



CITY OF SALEM

Revisions to the Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, June 14, 2021

6:00 PM

Virtual Meeting

3.3e. [21-251](#)

Release of City interest of a portion of an unopened alley abutting Pioneer Cemetery.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SCAN

Result Area(s): Good Governance.

Revised - Revised Quitclaim Deed to correct omission of grantee's name.

\$0 Conveyance

After recording, return to:
Pioneer Alley LLC
Attn: Kathleen Dewoina
PO Box 2134
Salem OR 97308

Send tax statements to:
No change

QUITCLAIM DEED

This quitclaim deed is made and effective _____, 2021 by City of Salem, Oregon, an Oregon municipal corporation, organized and existing under and by virtue of the laws of the State of Oregon (“**Grantor**”), in order to release any and all right, title, and interest it may have in and to real property, and improvements thereon, located in Marion County, Oregon, and more particularly described in Exhibit A attached hereto (the “**Property**”).

Recitals

A. Pioneer Alley LLC, an Oregon limited liability company “**Grantee**”), is the owner of certain real property in the City of Salem commonly know by the following street address: 490 Rural Avenue, S., Salem, Oregon 97302.

B. The Property comprises a portion of 490 Rural.

C. On or about November 5, 2012, Grantor passed Ordinance 15-12, in which it purported to vacate a right-of-way over the Property, which Property was described in Ordinance 15-12 as follows:

Beginning at a point on the North Line of the Odd Fellows Rural Cemetery as recorded in Volume 10, Page 162, Book of Town Plats, City of Salem, Marion County, Oregon, now known as Salem Pioneer Cemetery, adopted by Common Council November 8, 1954, Ordinance No. 4693; said point being in Section 34, Township 7 South, Range 3 West of

the Willamette Meridian, City of Salem, Marion County, Oregon; said point being the point of intersection of the North Line of said Salem Pioneer Cemetery and the East Line of that tract of land described in that instrument recorded in Reel 2588, Page 292, Marion County Records; said point being 1448.00 feet South 88°22'00" West and 241.89 feet South 01°22'46" East from the Center Line intersection of Rural Street SE and Commercial Street SE; and running thence, Along the North Line of said Odd Fellows Rural Cemetery South 86°00'28" West 56.02 feet to a point of intersection with the southerly extension of the East Line of a 12-foot-wide alley as recorded in Volume 314, Pages 8 and 9, Marion County Records; thence North 01°23'22" West 12.01 feet along the East Line of said Alley to a point that is 12.00 feet northerly and perpendicular to the North Line of said Salem Pioneer Cemetery; thence North 86°00'28" East 56.06 feet to a point on the East Line of said Reel 2588, Page 292; thence South 01°22'46" East 12.01 feet to the Point of Beginning. Containing 673 square feet or 0.0154 acres of land, more or less. Bearings and distances used for this description are from Marion County Survey Record No. 37387.

D. Grantor intended Ordinance 15-12 to (i) vacate the above-described right-of-way over the Property and (ii) reserve pedestrian, municipal, and public utility easements under, over, upon, and across the Property.

E. Grantor has since acknowledged that it does not have, and has never had, any right, title, or interest in or to the Property.

F. By execution of this quitclaim deed, Grantor fully intends to release and quitclaim all right, title, or interest to the Property.

Quitclaim

Grantor, whose address is 555 Liberty Street SE, Salem, Oregon 97301-3513, releases and quitclaims to Grantee, whose address is P.O. Box 2134, Salem, Oregon 97308, all of Grantor's rights, title, and interest in and to the Property, including without limitation buried facilities thereon and appurtenances thereto.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is no money, but other valuable consideration.

Dated this _____ day of _____, 2021.

CITY OF SALEM, OREGON, AN OREGON MUNICIPAL CORPORATION

By: _____
City Manager

STATE OF OREGON)
)
County of _____)

This instrument was acknowledged before me on _____, 2021, by Steven D. Powers as City Manager on behalf of the City of Salem, Oregon, an Oregon municipal corporation.

Notary Public - State of Oregon
My commission expires: _____

Checked By: _____
Project Number: _____
Date: _____

Exhibit A

Beginning at a point on the North line of the Odd Fellows Rural Cemetery as recorded in Volume 10, Page 162, Book of Town Plats, City of Salem, Marion County, Oregon, now known as Salem Pioneer Cemetery, adopted by Common Council November 8, 1954, Ordinance No. 4693, said point being in Section 34, Township 7 South, Range 3 West of the Willamette Meridian, City of Salem, Marion County, Oregon, said point being the intersection of the North Line of said Salem Pioneer Cemetery and the East line of that tract of land described in Reel 2588, Page 291, Marion County Deed Records, said point also being 1448.00 feet South 88°22'00" West and 271.89 feet South 01°22'46" East from the center line intersection of Rural Street SE and Commercial Street SE; thence South 86°00'28" West along said North line, 56.02 feet to the East line of a 12 foot wide alley described in Volume 314, Page 8 and 9, Marion County Records; thence North 01°23'22" West along said East line, 12.01 feet; thence North 86°00'28" East parallel to said North line, 56.06 feet to a point on the East line of said tract; thence South 01°22'46" East along the East line of said tract, 12.01 feet to the point of beginning and containing 673 square feet of land, more or less.

The basis of bearing for the above description is the centerline of Rural Ave. as shown on Marion County Survey 37387.