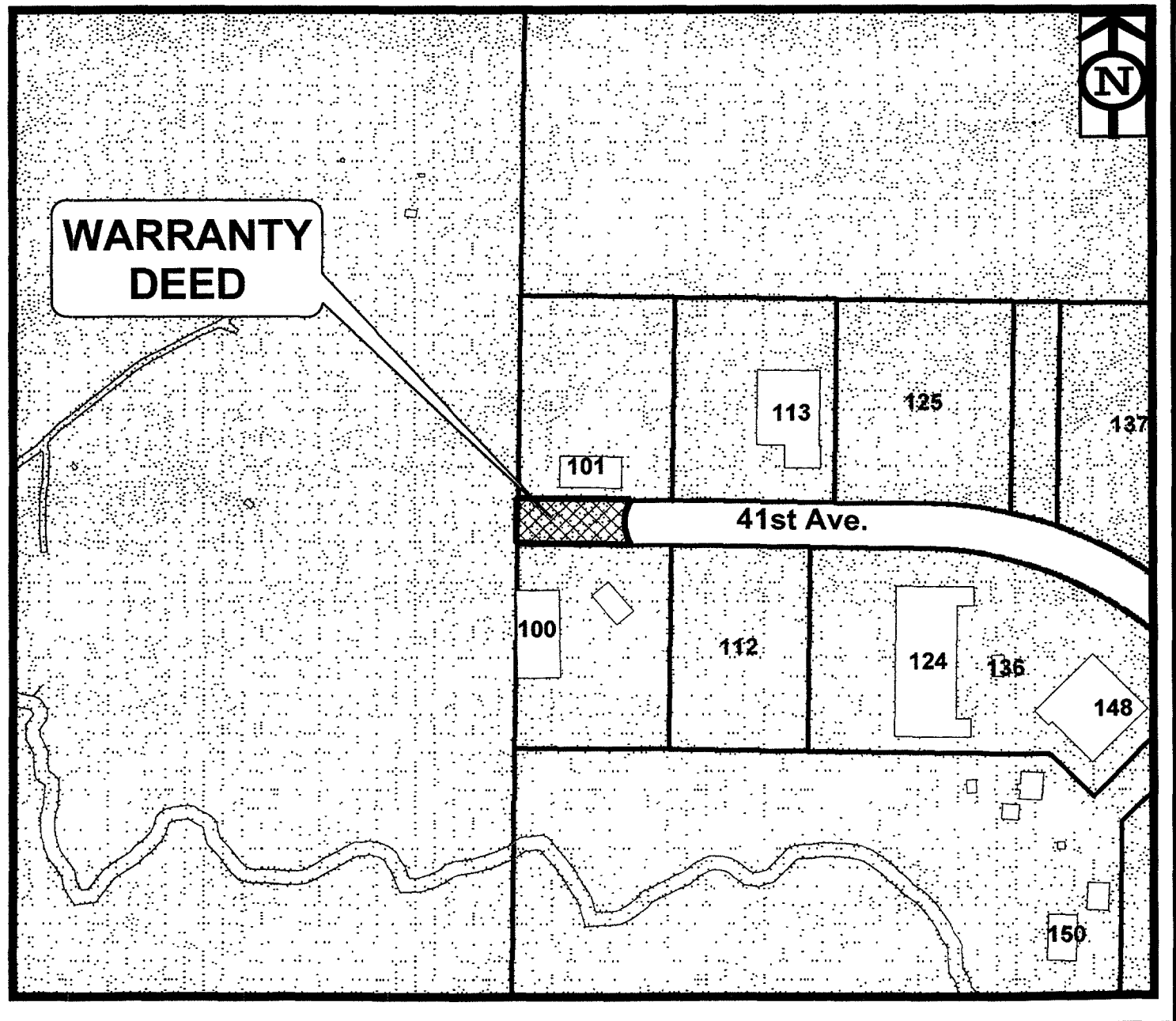
# EXHIBIT A



VICINITY MAP

City of Albany  
11S03W19A 01500  
Marion Industrial Park  
Track A Block #1  
No Site Address  
City of Albany, Linn Co., OR  
Warranty Deed

1 inch equals 200 feet



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Recorded Document Recorder File No. 4366