

RESOLUTION NO. 6051

A RESOLUTION ACCEPTING THE FOLLOWING CORRECTION DEED:

Grantor

William and Della Burcham Revocable Living Trust

Purpose

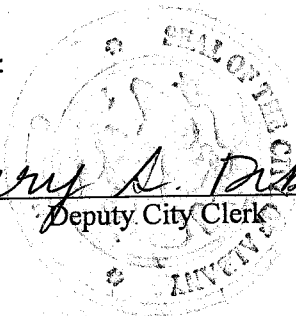
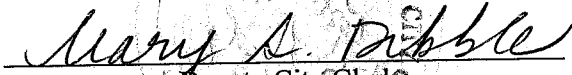
A Correction Deed to correct a 6-foot-wide legal description error from a 1972 Bargain and Sale Deed, recorded in Linn County Deed Records Volume 51, Page 638, for 34th Avenue adjacent to Burcham's Metals.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this Correction Deed.

DATED AND EFFECTIVE THIS 12TH DAY OF OCTOBER 2011.


Mayor

ATTEST:



Deputy City Clerk

AFTER RECORDING, RETURN TO

Edward F. Schultz
Weatherford, Thompson, Cowgill, Black & Schultz, P.C.
P.O. Box 667
Albany, OR 97321

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHOULD BE SENT TO**

City of Albany,
a municipal corporation
P.O. Box 490
Albany, OR 97321

Grantors:

William M. Burcham and
Della L. Burcham, Trustees of
the William and Della Burcham
Revocable Living Trust dated
May 28, 1999
628 SE 16th
Albany, OR 97321

Grantee:

City of Albany,
a municipal corporation
P.O. Box 490
Albany, OR 97321

CORRECTION DEED

The purpose of this Correction Deed is to correct the legal description contained in the Deed recorded in MF 51 at page 638 of the official records of Linn County on November 20, 1972, see attached Exhibit 1.

William M. Burcham and Della L. Burcham, Trustees of the William and Della Burcham Revocable Living Trust dated May 28, 1999 as Grantees in the Deed recorded in Vol. 1038 at page 300 from William M. Burcham and Della L. Burcham, aka D. L. Burcham, individually, and as Grantees of the Deed from Margaret Smith Hunter, aka Margaret H. Hunter, surviving spouse of Arthur L. Smith and Bruce Hunter, her husband, recorded in MF Vol. 164 at page 756 in the official records of Linn County on May 6, 1977; Grantors;

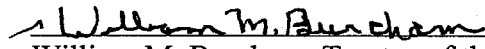
In consideration of \$1.00 and the correction of the legal description in the Deed recorded in MF 51 at page 638 of the official records of Linn County, does hereby grant, bargain, sell and convey unto said **City of Albany, a municipal corporation, its heirs and assigns, all of the following real property, with the tenements, hereditaments and appurtenances situated in the City of Albany, County of Linn and State of Oregon, bounded and described as follows, to-wit:**


**See Exhibit "A" attached hereto and
by this reference incorporated herein**

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 THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED this _____ day of _____, 2011.

Grantors:


William M. Burcham, Trustee of the
William and Della Burcham Revocable
Living Trust dated May 28, 1999


Della L. Burcham, Trustee of the
William and Della Burcham Revocable
Living Trust dated May 28, 1999

Grantee:

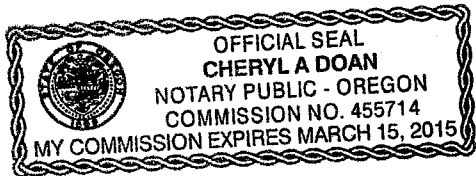
**CITY OF ALBANY, a municipal
corporation**

By _____

Title: _____

STATE OF OREGON, County of Linn) ss.

Acknowledged before me this 13th day of September, 2011, by William M. Burcham and Della L. Burcham, Trustees of the William and Della Burcham Revocable Living Trust dated May 28, 1999.



Cheryl A. Doan
Notary Public for Oregon
My Commission Expires: 3-15-2015

STATE OF OREGON, County of Linn) ss.

Acknowledged before me this _____ day of _____, 2011, by _____ for the City of Albany, a municipal corporation, and acknowledged the foregoing instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

Moore Surveying

Verle C. Moore and David Moore

424 Second Avenue Southeast
P. O. Box 752
Albany, OR 97321

Phone (541) 928-3878

Fax (541) 928-3878

March 22, 2011

Section 13, T.11 S., R. 4 W. W.B. & M.
Description for Burcham's Metals Inc.

101201de2

Description to replace existing Right of Way

Beginning at at the intersection of the Southerly right of way line of the County Road established July 27, 1910, recorded in Volume 7, Page 31, and 32, Linn County Road Records with a line 44 feet southerly of the north line of the Truitt Davis Donation Land Claim Number 38, which point is 50 feet South $0^{\circ}48'54''$ East, 174.98 feet North $89^{\circ}14'$ East, and 8.68 feet North $45^{\circ}32'$ East of the northwest corner of said Truett Davis Donation Land Claim Number 38, Township 11 South, Range 4 West, Willamette Base and Meridian, Linn County, Oregon; thence along the south lines of said county road North $45^{\circ}32'$ East 27.50 feet, and North $89^{\circ}14'$ East 509.21 feet to the east line of that parcel conveyed to William M. Burcham and Della L. Burcham, trustees of the William and Della Burcham Revocable Living Trust dated May 28, 1999; thence South $0^{\circ}46'$ East 19 feet; thence South $89^{\circ}14'$ West 529.10 feet to the point of beginning. Containing 9864 square feet.

Exhibit "A" Page 1 Of 1



KNOW ALL MEN BY THESE PRESENTS, That BRUCE HUNTER and MARGARET H. HUNTER, and WILLIAM M. BURCHAM and D. L. BURCHAM

in consideration of FOUR THOUSAND FOUR HUNDRED SIXTY-FOUR AND NO/100 -- Dollars,

to them paid by the city of Albany, a municipal corporation,

do hereby grant, bargain, sell and convey unto said CITY OF ALBANY, a municipal corporation,

heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the city of Albany

County of Linn and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point which is North 89°14' East 204.5 feet and North 0°46' West 19 feet from a point that is South 0°46' East 50 feet from the Northwest corner of Donation Land Claim #38, in Township 11 South, Range 4 West, of the Willamette Meridian, Linn County, Oregon; said point being the true point of beginning; thence North 89°14' East 506.2 feet parallel to the West 34th Avenue; thence South 0°46' East 19 feet; thence South 89°14' West 529.15 feet parallel to said 34th Avenue; thence North 49°37' East 29.79 feet to the point of beginning.

*34th Ave
R/W*

TO HAVE AND TO HOLD, the above described and granted premises unto the said

CITY OF ALBANY, a municipal corporation,

heirs and assigns forever.

IN WITNESS WHEREOF, we the grantor above named hereunto set OUR

hand^s and seal^s this Sixth day of November, 1972

RECEIVED
CITY OF ALBANY

DEC 1 1972

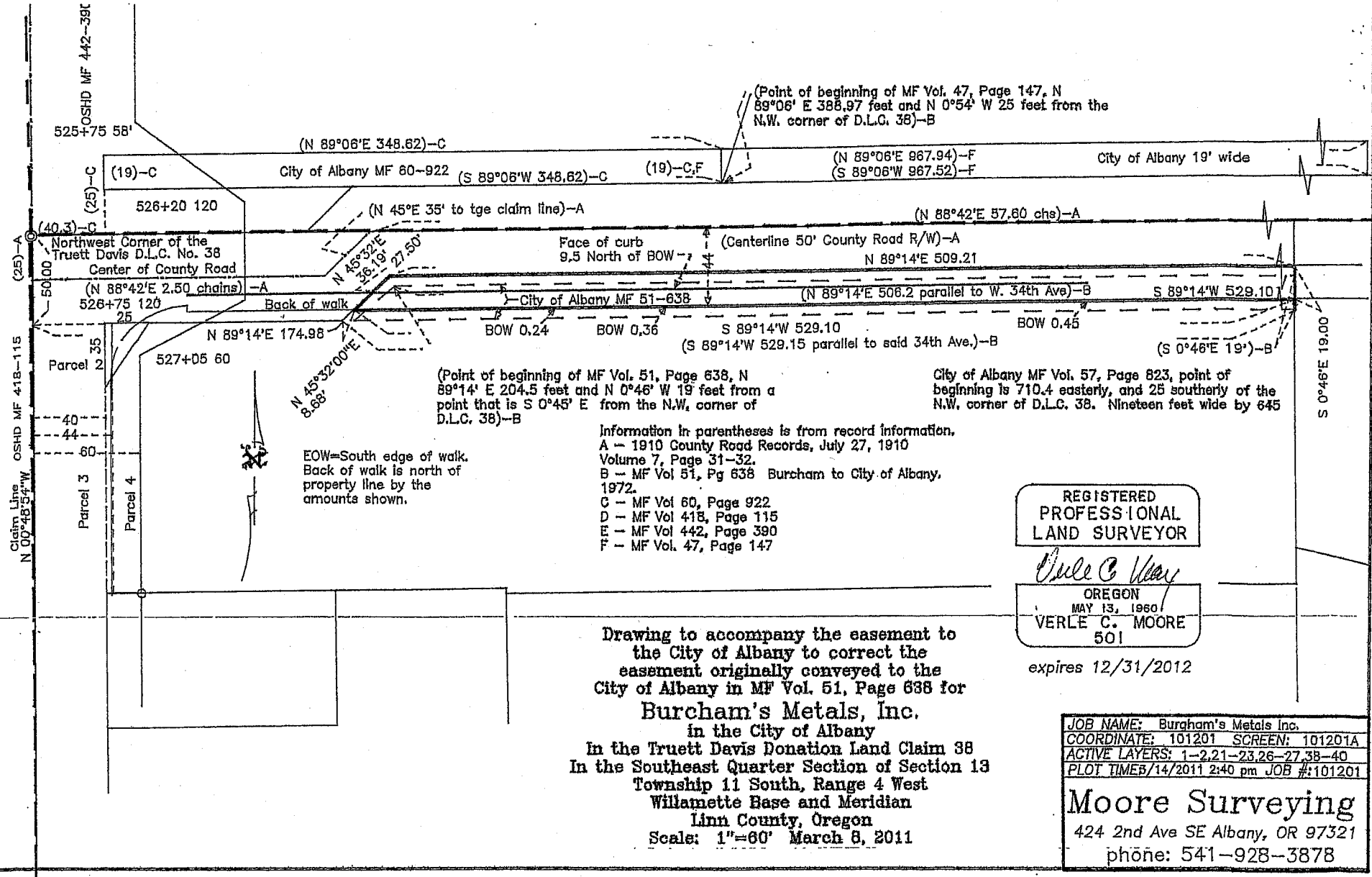
RECORDER

By _____

x Bruce Hunter (SEAL)
x Margaret H. Hunter (SEAL)
x William M. Burcham (SEAL)
x D. L. Burcham (SEAL)

11/21/72

Oregon State Highway Division



(Point of beginning of MF Vol. 47, Page 147, N 89°06' E 388.97 feet and N 0°54' W 25 feet from the N.W. corner of D.L.C. 38)-B

(Point of beginning of MF Vol. 51, Page 638, N 89°14' E 204.5 feet and N 0°46' W 19 feet from a point that is S 0°45' E from the N.W. corner of D.L.C. 38)-B

City of Albany MF Vol. 57, Page 823, point of beginning is 710.4 easterly, and 25 southerly of the N.W. corner of D.L.C. 38. Nineteen feet wide by 645

Information in parentheses is from record information.
 A - 1910 County Road Records, July 27, 1910 Volume 7, Page 31-32.
 B - MF Vol 51, Pg 638 Burcham to City of Albany, 1972.
 C - MF Vol 60, Page 922
 D - MF Vol 418, Page 115
 E - MF Vol 442, Page 390
 F - MF Vol. 47, Page 147

EOW=South edge of walk.
 Back of walk is north of property line by the amounts shown.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Verle C. Moore
 OREGON
 MAY 13, 1960
 VERLE C. MOORE
 501

Drawing to accompany the easement to
 the City of Albany to correct the
 easement originally conveyed to the
 City of Albany in MF Vol. 51, Page 638 for
Burcham's Metals, Inc.
 in the City of Albany
 In the Truett Davis Donation Land Claim 38
 In the Southeast Quarter Section of Section 13
 Township 11 South, Range 4 West
 Willamette Base and Meridian
 Linn County, Oregon
 Scale: 1"=60' March 8, 2011

expires 12/31/2012

JOB NAME: Burcham's Metals Inc.
 COORDINATE: 101201 SCREEN: 101201A
 ACTIVE LAYERS: 1-2,21-23,26-27,38-40
 PLOT TIME: 5/14/2011 2:40 pm JOB #:101201
Moore Surveying
 424 2nd Ave SE Albany, OR 97321
 phone: 541-928-3878