

RESOLUTION NO. 5864

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT TO ALLOW THE CITY OF ALBANY TO PURCHASE REAL PROPERTY ADJACENT TO THE ALBANY-MILLERSBURG WATER RECLAMATION FACILITY AS PART OF THE ENTRYWAY TO THE WETLANDS TREATMENT PROJECT.

WHEREAS, it is in the public interest that the City of Albany preserve the parcel of land located at 2352 Front Street NE; and

WHEREAS, on the property there is a significant White Oak Grove that should be preserved; and

WHEREAS, the most effective way to preserve the grove is to purchase it from the property owner; and

WHEREAS, the White Oak Grove would be integrated as part of the entryway to the Albany-Millersburg Water Reclamation Facility's Wetlands Treatment Project and could potentially be augmented along the road by plantings on existing shops property; and

WHEREAS, City staff has procured an appraisal, a title report, and negotiated a price of \$32,000 for the property located at 2352 Front Street NE.

NOW, THEREFORE, BE IT RESOLVED that the City Manager, or his designee the Public Works Director, of the City of Albany is authorized to execute a Purchase and Sale Agreement to allow the City of Albany to purchase the property at 2352 Front Street NE to preserve the White Oak Grove and integrate it as a part of the wetlands project for the purchase price of \$32,000 payable upon such terms as the City Manager deems appropriate; and

BE IT FURTHER RESOLVED that the City Manager, with the advice of the City Attorney, is authorized to complete the aforesaid purchase with such additional terms and conditions as may, in his judgment, be in the best interest of the City.

DATED AND EFFECTIVE THIS 9th DAY OF NOVEMBER 2009.



Mayor

ATTEST:



Betty Langwell
City Clerk



NOV 20 2009



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
Attn: ~~Mike Wolski~~ Attn: Diane Taniguchi-Dennis
310 Waverly NE PO BOX 490
Albany, OR 97321 Albany, OR 97321

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

City of Albany
Attn: ~~Mike Wolski~~
310 Waverly NE
Albany, OR 97321 Same As Above

STATUTORY WARRANTY DEED

Marcia Minneti, who took title as, Marcia Schnoor and Kurt Schnoor, Grantor, conveys and warrants to City of Albany, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Lot 5, Block 24, BURKHART PARK ADDITION, Albany, Linn County, Oregon

Tax Account No. 0079083

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$32,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11 CHAPTER 424, OREGON LAWS 2007.

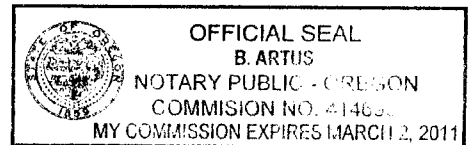
Dated 26 day of October, 2009

Marcia Minneti

Kurt Schnoor

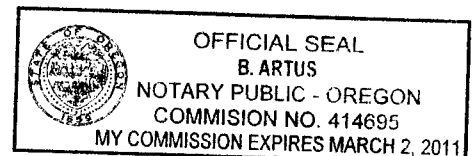
STATE OF OREGON Benton
COUNTY OF Benton
The foregoing instrument was acknowledged before me this 26 day of October, 2009 by Marcia Minneti

Notary Public State of Oregon
My commission expires: 3/2/2011



STATE OF OREGON Benton
COUNTY OF Benton
The foregoing instrument was acknowledged before me this 26 day of October, 2009 by Kurt Schnoor

Notary Public State of Oregon
My commission expires: 3/2/2011



AFTER RECORDING RETURN TO: 39g0047512
LAWYERS TITLE INSURANCE CORP

Exhibit "A" with Exceptions

Subject to:

- 1. The subject property lies within the boundaries of Linn Soil and Water District and is subject to the levies and assessments thereof.**
- 2. Terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks, imposed by instrument,
Recorded : March 23, 1917
As : B 111; P 345**