

RESOLUTION NO. 5672

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor: **City of Albany**

Purpose

Grantee: **Ralph and Diane Nauman**

Releasing a 30-foot-wide Easement for Utilities and Access in exchange for a replacement easement across the Ralph and Diane Nauman tract.

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

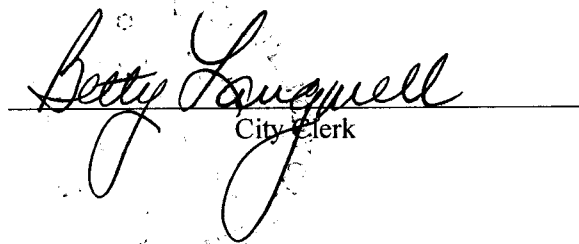
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.



Mayor

ATTEST:



City Clerk

CITY OF ALBANY
Grantor

After Recording Return to:
City of Albany

Ralph and Diane Nauman
Grantees

Until requested otherwise send
All tax statements to:

Ralph and Diane Nauman
2304 Violet Avenue 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 **Ralph and Diane Nauman**, 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

A 30 foot wide Easement for Utilities and Access created by a deed recorded in Benton County Microfilm Deed Records **2004-362688**, as shown on the attached map labeled Exhibit A.

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 26th day of September, 2008.

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.

Wes Hare

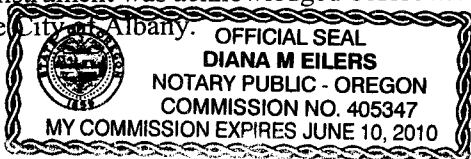
Wes Hare, City Manager

Stewart Taylor

Stewart Taylor, Finance Director

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on September 26, 2008, by Wes Hare, City Manager for the City of Albany.



Diana M. Eilers

NOTARY PUBLIC FOR OREGON

My Commission Expires: June 10, 2010

This instrument was acknowledged before me on September 25, 2008, by Stewart Taylor, Finance Director for the City of Albany.



Margaret Langwell

NOTARY PUBLIC FOR OREGON

My Commission Expires: Sept. 2, 2012

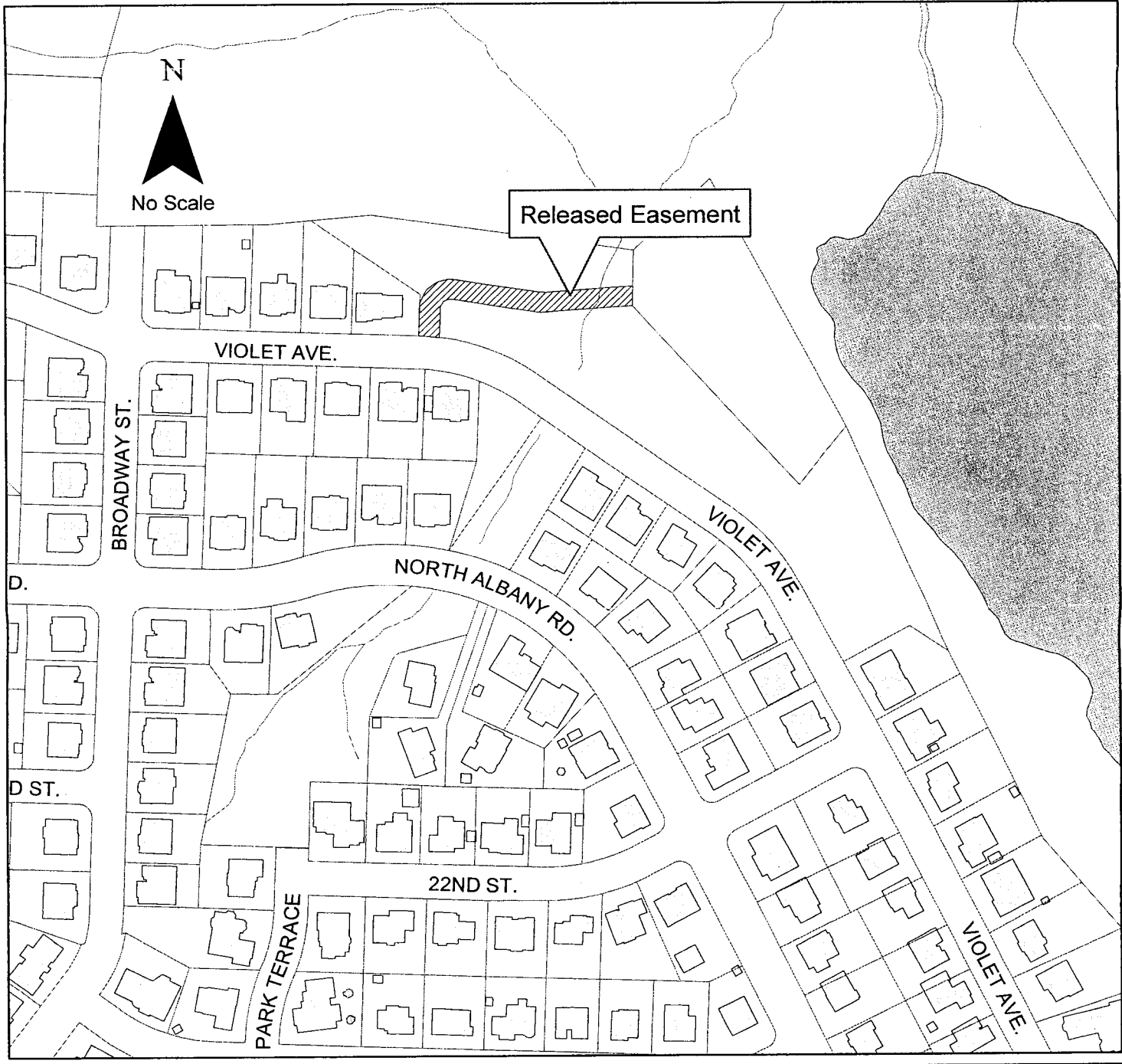
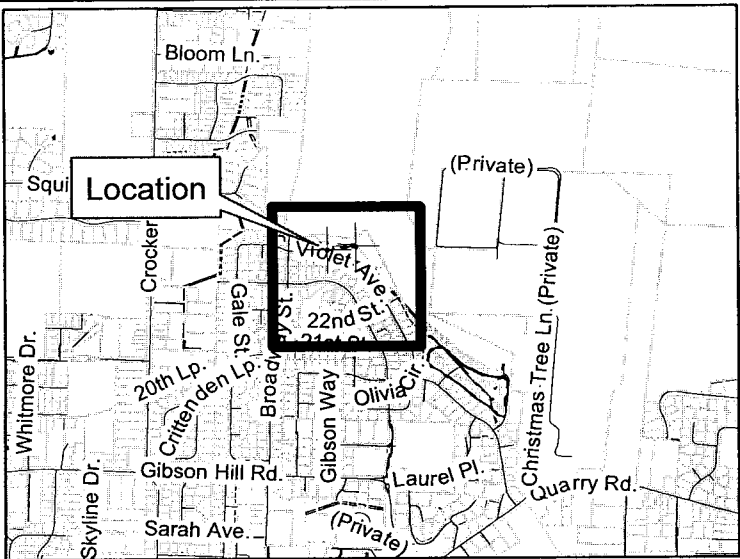
EXHIBIT A

10SO4W36 00400

Releasing a 30-foot-wide Easement for Utilities and Access in exchange for a replacement easement across the Nauman tract.



Geographic Information Services





00167155200804430340030030

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



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City of Albany Recorder _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

Government Agency - Exempt _____

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

Ralph and Diane Nauman _____

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

\$00.00 _____

Resolution No. 5672

Recorded Document Recorder File No. 5199