

RESOLUTION NO. 5124

A RESOLUTION DIRECTING STAFF TO EXECUTE THE ATTACHED QUITCLAIM DEED:

Grantor:

City of Albany

Grantee:

Heritage Mall Associates LLC

Purpose:

Abandon a portion of the 15-foot wide Public Utilities Easement (Water) as described and as shown in the attached Quitclaim Deed. The water line has been abandoned and relocated to accommodate expansion of the west end of the Heritage Mall.

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 27TH DAY OF APRIL 2005.



Mayor

ATTEST:



City Clerk

Grantor:
CITY OF ALBANY

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

Grantee:
Heritage Mall Associates LLC

Until requested otherwise send
All tax statements to:
Heritage Mall Associates LLC
1241 Hawks Flight Ct
El Dorado Hills, CA 95762

QUITCLAIM DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that THE CITY OF ALBANY, a municipal corporation, hereinafter called Grantor, for the purpose of abandoning a portion of an existing waterline easement and for the consideration hereinafter stated, does hereby remise, release, and quitclaim unto HERITAGE MALL ASSOCIATES LLC, 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 Linn, State of Oregon, described as follows, to wit:

A portion of the Easement for Public Utilities (Water) conveyed to the City of Albany and recorded in Volume 485, Page 480, and later re-recorded in volume 502, Page 461, Linn County microfilm deed records, being more particularly described in the attached Exhibit A and as shown on the attached map labeled Exhibit B.

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, Grantor has executed this instrument on the 28 day of April, 2005.

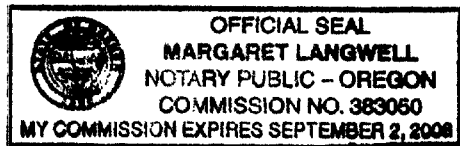
THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST 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
Steve Bryant, City Manager
Susan Busbice
Susan Busbice, Assistant City Manager/
Chief Financial Officer

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

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

This instrument was acknowledged before me on April 28, 2005, by Steve Bryant, City Manager for the City of Albany.



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

This instrument was acknowledged before me on April 28, 2005, by Susan Busbice, Assistant City Manager/Chief Financial Officer for the City of Albany.



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

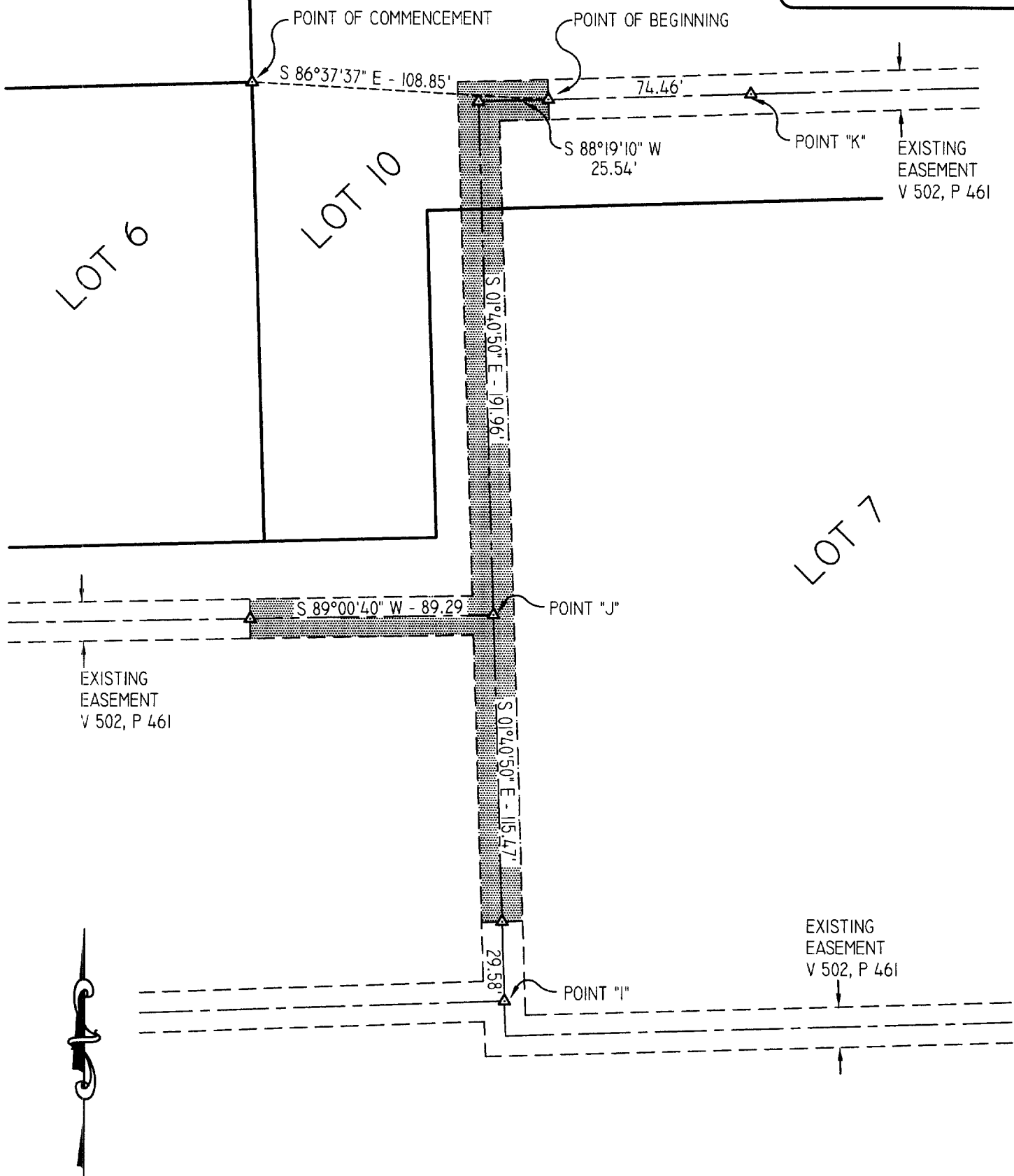
EXHIBIT "A"

All of that portion of existing waterline easement described in Volume 502, Page 461 Linn County Deed Records lying 7.50 feet on either side of the following described centerlines:

Commencing at the Northeast corner of Lot 6 in the Heritage Mall Subdivision recorded in Page 17, Volume 18, of Linn County record of plats; thence South $86^{\circ}37'37''$ East 108.85 feet to the **True Point of Beginning**, said point lying on the center line of said existing waterline easement and 74.46 feet from Point "K" as described in said easement; thence along the centerline of the previously mentioned waterline easement the following courses, South $88^{\circ}19'10''$ West 25.54 feet, South $01^{\circ}40'50''$ East 191.96 feet to Point "J" as described in said existing easement, South $01^{\circ}40'50''$ East 115.47 feet to the terminus point of this centerline description, which lies 29.58 feet from Point "I" as described in said existing easement.

ALSO:

Beginning at Point "J" as described above; thence South $89^{\circ}00'40''$ West 89.29 feet along the centerline of the existing waterline easement to a point and the terminus of this centerline description.



SCALE: 1" = 50'



PacWest Engineering
 1530 Ninth Avenue SE
 Albany, OR 97321
 Phone (541) 926-7634
 Fax (541) 926-7539

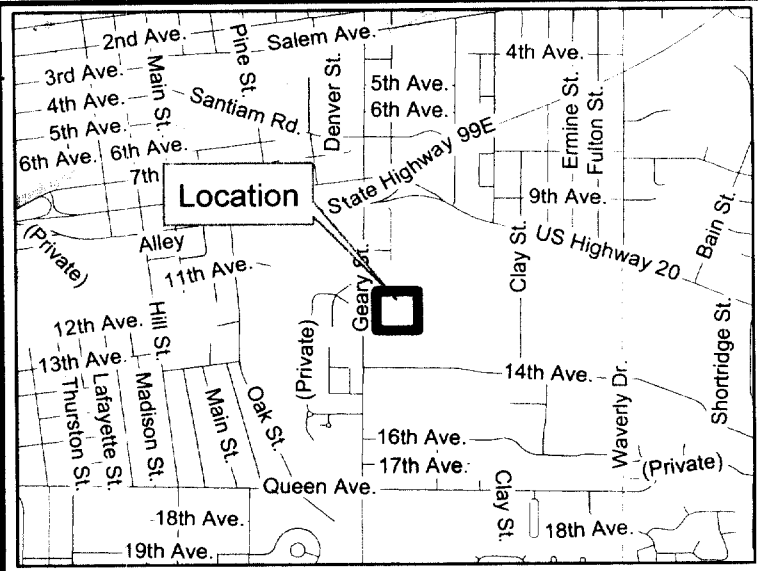
DWG: EXHIBIT.DWG

DATE:

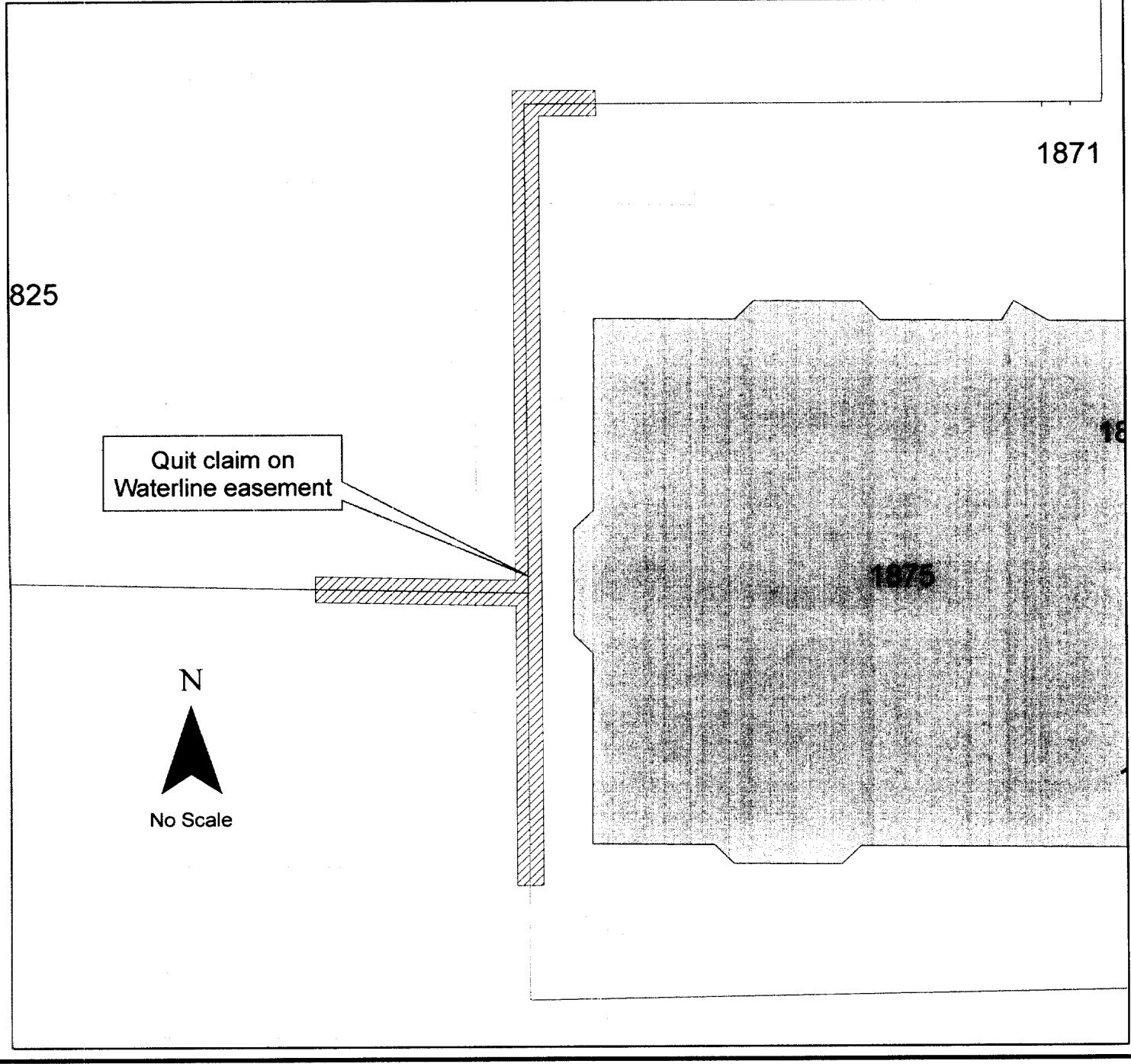
PROJECT: 04-050

EXHIBIT C

Quit Claim Deed Heritage Mall Waterline Easement



Geographic information Services



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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By UAD Deputy PAGE 28

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Recorded Document Recorder File 4542