

RESOLUTION NO. 3037

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Cedarwood Home Owners Association,
an Oregon non-profit Corp.

Purpose

A 7-foot wide right-of-way easement for the purpose of extending the bike path from Lehigh Park to Cedarwood Court. Site address is 2875 Cedarwood Court SE, City of Albany, Linn County, Oregon.

DATED this 27th day of February, 1991.



Mayor

ATTEST:



Deputy City Recorder

BIKE PATH EASEMENT

THIS AGREEMENT, made and entered into this 9th day of January, 1998, by and between Cedarwood Home Owners Association, and Oregon non-profit Corporation, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

That portion of a 7-foot wide permanent bike path easement located across that property conveyed to Cedarwood Home Owners Association, an Oregon non-profit Corporation as recorded in Volume MF 439, Page 22, Linn County Microfilm Deed Records, the centerline of the easement being more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southwest corner of the Anderson Cox Donation Land Claim Number 49, in Section 17, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the west line of said donation land claim, North 01° 39' 00" West 3,405.72 feet to a point on the centerline of Waverly Drive; thence leaving said centerline and on the south line of said Rondeau parcel, North 88° 40' 30" East 528.66 feet to the southeast corner thereof; thence on the east line of said Rondeau parcel, North 01° 39' 00" West 330.23 feet to an angle point; thence on the parcel line of said Rondeau parcel North 88° 01' 30" East 1.04 feet to an angle point; thence on the east line of said Rondeau parcel North 01° 39' 00" West 45.80 feet to a point; thence North 88° 21' 00" East 1.99 feet to a point on the centerline of the existing bike path on the west side of Lehigh Park, said point being the **TRUE POINT OF BEGINNING**; thence on the arc of a 50.00-foot radius curve to the left (the long chord of which bears South 75° 32' 25" West 22.17 feet) 22.36 feet; thence South 62° 43' 49" West 50.63 feet; thence on the arc of a 75.65-foot radius curve to the right (the long chord of which bears South 75° 35' 00" West 33.66 feet) 33.94 feet; thence South 88° 26' 11" West 30.33 feet; thence on the arc of a 96.65-foot radius curve to the right (the long chord of which bears North 73° 21' 28" West 60.39 feet) 61.42 feet; thence North 55° 09' 07" West 2.74 feet, more or less, to the southeasterly right-of-way line of Cedarwood Court, and there terminating.

Containing 121 square feet, more or less.

- 2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
- 3. The easement granted is in consideration of _____ and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
- 4. 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.
- 5. Upon performing any maintenance, the City shall return the site to original or better condition.
- 6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

Cedarwood Home Owners Association
Howard G. Kraus

 President
Elizabeth A. Richardson

 Secretary

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

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

The foregoing instrument was acknowledged before me this 9th day of January, 1991, by Howard G. Kraus, President and Elizabeth Richardson, Secretary of Cedarwood Home Owners Association as their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3037, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of February, 1991.

James S. Stutts

 Notary Public for Oregon
 My Commission Expires: 6-20-94

CITY OF ALBANY, OREGON
Steve Bryant

 City Manager

Debbie Andrews

 Deputy City Recorder

EXHIBIT A:

Edges of existing
6' wide bikepath

True Point of
Beginning of
C Description

STA 0+01.99
Rondeau
Property Line

Cedarwood Home
Owners Association
MF 439, Page 22
11S-03W-08DA
Tax Lot 200



Parking Lot of
Rondeau Dental
Clinic

Robert S. Rondeau
Elizabeth A. Rondeau
MF 485, Page 186
11S-03W-08D
Tax Lot 404

Point of Beginning
SW Cor. DLC No. 49
Anderson Cox in
Sec. 17, T. 11 S.,
R. 3 W., W.M.

N 01° 39' W
3,405.72'
C Waverly Drive

LEGEND

- Easement Centerline
- Easement Boundaries
- Roadway/Parking Lot Boundaries
-  Easement Within Rondeau Property
-  Existing Trees
- Property Pins Found

Scale 1" = 50'

N 88° 21' E VOL 557 PAGE 161
1.99' to the T.P.O.B.

N 01° 39' W
45.80'

N 88° 01' 30" E
1.04'

N 01° 39' W
330.23'

PC 0+72.99
PT 1+06.93

PC 1+37.26
PT 1+98.68

STA 1+84.87

STA 2+01.42

N 88° 40' 30" E
528.66'

**Bearing and
Curve Table**

①	D = 25° 37' 11" R = 50.00' L = 22.36' LC = S 75° 32' 25" W 22.17'
②	D = 25° 42' 22" R = 75.65' L = 33.94' LC = S 75° 35' 00" W 33.66'
③	D = 36° 24' 42" R = 96.65' L = 61.42' LC = N 73° 21' 28" W 60.39'
④	S 62° 43' 49" W 50.63'
⑤	S 88° 26' 11" W 30.33'
⑥	N 55° 09' 07" W 2.74'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

7-Foot Wide Bike Path
Easement From Cedarwood
Home Owners Association
to the City of Albany


MAR 12 2 06 PM '91

STATE OF OREGON
County of Linn

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

Volume: MF 557 Page: 159

STEVE DRUCKENMILLER
Linn County Clerk

By  Deputy

City of Albany

Resolution No. 3037

Recorded Document Recorder File No. 2033