

RESOLUTION NO. 3401

RESOLUTION AUTHORIZING A TRADE OF REAL PROPERTIES BY THE CITY WITH VERN R. ZIMBELMAN AND WALLIS N. KNECHT. SAID REAL PROPERTIES BEING LOCATED AT THE NORTH END OF SOUTH LAFAYETTE STREET AND THE WILLAMETTE RIVER.

WHEREAS, the City of Albany is the owner of certain real property located adjacent to Tax Lot 7100 in the City of Albany, Linn County, Oregon, consisting of approximately 4,124 square feet; and

WHEREAS, Vern R. Zimbelman and Wallis N. Knecht are the owners of real property located adjacent to the Willamette River and abutting on the north end of south Lafayette Street in the City of Albany; and

WHEREAS, it is in the interests of people of the City of Albany that an exchange of properties be made between the parties; and

WHEREAS, appraisals of the separate properties have been made and the property to be received in exchanged by the City of Albany is of an equal value or a greater value as shown by the appraisal reports than the property to be traded to Zimbelman and Knecht;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Albany that the Mayor and City Manager be authorized and directed to execute a Bargain and Sale Deed on behalf of the City of Albany of the following described real property:

**A PORTION OF LAND FROM THAT PARCEL OF LAND CONVEYED TO THE CITY OF ALBANY, A MUNICIPAL CORPORATION, RECORDED ON JUNE 30, 1972, IN MF 42, PAGE 394, LINN COUNTY DEED RECORDS, SAID PORTION OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A 1/2 INCH STEEL ROD AT THE EAST-SOUTHEAST CORNER OF SAID PARCEL, SAID POINT BEING NORTH 81°45' EAST 133.15 FEET, NORTH 08°19' WEST 144.25 FEET, AND NORTH 81°45' EAST 61.15 FEET FROM THE SOUTHWEST CORNER OF BLOCK 116 OF HACKLEMAN'S ADDITION; THENCE NORTH 08°59'58" WEST 93.21 FEET TO A 5/8 INCH STEEL ROD; THENCE SOUTH 64°15'06" WEST 50.29 FEET TO A 5/8 INCH STEEL ROD; THENCE SOUTH 08°59'58" EAST 78.09 FEET TO A 1/2 INCH STEEL ROD; THENCE NORTH 81°45'00" EAST 48.15 FEET TO THE POINT OF BEGINNING.  
(Containing 4,124 square feet, more or less.)**

with the Grantees in said Bargain and Sale Deed to be Vern R. Zimbelman and Wallis N. Knecht.

BE IT FURTHER RESOLVED, that in exchange for the above-described deed, that the City of Albany is hereby authorized to accept a deed of property from Vern R. Zimbelman and Wallis N. Knecht of the following described real property:

A PORTION OF LAND FROM THAT PARCEL OF LAND CONVEYED TO VERN R. ZIMBELMAN AND WILLIS N. KNECHT, RECORDED ON JULY 3, 1991, IN MF 568, PAGE 174, LINN COUNTY DEED RECORDS, SAID PORTION OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH STEEL ROD, SAID POINT BEING NORTH 81°45' EAST 133.15 FEET, NORTH 08°19' WEST 144.25 FEET, NORTH 81°45' EAST 61.15 FEET, AND NORTH 08°59'58" WEST 93.21 FEET FROM THE SOUTHWEST CORNER OF BLOCK 116, HACKLEMAN'S ADDITION; THENCE NORTH 69°06'58" EAST 73.57 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF LAFAYETTE STREET; THENCE NORTH 08°59'58" WEST 56.79 FEET, MORE OR LESS, TO THE WILLAMETTE RIVER; THENCE WESTERLY UP SAID RIVER WITH THE MEANDERING THEREOF TO A POINT WHICH IS NORTH 08°59'58" WEST 56.79 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 08°59'58" EAST 56.79 FEET TO THE POINT OF BEGINNING. (Containing 3,933 square feet, more or less.)

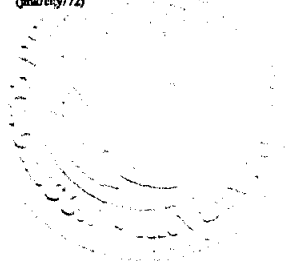
DATED this 11<sup>th</sup> day of August, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

Qual/elig/172



BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that VERN R. ZIMBELMAN and WALLIS N. KNECHT, hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto the CITY OF ALBANY, a municipal corporation, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns an easement for road purposes over property described as follows, to-wit:

A PORTION OF LAND FROM THAT PARCEL OF LAND CONVEYED TO VERN R. ZIMBELMAN AND WILLIS N. KNECHT, RECORDED ON JULY 3, 1991, IN MF 568, PAGE 174, LINN COUNTY DEED RECORDS, SAID PORTION OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH STEEL ROD, SAID POINT BEING NORTH 81°45' EAST 133.15 FEET, NORTH 08°19' WEST 144.25 FEET, NORTH 81°45' EAST 61.15 FEET, AND NORTH 08°59'58" WEST 93.21 FEET FROM THE SOUTHWEST CORNER OF BLOCK 116, HACKLEMAN'S ADDITION; THENCE NORTH 69°06'58" EAST 73.57 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF LAFAYETTE STREET; THENCE NORTH 08°59'58" WEST 56.79 FEET, MORE OR LESS, TO THE WILLAMETTE RIVER; THENCE WESTERLY UP SAID RIVER WITH THE MEANDERING THEREOF TO A POINT WHICH IS NORTH 08°59'58" WEST 56.79 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 08°59'58" EAST 56.79 FEET TO THE POINT OF BEGINNING. (Containing 3,933 square feet, 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 for this transfer is an exchange of real property.

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.

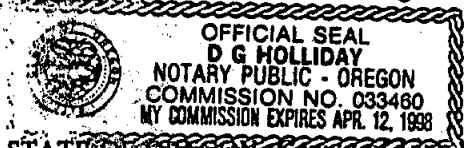
IN WITNESS WHEREOF, the Grantor has executed this instrument this 25 day of August, 1994.

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.

Vern R. Zimbelman
Wallis N. Knecht

STATE OF OREGON, County of Linn ) ss.

This instrument acknowledged before me on 25 August 1994, 1994, by VERN R. ZIMBELMAN.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires:

STATE OF OREGON, County of Linn ) ss.

This instrument acknowledged before me on 25 August, 1994, by WALLIS N. KNECHT.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires:

After Recording Return To:
James V. B. Delapoe
Long, Delapoe, Healy & McCann, P.C.
P.O. Box 40
Albany, OR 97321

Until Requested Otherwise
Send All Tax Statements to:

City of Albany
Finance Department
P.O. Box 490
Albany, OR 97321

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 MF 712
By PA, Deputy PAGE 758

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Aug 29 9 40 AM '94

RETURN TO: City of Albany - Recorder P.O. Box 490 Albany, OR 97321