

RESOLUTION NO. 4989

A RESOLUTION ACCEPTING THE FOLLOWING WARRANTY DEED:

Grantor

Donald and Penni Durst

Purpose

A warranty deed for real property to satisfy conditions of final plat approval for a property partition as shown on attached EXHIBIT A and as described in attached EXHIBIT B.


NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this warranty 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 23RD DAY OF JUNE 2004.

  
\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
City Clerk

DNV Green to JSV

NOV 30 2004

**RECORDING COVER SHEET  
ALL TRANSACTIONS, ORS: 205.234**

This cover sheet has been prepared by the person Presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the Transaction(s) contained in the instrument itself.

BENTON COUNTY, OREGON **2004-373344**  
DE-WD  
Cnt=1 Str=9 KH **08/31/2004 10:01:38 AM**  
\$20 00 \$11 00 \$10 00 \$15 00 **\$56.00**

TH  
COU



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

PRINT

AFTER RECORDING RETURN TO:

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

1.) NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)

Warrenty Deed (Durst)

2.) DIRECT PARTY / GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160

Donald and Penni Durst

3) INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$1.00

5) ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

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

6) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERKS LIEN RECORDS, ORS 205.121(1)(e)

7) THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES, INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325

8) Rerecorded to correct _____ Previously recorded as _____
--

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Donald and Penni Durst hereinafter called the GRANTOR, does hereby grant, bargain, sell, warrant and convey unto to THE CITY OF ALBANY, a municipal corporation, hereinafter called the GRANTEE, and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of Benton and State of Oregon, to wit:

See legal description on attached "Exhibit "B" and map on attached "Exhibit "A".

SUBJECT TO: All those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any; and the Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$1.00.

In Witness Whereof, the grantor has executed this instrument this 7th day of Oct, 2003.

GRANTOR:

[Signature]  
Don Durst

CITY OF ALBANY:

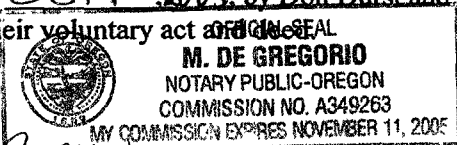
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

[Signature]  
Penni Durst

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4989, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23 day of June, 2003.

STATE OF OREGON )  
County of Deschutes ) ss.  
City of Albany Sisters )

The foregoing instrument was acknowledged before me this 7 day of Oct, 2003, by Don Durst and Penni Durst as their voluntary act and choice.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 11/11/05

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder

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

# EXHIBIT "B"

**JAMES F. UDELL**  
**UDELL ENGINEERING & SURVEYING**  
63 EAST ASH STREET  
LEBANON, OREGON 97355  
PHONE (541) 451-5125  
FAX (541) 451-1366

**DON AND PENNI DURST**  
**PROPERTY LINE ADJUSTMENT**  
**AREA DEDICATED TO THE CITY OF ALBANY**

## LEGAL DESCRIPTION

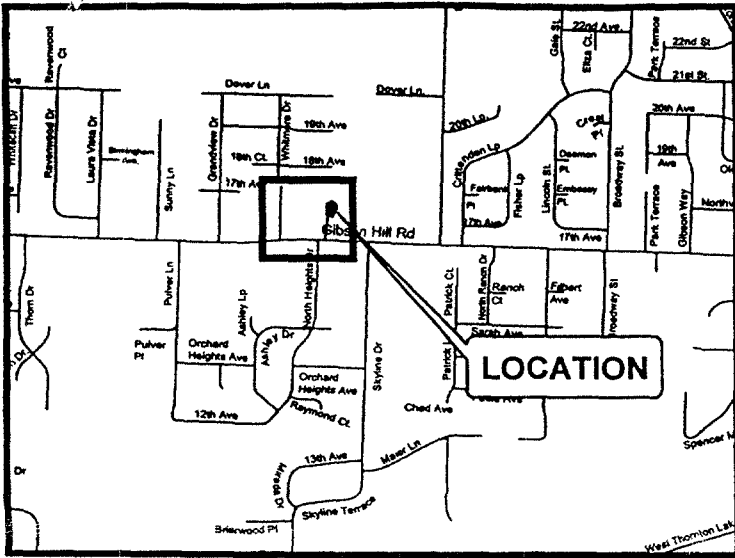
A portion of that tract of land as described in Microfilm Volume M239751-98 of the Benton county Deed Records and more particularly described as follows:

Beginning at a 5/8" iron rod on the West boundary line of the aforementioned tract of land which is South 89°48'00" East 406.94 feet and North 0°22'24" west 209.40 feet from the Northwest corner of J.Q. Thornton Donation land Claim No. 37 in Section 36, Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon; thence North 0°22'24" West along said West line 108.49 feet to a 5/8" iron rod; thence South 59°00'24" East 53.57 feet to a 5/8" iron rod; thence South 29°12'00" West 92.68 feet to the point of beginning.

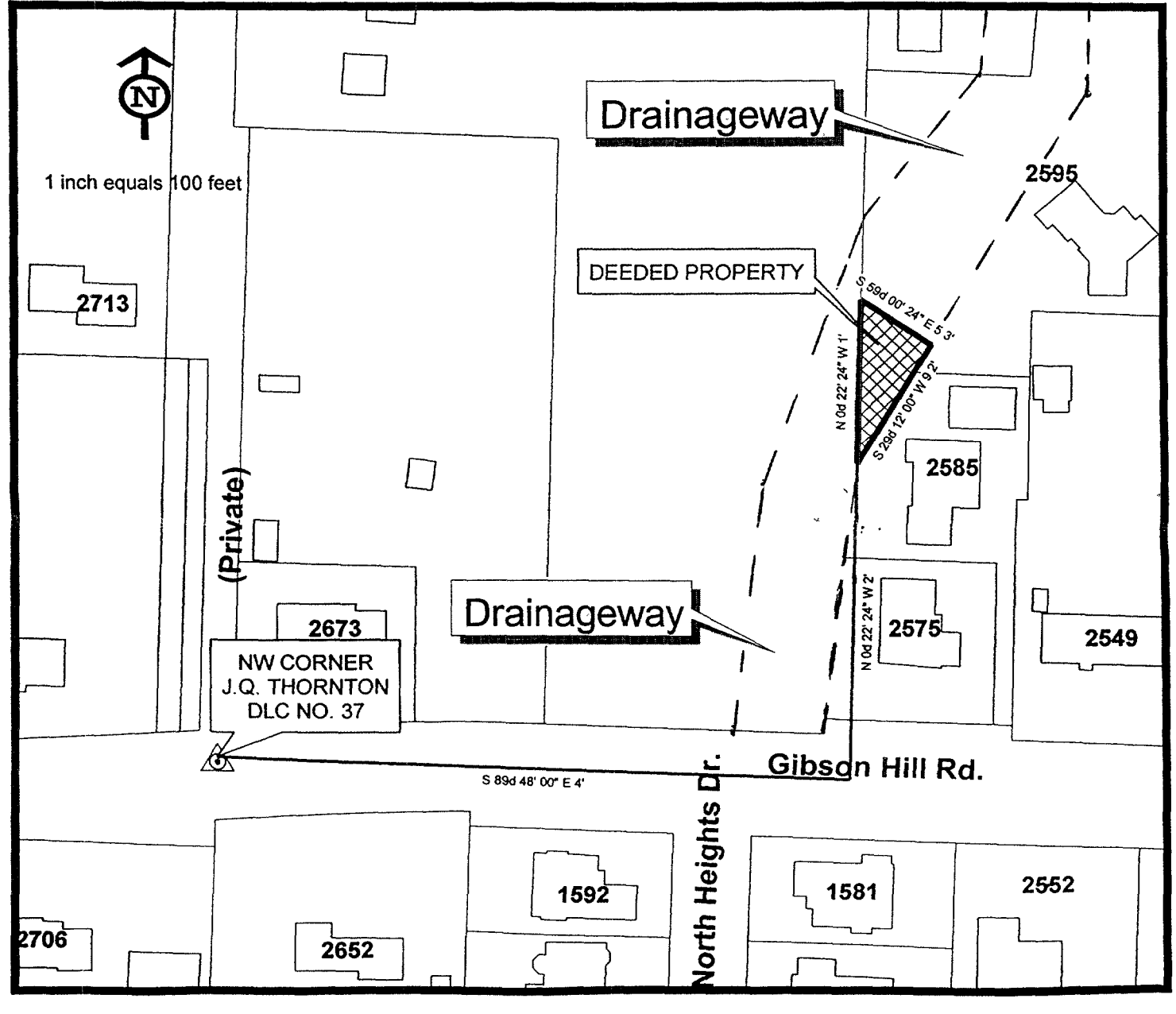
# EXHIBIT A

Don and Penni Durst  
 11S04W36BC00602  
 Area deeded to City of Albany

Warranty Deed  
 Replacing Storm Drainage Right-of-Way  
 dedication deed recorded in Benton  
 County Deed Record M 267940-99



VICINITY MAP



Resolution No. 4989

Recorded Document Recorder File 4428