

RESOLUTION NO. 5236

A RESOLUTION AUTHORIZING RECONVEYANCE OF AN EASEMENT TO CAROL H. JORDAN.

WHEREAS, on or about December 28, 1998, Carol H. Jordan conveyed to the City of Albany, an easement for a pedestrian pathway and trail along the Willamette River in a westerly direction generally shown on Exhibit "A," attached hereto; and

WHEREAS, at the time that the easement was granted it was the intent of the grantor and the grantee that the trail be developed for public use and enjoyment; and

WHEREAS, financial constraints have prevented the City from developing the easement as originally intended; and

WHEREAS, the grantors have requested that the City return the easement since the City has no foreseeable plans for improving the trail.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Albany that the easement referred to in the recitals above is surplus to the City's needs and, given the restrictions on the use of the easement, is of no financial value; and

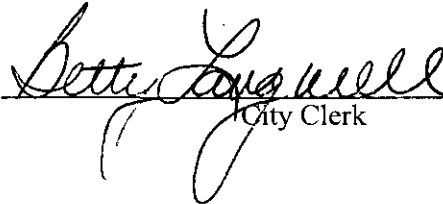
BE IT FURTHER RESOLVED, that the City Manager is authorized to reconvey the above-referenced easement to Carol H. Jordan by Quit Claim Deed.

DATED AND EFFECTIVE THIS 22ND DAY OF FEBRUARY, 2006.



Mayor

ATTEST:



City Clerk

After Recording Return to:

City of Albany
P.O. Box 490
Albany, OR 97321
Grantor

Carol H. Jordan
139 Kouns Drive, NW
Albany, OR 97321
Grantee

~~James H. Jordan
Attorney at Law
P.O. Box 983
Albany, OR 97321~~

**Until requested otherwise send
all tax statements to:**

Carol H. Jordan
139 Kouns Drive, NW
Albany, OR 97321

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **City of Albany**, hereinafter called *Grantor*, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto **Carol H. Jordan**, 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:

The easement granted to the City of Albany by Carol H. Jordan on or about December 28, 1998, recorded at Volume 1010, Page 831 of the deed records of Linn County, Oregon. More particularly described as follows:

Beginning at a 5/8 inch rod on the west line of said Tract 4, which point being North 72°09'54" East 896.93 feet and NORTH 19.22 feet from that witness corner to the northwest corner of Tract 6 in said subdivision, said witness corner being identified as Point No. 46 on the plat of said "BRYANT TRACTS"; thence along the northerly line of said 15.00 foot wide strip the following eighteen (18) courses: 1) North 70°23'07" East 55.88 feet to a 5/8 inch rod; 2) thence North 73°46'44" East 99.69 feet to a 5/8 inch rod; 3) thence North 66°20'38" East 98.43 feet to a 5/8 inch rod; 4) thence North 69°13'47" East 100.92 feet to a 5/8 inch rod; 5) thence North 77°50'33" East 40.52 feet to a 5/8 inch rod; 6) thence North 65°13'49" East 61.45 feet to a 5/8 inch rod; 7) thence North 68°34'10" East 97.23 feet to a 5/8 inch rod; 8) thence North 70°32'22" East 94.15 feet to a 5/8 inch rod; 9) thence North 75°52'09" East 104.86 feet to a 5/8 inch rod; 10) thence North 62°44'50" East 102.12 feet to a 5/8 inch rod; 11) thence North 71°10'58" East 94.30 feet to a 5/8 inch rod; 12) thence North 68°41'09" East 101.34 feet to a 5/8 inch rod; 13) thence North 65°59'59" East 105.54 feet to a 5/8 inch rod; 14) thence North 81°11'14" East 97.68 feet to a 5/8 inch rod; 15) thence North 70°19'08" East 99.88 feet to a 5/8 inch rod; 16) thence North 74°20'40" East 54.74 feet to a 5/8 inch rod; 17) thence North 84°15'07" East 57.18 feet to a 5/8 inch rod; 18) thence North 68°39'51" East 28.59 feet, more or less to the west line of that City of Albany Tract described by deed recorded in Microfilm Volume 92, Page 421 of the Linn County Deed Records on August 16, 1974. Containing 0.511 acres of land, more or less.

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.

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

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.

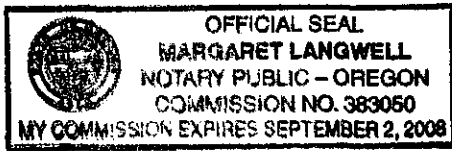
IN WITNESS WHEREOF, the Grantor has executed this instrument this 22nd day of February, 2006.

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.

CITY OF ALBANY:

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

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5236 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of February 2006.



Wes Hare
City Manager

ATTEST:

Betty Langwell aka
City Clerk
Margaret Langwell

C.S.
RECORD OF SURVEY
 FOR
ALBANY PARKS + RECREATION
 LOCATED IN
TRACT 3 AND 4 OF 'BRYANT'S TRACTS' IN THE
SW 1/4 OF SEC. 1, T. 11 S., R. 4 W., W.M.
LINN COUNTY, OREGON
 DECEMBER 11, 1998

EASEMENT SET MONUMENT LINE DATA

LINE	DIRECTION	DISTANCE
1	N 70°33'07" E	20.36
2	N 62°46'50" E	102.12
3	N 77°03'58" E	48.50
4	N 62°41'04" E	103.54
5	N 62°59'59" E	103.54
6	N 87°11'14" E	47.63
7	N 70°40'08" E	48.85
8	N 77°02'40" E	54.74
9	N 64°53'40" E	47.23
10	N 70°32'23" E	41.19
11	N 77°23'07" E	104.56
12	N 60°53'03" E	28.34

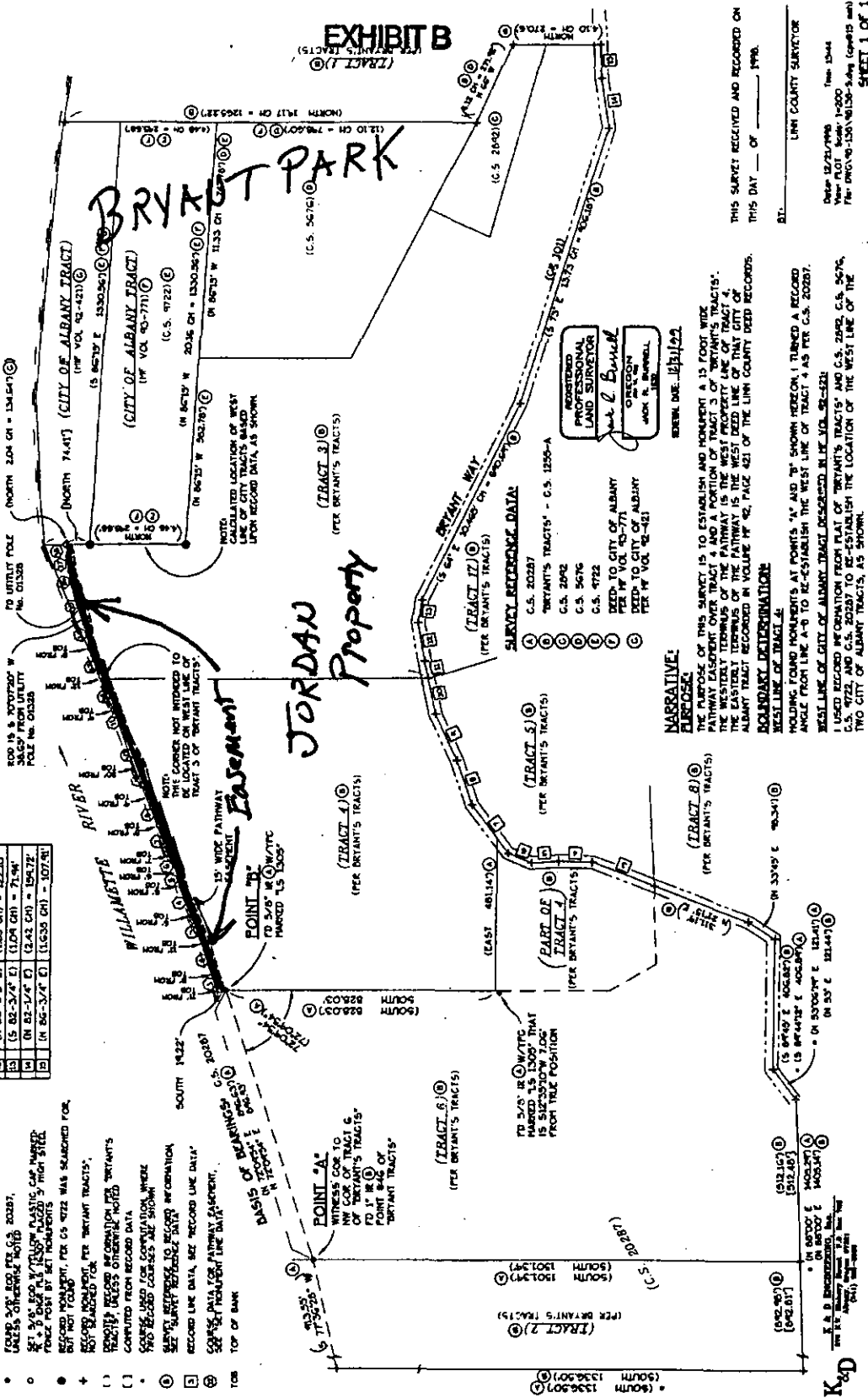
RECORD LINE DATA FOR 'BRYANT TRACT'

LINE	DIRECTION	DISTANCE
1	N 21-1/4° E	3.13 CH = 120.58
2	N 04° W	1.96 CH = 102.94
3	N 04° W	1.27 CH = 63.32
4	N 23-1/2° E	1.21 CH = 73.66
5	N 53° E	2.86 CH = 104.76
6	N 71-3/4° E	2.28 CH = 130.45
7	N 63-1/4° E	2.34 CH = 137.74
8	N 70-3/4° E	1.74 CH = 114.84
9	N 70-3/4° E	0.83 CH = 54.76
10	N 80-1/2° E	1.18 CH = 122.10
11	N 82-3/4° E	1.04 CH = 71.94
12	N 82-3/4° E	3.42 CH = 124.72
13	N 86-3/4° E	1.63 CH = 107.41

- LEGEND:**
- FOUND 2001 800 PER C.S. 20287, LACE'S CORNER TO 1016
 - SET 3/4" DIA W/ YELLOW PLASTIC CAP MARKED FROM CORNER TO 1016
 - RECORDED MONUMENT FOR C.S. 4722 WAS SEARCHED FOR, BUT NOT FOUND
 - RECORDED MONUMENT FOR TRACTS 3 AND 4 NOT SEARCHED FOR
 - RECORDED MONUMENT FOR TRACTS 3 AND 4 NOT SEARCHED FOR
 - COMPUTED FROM RECORD DATA
 - SOURCE USED FOR COMPUTATION WHERE RECORDED CORNER WAS NOT FOUND
 - SURVEY REFERENCE DATA
 - SET SURVEY REFERENCE DATA
 - SOURCE DATA FOR AIRWAY EASEMENT, SEE REFERENCE TO MONUMENT LINE DATA FOR TOP OF BANK



0 100 200 400 FT.
 SCALE: 1" = 200'



VOL 1010 PAGE 837

NARRATIVE:
PURPOSE:
 THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND MONUMENT A 15 FOOT WIDE AIRWAY EASEMENT OVER TRACT 4 AND A PORTION OF TRACT 3 OF 'BRYANT'S TRACTS'. THE WESTERLY TERMINUS OF THE AIRWAY IS THE WEST DEED LINE OF THAT CITY OF LINN COUNTY TRACT RECORDED IN VOLUME 1016, PAGE 821 OF THE LINN COUNTY DEED RECORDS.
BOUNDARY DETERMINATION:
 WESTLINE OF TRACT 4
 MONUMENTED POINTS AT POINTS 'A' AND 'B' SHOWN HEREON, TURNED A RECORD ANGLE FROM LINE 'A-B' TO RE-ESTABLISH THE WEST LINE OF TRACT 4 AS PER C.S. 20287.
 WESTLINE OF CITY OF ALBANY TRACT RECORDED IN VOLUME 1016, PAGE 821-821-821
 I USED RECORD INFORMATION FROM PLAT OF 'BRYANT'S TRACTS' AND C.S. 2292, C.S. 2676, C.S. 4722 AND C.S. 20287 TO RE-ESTABLISH THE LOCATION OF THE WEST LINE OF THE TWO CITY OF ALBANY TRACTS, AS SHOWN.

EXHIBIT B

THIS SURVEY RECEIVED AND RECORDED ON THIS DAY ___ OF ___ 1998.

BY: _____ LINN COUNTY SURVEYOR
 Date: 12/21/1998
 Year Plot Scale: 1"=200'
 File: 1998-12-21-1010-837-Subj (Copy) and
 SHEET 1 OF 1



EXHIBIT C

February 14, 2006

CITY ATTORNEY'S OFFICE

201 First Avenue West
P.O. Box 40
Albany, OR 97321-0014
(541) 926-5504
FAX (541) 926-7167

E-MAIL
jd@longdel.com

James V. B. Delapoer
City Attorney

F. James Healy
Deputy City Attorney

Robert C. McCann, Jr.
Deputy City Attorney

Andrew S. Noonan
Deputy City Attorney

Kristen Sager-Kottie
Deputy City Attorney

Keith B. Stein
Deputy City Attorney
City Prosecutor

Mr. James H. Jordan
100 Calapooia St., SW
P.O. Box 983
Albany, OR 97321-0369

RE: *Hopeman/Jordan Trail*

Dear Jim:

I am sorry that the City has not had the resources to improve the trail as originally intended. We have received your request that the easement be reconveyed to Carol and Ed Hodney is prepared to recommend that action to the City Council.

You will find attached a draft resolution and Quit Claim Deed which I intend to present to the City Council for that purpose. If you have any suggestions or concerns, please do not hesitate to contact me.

I know that the City is grateful for your family's generous offer and I anticipate that the Council will more formally express its gratitude for the donation and regret that the City was unable to complete the pathway as originally intended.

Very truly yours,

James V.B. Delapoer

JVBD:bf

Enclosures

cc: Ed Hodney
Wes Hare

N:\The Firm\City of Albany\10-Parls & Rec\10-01 Hopeman-Jordan Trail\02-14-06 jordan tr.wp4

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
D-QD
Cnt=1 Stn=1 COUNTER
\$25.00 \$11.00 \$10.00
04/04/2006 02:18:29 PM
2006-07839
\$46.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Carol H. Jordan

139 Kouns Drive, NW

Albany, Oregon 97321

1. Name/Title of Transaction - by ORS 205.234 (a)

Quitclaim Deed

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

City of Albany

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

Carol H. Jordan

4. True and Actual Consideration (if there is one), ORS 93.030

\$0.00

Resolution No. 5236

Recorded Document Recorder File No. 4758