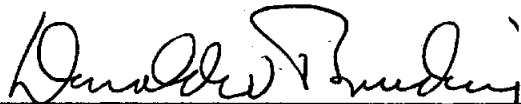


RESOLUTION NO. 2371

BE IT RESOLVED by the Albany City Council that it does accept the following easement:

<u>Grantor</u>	<u>Purpose</u>
Bob G. Avery	For construction and maintenance of public viewpoint (see attached legals)

DATED THIS 8TH DAY OF DECEMBER, 1982.



Mayor

ATTEST:



City Recorder

EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF
PUBLIC VIEWPOINT

THIS AGREEMENT, made and entered into this 15 day of
November, 19 82 by and between Bob G.
Avery

herein called grantors, and the CITY OF ALBANY, a Municipal corporation,
herein called "City"

WITNESSETH:

That for and in consideration of the sum of — 0 —
DOLLARS

(— 0 —) cash in hand paid, the receipt of which is hereby
acknowledged, the grantors have this day bargained and sold and by these
presents do bargain, sell, convey and transfer unto the City of Albany,
a permanent easement and right-of-way, including the perpetual right to
enter upon the real property hereinafter described at any time that it
may see fit, and to construct, maintain, and repair a public viewpoint
over, across, and through the lands hereinafter described, together with
the right to excavate and refill the land for the location of the said
public viewpoint and the further right to remove trees, bushes, under-
growth, and other obstructions interfering with the location, construc-
tion, and maintenance of the said public viewpoint.

The easement and right-of-way hereby granted covers a parcel of land
described as follows:

A portion of Wharf Lot 6, Albany, Linn County, Oregon, more parti-
cularly described as:

Beginning at a point on the West line of Wharf Lot 6, said point
being N 8° 55' 30" W 90.00 feet from the Southwest corner of Wharf Lot 6
as shown on Linn County Survey No. 10447; and running thence N 80° 50' 00" E
35.00 feet; thence N 8° 55' 30" W to the South line of the Willamette River
thence Westerly along the South line of the Willamette River 38 feet, more
or less, to the West line of Wharf Lot 6; thence 58° 55' 30" E along the
West line of Wharf Lot 6 to the point of beginning.

TO HAVE AND TO HOLD the said easement and right-of-way unto the
City of Albany and unto its successors and assigns forever.

This easement shall be used for the sole purpose of constructing a wooden
walkway-viewpoint structure and providing public access and maintenance
of said walkway-viewpoint structure which is to be approximately 100' in
length.

EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF PUBLIC VIEWPOINT
Page 2

The City covenants that should it become necessary subsequent to the original construction of the said public viewpoint, to enter in and upon the property for the purpose of maintenance, that the property will be restored to that condition that it was prior to the undertaking of the maintenance.

The grantors do hereby covenant with the City that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the grantors have hereunto fixed their hands and seals the day and year first hereinabove written.

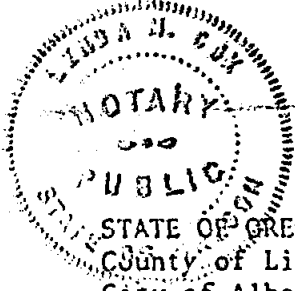
Robert G. Avery

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

On this 9th day of December, 19 82
personally appeared the above named Robert G. Avery

and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 9th day of December, 1982.



Linda M. Cox
Notary Public for Oregon

My Commission Expires:
6/17/85

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

I, Donald W. Brudvig, as Mayor of the City of Albany, Oregon, pursuant to Resolution Number 2371, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated: December 9, 1982.

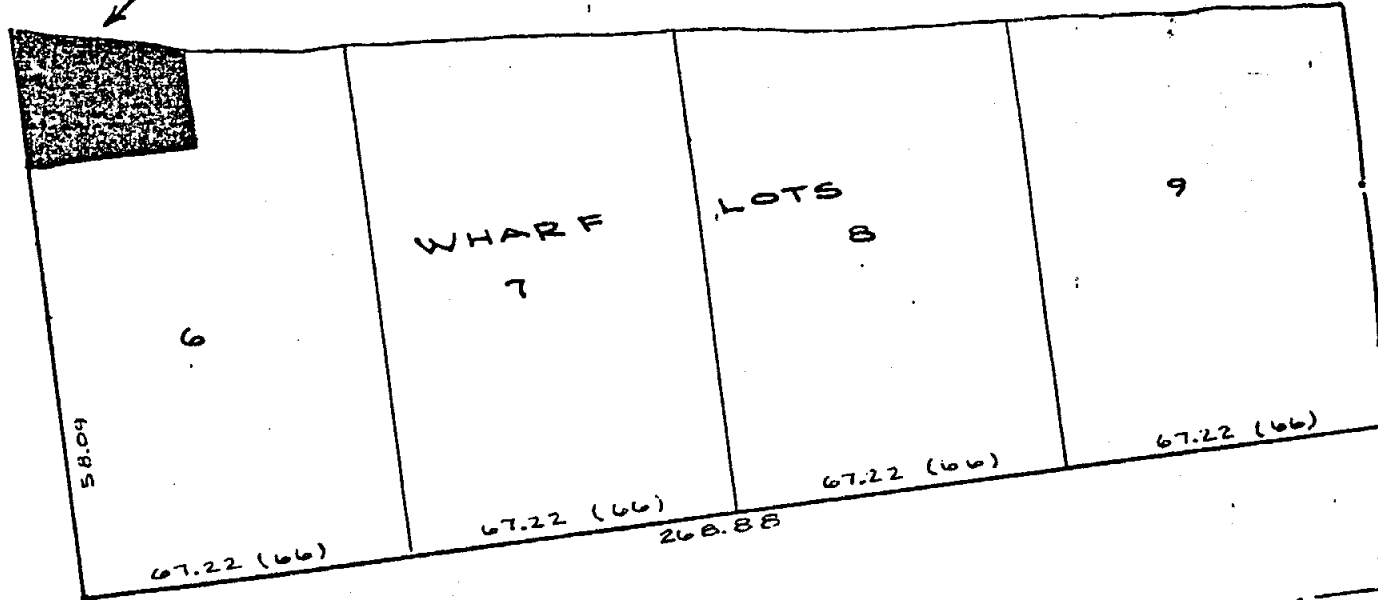
CITY OF ALBANY, OREGON
Donald W. Brudvig
Mayor

[Signature]
Recorder

WILLAMETTE RIVER

EASEMENT

BROADYUBIN ST.



$S 81^{\circ} 09' 30'' W$

62.9

62.9

33

$S 65^{\circ} 55' 20'' E$

33

$N 80^{\circ} 50' E$ 334.86

WATER AVE.

54-1877

CONFIDENTIAL

January 12, 1983

STATE OF OREGON
County of Linn

I hereby certify that the attached was
received and duly recorded by me in
Linn County records:

Volume: IF 327 Page: 80

At 8:30 O'clock a.m.
Witness My Hand and Seal

DEL W. RILEY
Linn County Clerk

By *Grace M. Hunter*
Deputy

*City of Linn
P.O. Box 499
Linn, Oregon 97021*

Resolution No. 2371

Recorded Document Recorder File No. 1390