

RESOLUTION NO. 5409

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, DISPOSE, OR LEASE CERTAIN REAL PROPERTY INTERESTS BY NEGOTIATED PURCHASE NECESSARY TO SERVE AS A BUFFER WITH THE RESIDENTIAL NEIGHBORHOOD ADJOINING THE ALBANY WASTEWATER TREATMENT PLANT.

WHEREAS, the City of Albany operates and maintains a wastewater treatment plant and is subject to requirements established by the Oregon Department of Environmental Quality (DEQ); and

WHEREAS, the City has received Stipulated and Final Order No. WQ/M-WR-99-173 from DEQ requiring expansion of the Wastewater Treatment Plant to minimize wet weather overflows of sanitary sewage; and

WHEREAS, additional property adjacent to the wastewater treatment plant is needed as a buffer between the neighborhood and future expansion and relocation of facilities; and

WHEREAS, one of these properties is located at 2217 Willamette Avenue NE, Albany, Oregon, Linn County Assessor's Tax Lot No. 00200, Map No. 11S03W05DB, as shown on Exhibit "A" and otherwise described as Lot 20, Block 20, of the Burkhart Park Addition to the City of Albany, Linn County, Oregon, together with that portion of the adjoining vacated alley that would attach thereto; and

WHEREAS, the City has commissioned appraisals to determine the fair market value of the property shown on Exhibit "A," and the appraised fair market value for the property is \$71,900 (seventy-one thousand nine-hundred dollars); and

WHEREAS the City has negotiated voluntary acquisition of the property for \$71,900 (seventy-one thousand nine-hundred dollars); and

WHEREAS, the City has agreed to pay all closing costs and administrative fees related to this sale, estimated to be \$2,000 (two-thousand dollars); and

WHEREAS, the funds necessary to acquire the property and the funds necessary to pay closing costs and administrative fees shall be paid from the Sewer Fund.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The City Council deems the expansion of the Wastewater Treatment Plant to be a public use for a public purpose. The Council deems it necessary and in the best interests of the citizens residing within the City of Albany's sewer service area to acquire the property identified herein as being necessary to serve as a buffer with the residential neighborhood adjoining the Wastewater Treatment Plant.

SECTION 2. The City Manager is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described herein and shown on attached Exhibit "A," and for the payment of closing costs and administrative fees.

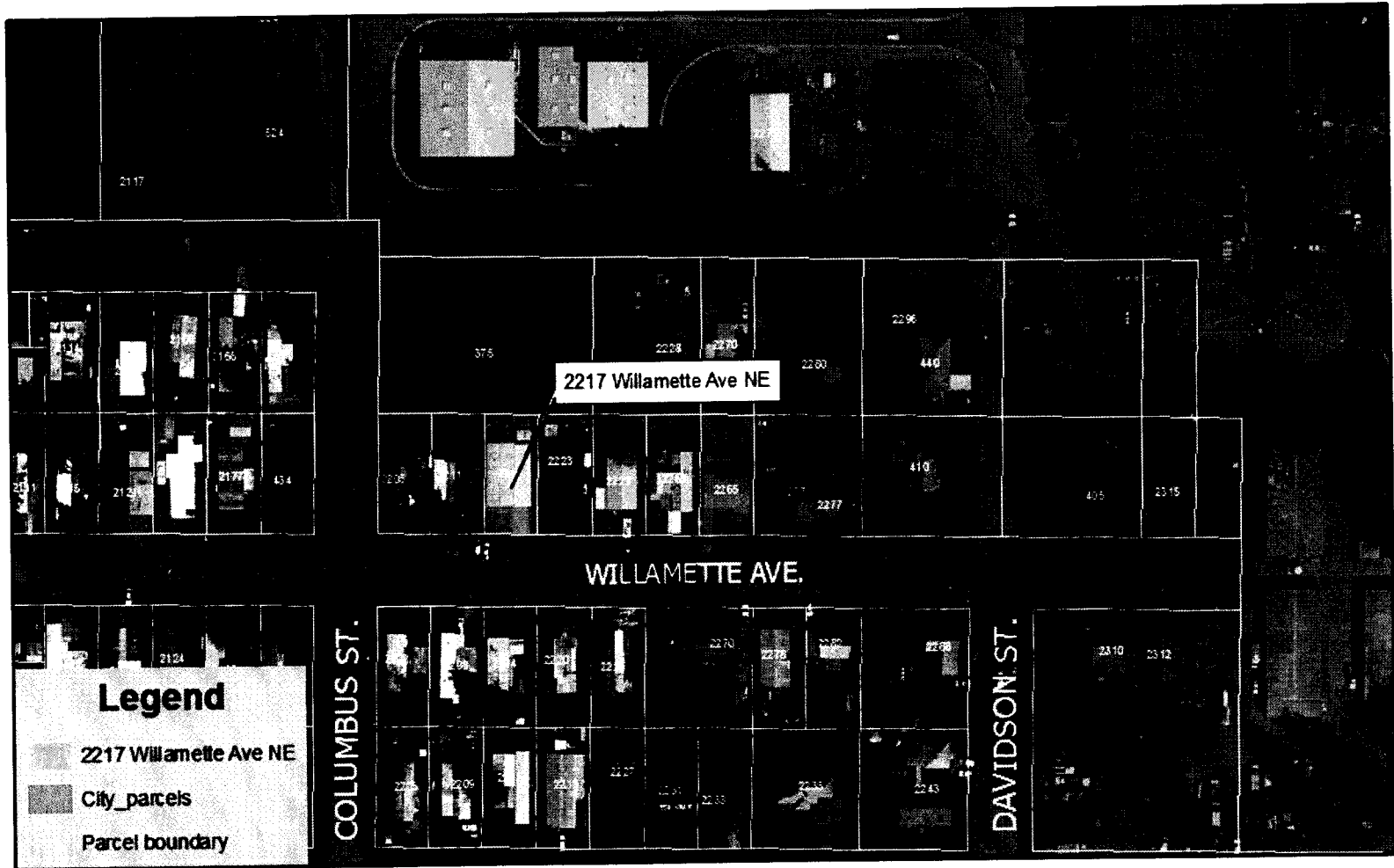
DATED AND EFFECTIVE THIS 11TH DAY OF APRIL 2007.


Mayor

ATTEST:


City Clerk

Exhibit A - 2217 Willamette Avenue NE



DUV

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

LINN COUNTY, OREGON 2007-10517
D-WD
Cnt=1 Stn=7 M. FISHER 04/30/2007 11:53:20 AM
\$10.00 \$11.00 \$10.00 \$31.00

GRANTOR'S NAME:
Lester & Inis Hill Trust utd August 3, 1990
GRANTEE'S NAME:
City of Albany
SEND TAX STATEMENTS TO:
City of Albany
PO Box 490
Albany, OR 97321
AFTER RECORDING RETURN TO:
City of Albany
PO BOX 490
Albany, OR 97321
Escrow No: 802971-FTMWV04



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



SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Inis R. Hill, Lester D. Hill, Daniel C. Hill, and Douglas L. Hill as Co-Trustees of the Lester & Inis Hill Trust utd August 3, 1990 Grantor, conveys and warrants to City of Albany, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:
As set forth on attached Exhibit One, by this reference made a part hereof

Subject to and excepting: NONE

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$71,900.00. (See ORS 93.030)

DATED: 4/24/07

Lester & Inis Hill Trust utd August 3, 1990

BY: Inis R. Hill
Inis R. Hill Trustee

BY: Lester D. Hill
Lester D. Hill, Trustee

By: Daniel C. Hill
Daniel C. Hill, Trustee

By: Douglas L. Hill
Douglas L. Hill, Trustee

State of OREGON

County of Linn

This instrument was acknowledged before me on 4/24/07, 20 by Inis R. Hill, Lester D. Hill, Daniel C. Hill and Douglas L. Hill as Trustees of the Lester P. Hill and Inis R. Hill Trust dated August 3, 1990.

Marcy Taisey
Notary Public - State of Oregon
My Commission Expires 4/15/2009



AFETER RECORDING THIS INSTRUMENT, CONTACT FIDELITY NATIONAL TITLE INSURANCE CO.

EXHIBIT "ONE"

Lot 20, Block 20, BURKHART PARK ADDITION, Linn County, Oregon.

TOGETHER WITH that portion of the alley, vacated by Ordinance No. 1821, recorded June 24, 1947 in Volume 193, Page 507, Deed Records for Linn County, Oregon, that would inure to the subject property by operation of law.