

ORDINANCE NO. 960

AN ORDINANCE PROVIDING FOR THE ACCEPTANCE OF THE DEED OF H. BRYANT AND ADDA E. BRYANT, HIS WIFE, BEARING DATE THE 14th DAY OF MAY, 1919, AND CONVEYING TO THE CITY OF ALBANY CERTAIN LANDS FOR PARK PURPOSES, SUBJECT TO THE RESERVATIONS, RESTRICTIONS AND CONDITIONS IN SAID DEED EXPRESSED.

WHEREAS, H. Bryant and Adda E. Bryant, his wife, have offered to donate to the City of Albany for Park purposes the real property hereinafter described, and have executed their deed conveying said real property to the City of Albany upon the terms and conditions in said deed expressed, which said deed is in words and figures as follows:

THIS INDENTURE WITNESSETH: That H. BRYANT and ADDA E. BRYANT, his wife, in consideration of the conditions and stipulations hereinafter contained, to be kept and performed by the City of Albany, Oregon, have given and granted, and by these presents do give and grant unto the said City of Albany, Oregon, a municipal corporation, the following described real property, situated in the County of Linn and State of Oregon, to-wit:

Tract No. 1 of Bryant's Tracts, as designated and described upon the plat of said Bryant's Tracts on file and of record in the office of the County Recorder of Linn County, Oregon, excepting therefrom the right of way heretofore conveyed to the Oregon Electric Railway Company, and also excepting therefrom the portion of said Tract 1 lying East and South of said Oregon Electric Railway Company's Right of Way;

ALSO: All of the lands covered by the waters of Calapooia Creek at low water mark extending from the mouth of said Creek southerly and westerly up the meanders of said Creek to the East line of the Harvey Gordon D. L. C., excepting that portion of said ^{creek} included in that certain deed for a mill dam, executed May 1, 1857, by Walter Monteith and wife to the Administrators of the Estate of Samuel Hill, and recorded at page 323 of Volume A. of the Deed Records of Linn County, Oregon;

ALSO: a right of way across the lands excepted from Tract 1 of Bryant's Tracts for a bridge across Calapooia Creek as now located or at such other point north thereof as said City of Albany may hereafter determine, together with such additional right of way as may be needed for a roadway to connect said bridge with the premises hereinabove conveyed.

All of said premises lying and being in Linn County, Oregon, and containing 39 acres, more or less.

TO HAVE AND TO HOLD the said premises, with the appurtenances, unto the said City of Albany, Oregon, and its successors, forever, but subject to the following restrictions, reservations and conditions, to-wit:

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First: The said above described premises shall be used only as a public park forever, and the same shall be named and forever known as "Bryant Park".

Second: The management and control of said Park, and of the money which may from time to time be appropriated by the Council of said City of Albany, or otherwise obtained, for the purpose of maintaining or improving said Park, shall be vested in a Park Board to be composed of seven Park Commissioners, residents of said City of Albany, Five of said Park Commissioners shall be appointed by the above named grantors, in writing filed with the Recorder of said City of Albany, within ten days after the ordinance passed by the Council of said City of Albany accepting this conveyance shall have been in full force and effect, and the remaining two Park Commissioners shall be the Mayor and Chairman of the Committee on Streets and Public Property of the Council of said City of Albany, who, with their successors in office, shall be ex-officio members of said Park Board during their respective terms of office. All of said Park Commissioners shall serve without compensation, and their term of office, except as above provided, shall be five years, except that the five Park Commissioners first appointed by the grantors shall hold office for the terms of five, four, three, two and one years, respectively, in the order of their appointment. All vacancies in office, except as above provided, shall be filled by majority vote of the remaining members of the Park Board. The terms of office of said Park Commissioners shall commence on the date of the appointment by the grantors of said five Commissioners, and on the first Monday following said date each year, at the hour of 7:30 o'clock P.M., said Park Board shall hold its annual meeting, at the Council Chambers of said City of Albany, at which time, it shall elect officers for the ensuing year. The Park Board shall hold such other meetings as it may deem expedient, at such times and places as it may appoint, shall adopt such rules for its own government and the management of said Park as it may deem expedient and shall, on or before the first day of December of each year, file with the Recorder of said City of Albany an annual report showing in detail the doings of said Board for the preceding year, its receipts and expenditures, the condition of said Park, and the estimates and recommendations of the Board for the succeeding year.

Third: The said City of Albany shall take over the present wagon bridge across the Galapoola Creek connecting said above described premises, with the West end of Third Street in said City of Albany, and shall forever maintain and keep up a wagon bridge across said Galapoola Creek connecting said premises with the said City of Albany, and the grantors, their heirs and assigns shall forever have the free and unrestricted use of the same, provided, however, that said City of Albany may, in its discretion, rebuild said bridge at any other point North of the present location of said bridge.

Fourth: The said City of Albany shall forever maintain and keep up the roadway leading from the North end of said bridge across the Galapoola Creek westerly to the West line of said above described premises, and shall locate and construct a substantial roadway twenty feet wide along the west line of said above described premises and connecting with said last mentioned roadway by July 1, 1920.

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the grantors, their heirs and assigns, to have the free and unrestricted use of said roadways, and also to have the free and unrestricted use of the present roadway leading from said bridge to the Northwest corner of said above described premises until such new roadway along the West line of said premises is completed.

Fifth: The Albany Chautauqua Association, of Albany, Oregon, shall have the right to the free use of the present auditorium building located upon said premises, together with such additional space about said building as may be convenient and necessary for tents, camps, booths, stands, seats and other things necessary to enable said Albany Chautauqua Association to hold its annual Assemblies, so long as such annual Assemblies shall be held by said Association, with the right to establish gates, collect admission fees, grant camping and vending privileges, and to erect such temporary and permanent structures thereon as may be necessary or convenient for the use of such Assemblies subject at all times to the reasonable regulations of the Park Board; but said use of said Park by said Association shall not exceed fifteen days in any year.

Sixth: The sale and giving away of intoxicating liquors on said premises shall be forever prohibited.

Seventh: The breach of any of the above mentioned conditions shall render said grant liable to forfeiture to the grantors, their heirs and assigns.

And the said H. Bryant does hereby covenant to and with the said City of Albany, Oregon, that he is the owner in fee simple of said premises, that they are free from incumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals this 14th day of May, 1919.

Done in Presence:

Alzina Martin

H. Bryant (SEAL)

E.M. Jones.

Adda E. Bryant (SEAL)

STATE OF OREGON }
COUNTY OF LINN } ss.

Now on this 14th day of May, A.D., 1919, personally appeared before me, a Notary Public, in and for said County and State, the above named H. Bryant and Adda E. Bryant, his wife, to me known to be the identical persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily, for the uses and purposes thereon named.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this, the day and year first above written.

Dan Johnston.

Notary Public for Oregon.

(Notarial Seal)

My commission expires June 18, 1920.

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AND WHEREAS, said deed has been placed in escrow in the First National Bank of Albany, Oregon, to be delivered to the City of Albany, whenever an ordinance of the Council of said City of Albany accepting said deed, with all its terms and conditions, shall become in full force and effect.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. That said deed of the said H. Bryant and Adda E. Bryant, his wife, conveying to the City of Albany said above described real property for park purposes, subject to the restrictions, reservations and conditions in said deed set forth be, and the same is hereby accepted, and the Recorder of the City of Albany is hereby directed, as soon as this ordinance shall become in full force and effect, to obtain said deed so held in escrow by said First National Bank, of Albany, Oregon, on behalf of said City of Albany, and file the same for record in the office of the County Recorder of Linn County, Oregon.

Referred to the people May 16, 1919.

Passed by popular vote at a special election held June 10th, 1919.

State of Oregon)
County of Linn) ss.

I, L. G. Lewelling, Recorder of the City of Albany, in Linn County and State of Oregon, do hereby certify that the foregoing and annexed copy of Ordinance No. 950 has been by me carefully compared with the original Ordinance Bill No. 1028 now on file in my office and that it is a true and correct copy of all and the whole of said Ordinance Bill No. 1028, referred to the people May 16, 1919, and approved by the people June 10, 1919.

WITNESS my hand and official signature and the seal of the City of Albany, this 17 day of September, 1919.


Recorder of the City of Albany.