

RESOLUTION NO. 5160

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor: **City of Albany**

Purpose

Grantees: **Rodney & Gloria Kempf**

Releasing a 50-foot by 60-foot public utility easement, as described and as shown in the attached Quitclaim Deed. A new easement has been granted in a more appropriate location and the existing 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.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 22ND DAY OF JUNE 2005.



Mayor

ATTEST:



City Clerk

CITY OF ALBANY
Grantor

After Recording Return to:
City of Albany, Recorder
PO Box 490
Albany, OR 97321

RODNEY KEMPH AND GLORIA KEMPH
Grantee

Until requested otherwise send
All tax statements to:
Rodney & Gloria Kempf
C/O R & G Properties
91355 Triple Oaks Dr
Eugene, OR 97408

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 RODNEY KEMPH AND GLORIA KEMPH, 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 anyway appertaining, situated in the County of Linn, State of Oregon, described as follows, to wit:

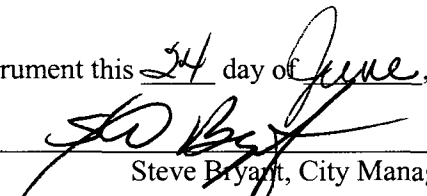
Easement for Public Utilities conveyed to the City of Albany and recorded in Volume 1340, Page 437, Linn County microfilm deed records, being more particularly described in the attached legal description labeled Exhibit A, attached Quitclaim and Release Map labeled Exhibit B, and attached Vicinity Map labeled Exhibit C. 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 \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

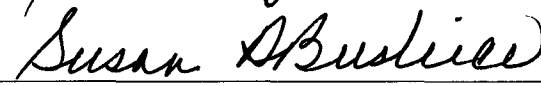
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 24 day of June, 2005.

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.



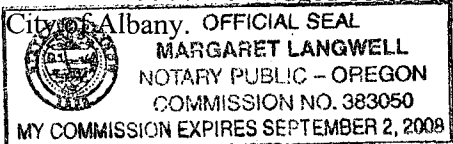
Steve Bryant, City Manager

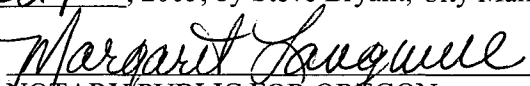


Susan Busbice, Assistant City Manager
Chief Financial Officer

STATE OF OREGON, County of Linn) ss.

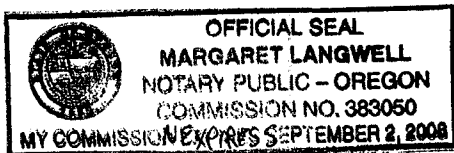
This instrument was acknowledged before me on June 24, 2005, by Steve Bryant, City Manager for the

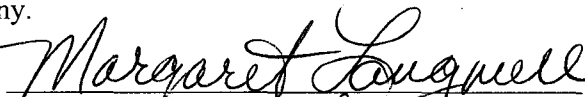




NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept. 2, 2008

This instrument was acknowledged before me on June 24, 2005, by Susan Busbice, Assistant City Manager / Chief Financial Officer for the City of Albany.





NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept. 2, 2008

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

EXHIBIT A**QUITCLAIM AND RELEASE OF PUBLIC UTILITY EASEMENT**

Beginning at a 5/8" iron rod at the southeast corner of Lot 7 of the Farwest Subdivision Plat, Linn County Survey 17103; thence along the south property line of said lot North 89°57'00" West approximately 329.57' to the east right-of-way line of Interstate 5; thence along said right-of-way line South +00°24'30" East approximately 261.37' to the TRUE POINT OF BEGINNING; thence South 00°24'30" East 60.01' along the east right-of-way of Interstate 5; thence North 88°40'37" East 50.01' along a line that is the extension of the south right-of-way line of 21st Avenue from the west side of Interstate 5; thence North 00°24'30" West 60.01' along a line that is parallel to the east right-of-way line of Interstate 5; thence South 88°40'37" West approximately 50.01' along a line that is the extension of the north right-of-way line of 21st Avenue from the west side of Interstate 5 to the TRUE POINT OF BEGINNING.



EXHIBIT B
 WL-05-01, EAST I-5 TRANSMISSION MAIN, PHASE II
 QUITCLAIM AND RELEASE OF PUBLIC UTILITY EASEMENT
 T11S R3W SEC 16 TL 704

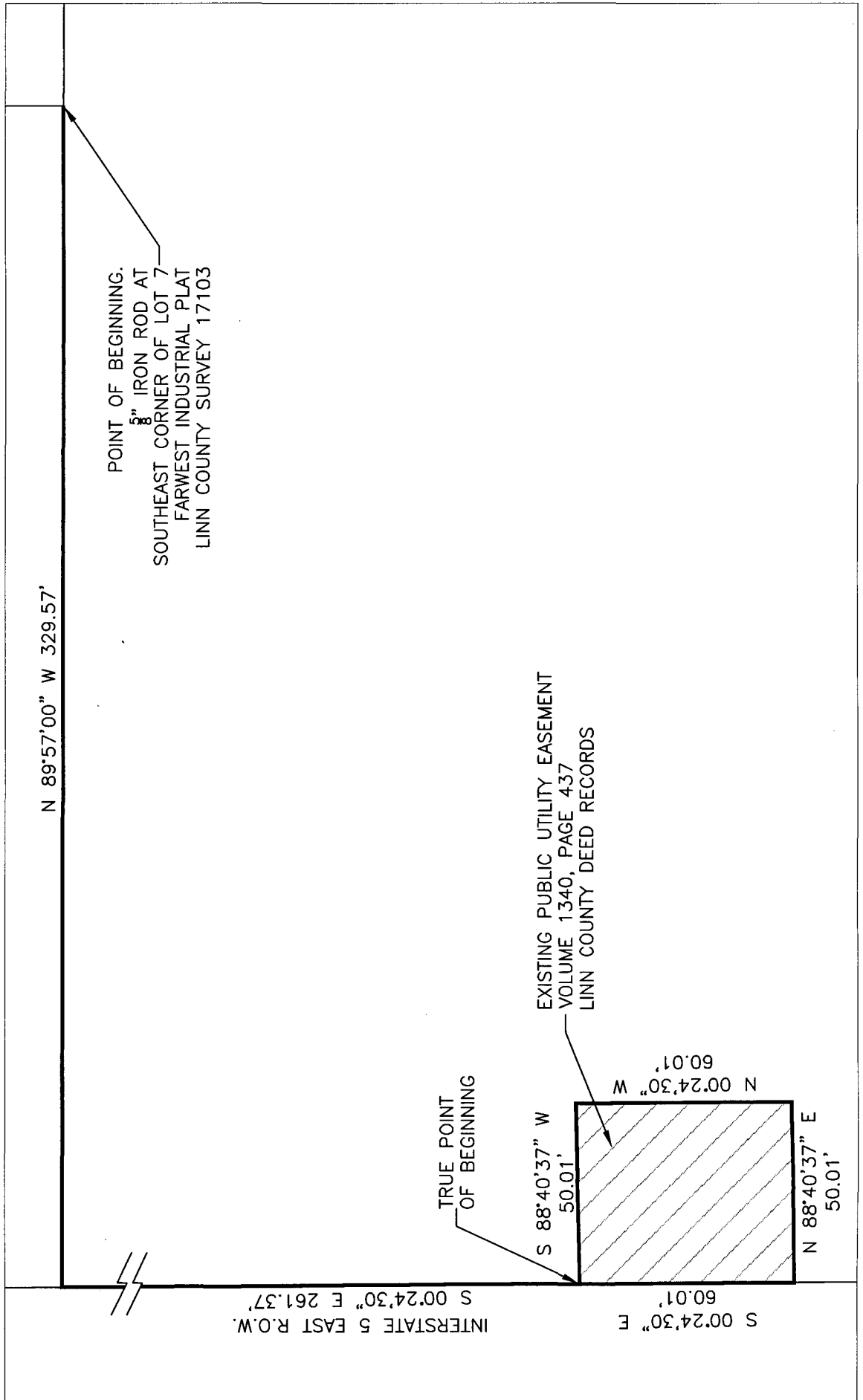
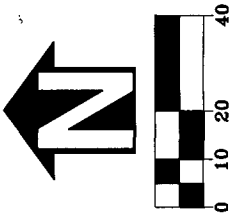
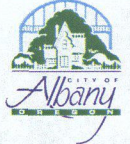
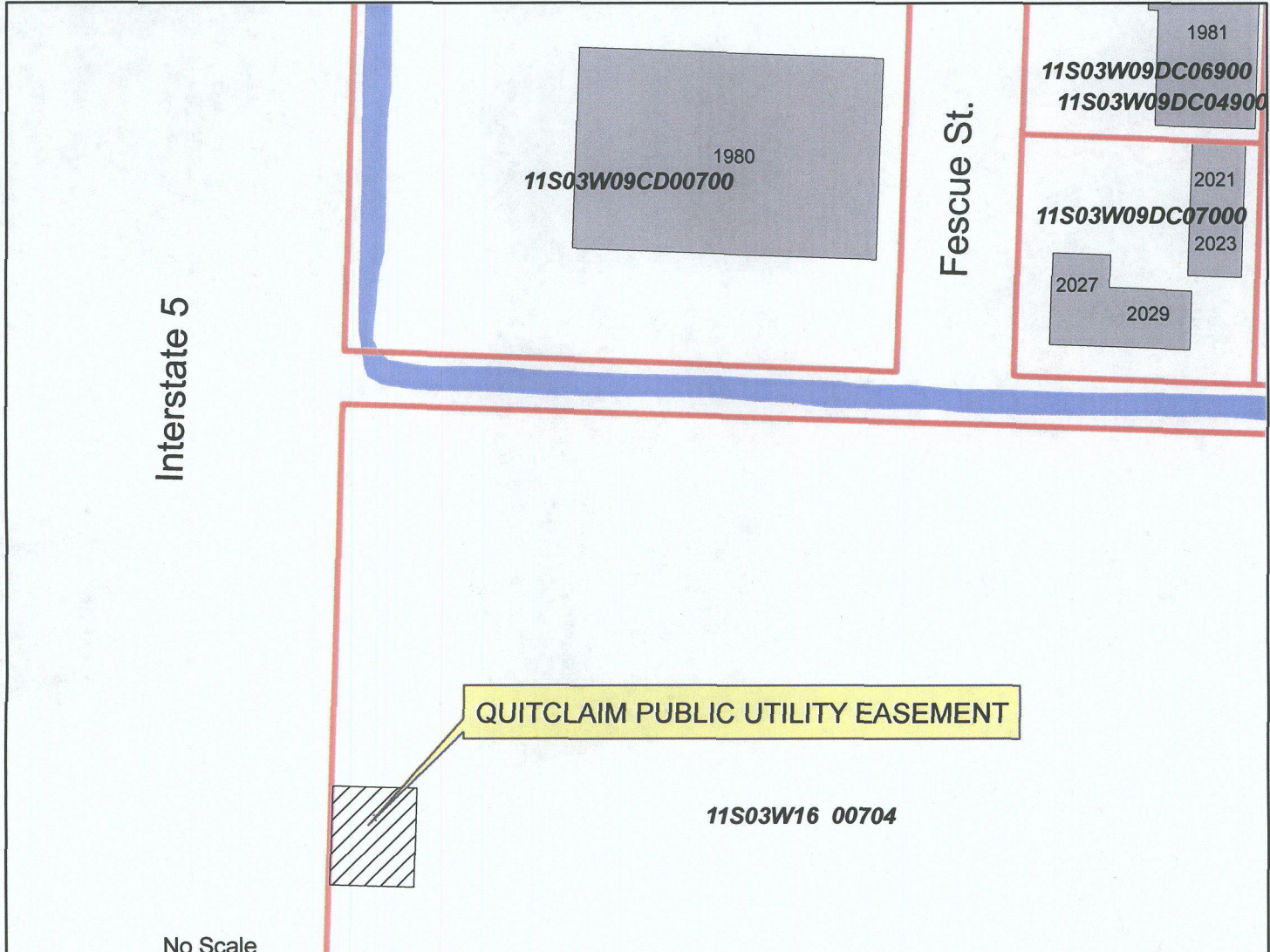


EXHIBIT C

WL-05-01
EAST I-5, TRANSMISSION MAIN, PHASE II
QUITCLAIM AND RELEASE OF EASEMENT
TAX LOT: 11S03W16 704



Geographic Information Services



No Scale

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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MF 1739

By WAO Deputy PAGE 463

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Resolution No. 5160

Recorded Document Recorder File 4607