

RESOLUTION NO. 4078

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor
Carol Jordan

Purpose
A 15-foot wide bicycle path easement as described on
the attached.

WHEREAS, on December 16, 1998, the Albany City Council authorized the City Manager to receive an easement for the bicycle path along the Willamette River upstream from Bryant Park, and

WHEREAS, the City Manager has received the described easement from Carol H. Jordan.

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

DATED THIS 10th DAY OF FEBRUARY 1999.



Council President Pro Tem

ATTEST:



City Recorder

GRANT OF EASEMENT

Grantor's Name and Address:

Carol H. Jordan
139 N.W. Kouns Drive
Albany, OR 97321-9600

Grantee's Name and Address:

City of Albany, Oregon
333 Broadalbin Street S.W.
Albany, OR 97321

After recording return to:

James H. Jordan
Attorney at Law
P. O. Box 983
Albany, OR 97321

**The true and actual
consideration for this
conveyance is \$NONE.**

**Until a change is requested
all tax statements shall be
sent to:**

No change--Grant of Easement
Only

Tax Account Information:

Account Number 0130639, Code Area 00802, 11S 04W 12, Tax Lot 00800
Account Number 0130621, Code Area 00802, 11S 04W 12, Tax Lot 00701

This Agreement is made and entered into this 28th day of December, 1998, by and between the City of Albany, Oregon, hereinafter referred to as "City", and Carol H. Jordan, hereinafter referred to as "Owner."

In consideration of the promises contained herein, the parties agree as follows:

Purpose The parties intend, through this instrument, to create an easement which will allow City to maintain a pathway or trail across the property of the Owner which is generally adjacent to the Willamette River, so as to allow the public recreational access for sightseeing, hiking, nature observation, bicycling,

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

and other similar or related recreational activities. The easement shall be used exclusively as a walking and bicycling trail and no other purpose. No motorized vehicles shall be permitted.

Grant of Easement Owner hereby grants to City an easement to construct, operate and maintain a pathway or trail across the property of the Owner, and more particularly described as follows:

A 15.00 foot wide strip of land located in Tract 4 and a portion of Tract 3 of "BRYANT TRACTS", a subdivision of record in Linn County, Oregon, the northerly line of herein described strip being more particularly described as follows:

Beginning at a 5/8 inch rod on the west line of said Tract 4, which point being North 72°09'54" East 896.93 feet and NORTH 19.22 feet from that witness corner to the northwest corner of Tract 6 in said subdivision, said witness corner being identified as Point No. 46 on the plat of said "BRYANT TRACTS"; thence along the northerly line of said 15.00 foot wide strip the following eighteen (18) courses: 1) North 70°23'07" East 55.88 feet to a 5/8 inch rod; 2) thence North 73°46'44" East 99.69 feet to a 5/8 inch rod; 3) thence North 66°20'38" East 98.43 feet to a 5/8 inch rod; 4) thence North 69°13'47" East 100.92 feet to a 5/8 inch rod; 5) thence North 77°50'33" East 40.52 feet to a 5/8 inch rod; 6) thence North 65°13'49" East 61.45 feet to a 5/8 inch rod; 7) thence North 68°34'10" East 97.23 feet to a 5/8 inch rod; 8) thence North 70°32'22" East 94.15 feet to a 5/8 inch rod; 9) thence North 75°52'09" East 104.86 feet to a 5/8 inch rod; 10) thence North 62°44'50" East 102.12 feet to a 5/8 inch rod; 11) thence North 71°10'58" East 94.30 feet to a 5/8 inch rod; 12) thence North 68°41'09" East 101.34 feet to a 5/8 inch rod; 13) thence North 65°59'59" East 105.54 feet to a 5/8 inch rod; 14) thence North 81°11'14" East 97.68 feet to a 5/8 inch rod; 15) thence North 70°19'08" East 99.88 feet to a 5/8 inch rod; 16) thence North 74°20'40" East 54.74 feet to a 5/8 inch rod; 17) thence North 84°15'07" East 57.18 feet to a 5/8 inch rod; 18) thence North 68°39'51" East 28.59 feet, more or less to the west line of that City of Albany Tract described by deed recorded in Microfilm Volume 92, Page 421 of the Linn County Deed Records on August 16, 1974. Containing 0.511 acres of land, more or less.

The westerly terminus of herein described strip is the said west line of Tract 4 of "BRYANT TRACTS". The easterly terminus of herein strip is the west line of said City of Albany Tract described by deed recorded in microfilm Volume 92, Page 421.

Description of Property to be Burdened by Easement Owner hereby warrants that she has title to grant this easement. The property of Owner which shall be burdened by this easement is described as follows:

a. Tax Lot 800:

Beginning 5.40 chains North of the Westerly Southwest corner of Tract No. 4 of the BRYANT TRACTS; thence East 7.92 1/2 chains to the center of the County Road; thence North 53° East 1.96 chains; thence North 71 3/4° East 56/100 chains; thence North 17.03 chains to the Willamette River; thence up the river to the Northwest corner of said Tract 4; thence South 14.20 chains to the place of beginning, all being situated in Linn County, Oregon.

b. Tax Lot 701:

That part of Tracts 3 and 4 in BRYANT'S TRACTS, in Township 11 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon, being more particularly described as follows: Beginning at an iron bolt in the center of a county road and on the West line of Tract 1 of said Bryant's Tracts; thence North 2.54 chains to a 3/4" bolt; thence 73°56' West 9.632 chains to a 1" pipe; thence North 24°41' East 3.078 chains to a 1 1/2" pipe; thence North 63° West 7.932 chains to a 1/2" rod; thence North 7.07 chains to a 1/2" rod; thence North 86°15' West 8.83 chains to a pipe; thence North 6.52 chains to the Willamette River; thence Southwesterly up said river to the Northeast corner of that certain tract conveyed to Edward Loat Smith, et ux, by deed recorded May 31, 1923 in Deed Book 130 at page 2; thence South 17.03 chains along the East line of said last mentioned tract to the center line of said county road; thence along said center line North 71 3/4° East 1.72 chains to an iron bolt; thence along said road North 65 1/4° East 2.39 chains to a bolt; thence along said road North 78 3/4° East 1.74 chains to a bolt at the Southeast corner of said Tract 4; thence along said road North 78 3/4° East 0.83 chains; thence continuing along said road 80

1/4° East 1.85 chains to a rod; thence along said road South 82 3/4° East 1.095 chains to a pipe; thence along said road South 64° East 10.465 chains to a rod; thence continuing along said road South 73° East 13.73 chains to an iron bar; thence along said road North 82 1/4° East 2.42 chains to an iron bar; thence along said road North 86 3/4° East 1.635 chains to the point of beginning.

Duration of Easement The easement granted hereby shall be perpetual.

Activities Permitted in Easement Area This easement shall allow City to construct, operate, maintain and control a pathway or trail for the enhancement of recreational opportunities for the public consistent with the purpose statement set forth above. Except as to the Owner, and persons entering onto the easement area with the express consent of the Owner, City may control access to the easement area and may, as City deems appropriate, promulgate and enforce such restrictions on access as may, in the City's exclusive judgment, be desirable to maintain the quality of the recreation experience for the public. Consistent therewith, City shall have authority to deny or limit access to the easement area and prosecute violators of such restrictions as City may deem appropriate.

The City expressly acknowledges the Owner's right to access across the easement area as necessary for the agricultural use of her adjoining property.

The pathway/trail which shall be constructed pursuant to this easement shall be landscaped according to the landscaping plan attached hereto as Exhibit "A." The culverts shown on the plan shall be a minimum of 18 inches in diameter and shall be constructed and maintained at City expense and may be used by Owner for placement of irrigation pipes.

City Obligation to Maintain Easement Area Subject to a determination by the governing body of the City of Albany that sufficient funds exist and may be allocated therefor, City shall maintain the pathway/trail, including landscaping once constructed, in good order and repair. Such maintenance shall include regular disposal of debris unlawfully placed on the trail and the posting and maintenance of signs prohibiting trespassing on the adjoining property.

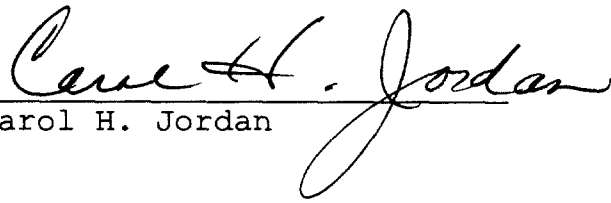
Naming of Trail City agrees that at such time as the pathway/trail is improved on the property subject to the easement, then that portion of the trail from Bowers Rock State Park to the east boundary of Monteith River Park will be named the "Hopeman - Jordan Trail". The east boundary of Monteith River Park for purposes of the trail designation, shall be considered to be the point where the pathway/trail enters the east edge of the grounds of the Albany Senior Center. The City further agrees that upon completion of the pathway/trail, appropriate monuments shall be placed near the south edge of Monteith River Park, in Bryant Park, near Bowers Rock State Park, and at some point near the eastern boundary of the Hopeman - Jordan Trail. The City will consult the Grantors concerning the precise location of the monuments and their configuration and construction prior to placement. City reserves the right, however, to exercise ultimate discretion concerning the precise location, design, and materials to be used for the memorials.

Binding Affect This agreement is binding upon the parties and their successor in interest.


CITY OF ALBANY, OREGON:

OWNER:

By: 
Steve Bryant
Title: City Manager


Carol H. Jordan

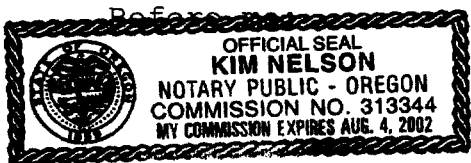
ATTEST:

By: 
Title:

STATE OF OREGON)
) ss.
County of Linn)

Date: 12/29/98

Personally appeared Steve Bryant who, being duly sworn did say that he is the City Manager of the City of Albany, Oregon, and that said instrument was signed in behalf of the City of Albany, Oregon; and he acknowledged said instrument to be its voluntary act and deed.

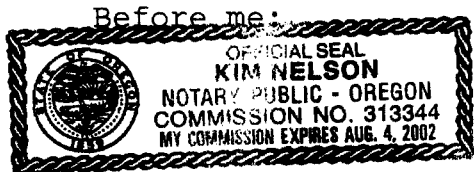


Kim Nelson
Notary Public for Oregon
My commission expires: Aug. 4, 2002

STATE OF OREGON)
) ss.
County of Linn)

Date: 12/29/98

Personally appeared Mary Holliday who, being duly sworn did say that he/she is the City Recorder of the City of Albany, Oregon, and that said instrument was signed in behalf of the City of Albany, Oregon; and he/she acknowledged said instrument to be its voluntary act and deed.



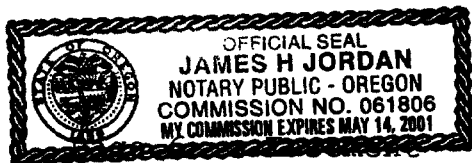
Kim Nelson
Notary Public for Oregon
My commission expires: Aug. 4, 2002

STATE OF OREGON)
) ss.
County of Linn)

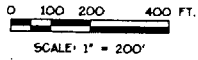
Date: December 28, 1998

Personally appeared the above named Carol H. Jordan and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



Kim Nelson
Notary Public for Oregon
My Commission Expires: 5/14/2001



RECORD LINE DATA:

LINE	DIRECTION	DISTANCE
3	(N 21-1/4° E)	(3.13 CH) = 206.58'
4	(N 02° E)	(1.56 CH) = 102.96'
5	(N 04° W)	(1.27 CH) = 83.82'
6	(N 23-1/2° E)	(1.21 CH) = 79.86'
7	(N 53° E)	(2.66 CH) = 188.76'
8	(N 71-3/4° E)	(2.28 CH) = 150.48'
9	(N 65-1/4° E)	(2.39 CH) = 157.74'
10	(N 78-3/4° E)	(1.74 CH) = 114.84'
11	(N 78-3/4° E)	(0.83 CH) = 54.78'
12	(N 80-1/2° E)	(1.85 CH) = 122.10'
13	(S 82-3/4° E)	(1.09 CH) = 71.94'
14	(N 82-1/4° E)	(2.42 CH) = 159.72'
15	(N 86-3/4° E)	(1.635 CH) = 107.91'

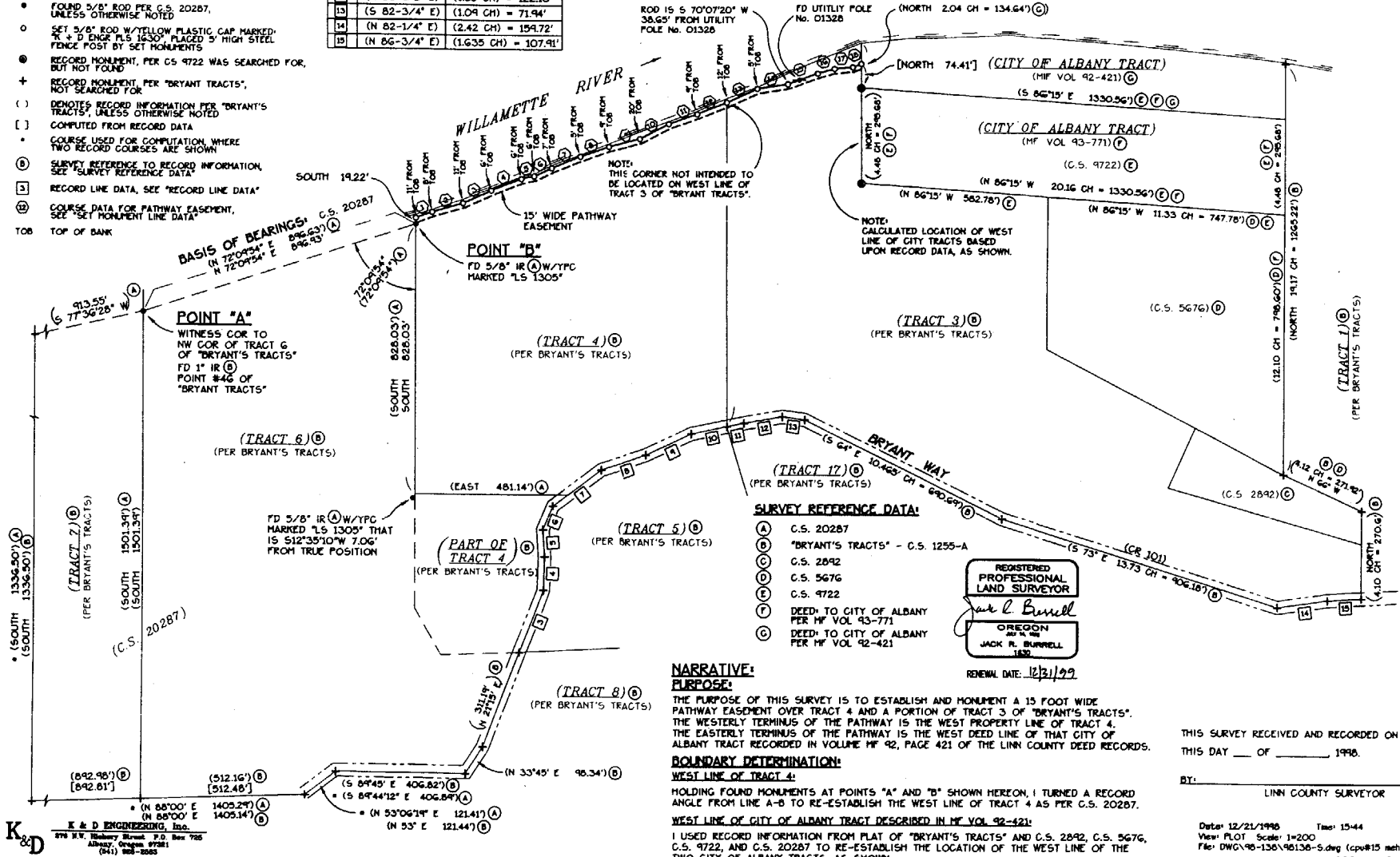
EASEMENT SET MONUMENT LINE DATA:

LINE	DIRECTION	DISTANCE
1	N 70°23'07\"/>	
2	N 73°46'44\"/>	
3	N 66°20'38\"/>	
4	N 64°13'47\"/>	
5	N 77°50'33\"/>	
6	N 69°13'49\"/>	
7	N 68°34'10\"/>	
8	N 70°32'22\"/>	
9	N 75°52'04\"/>	
10	N 70°23'07\"/>	
11	N 62°44'50\"/>	
12	N 77°10'58\"/>	
13	N 68°41'04\"/>	
14	N 65°54'59\"/>	
15	N 81°11'14\"/>	
16	N 70°19'08\"/>	
17	N 74°20'40\"/>	
18	N 84°15'07\"/>	
19	N 68°34'51\"/>	

C.S. _____
RECORD OF SURVEY
 FOR
ALBANY PARKS + RECREATION
 LOCATED IN
 TRACT 3 AND 4 OF "BRYANT'S TRACTS IN THE
 SW 1/4 OF SEC. 1, T. 11 S., R. 4 W., W.M.
 LINN COUNTY, OREGON
 DECEMBER 11, 1998

LEGEND:

- FOUND 5/8" ROD PER C.S. 20287, UNLESS OTHERWISE NOTED
- SET 5/8" ROD W/YELLOW PLASTIC CAP MARKED "R" + D ENGR PLS 1630", PLACED 3" HIGH STEEL FENCE POST BY SET MONUMENTS
- RECORD MONUMENT, PER C.S. 9722 WAS SEARCHED FOR, BUT NOT FOUND
- + RECORD MONUMENT PER "BRYANT TRACTS", NOT SEARCHED FOR
- () DENOTES RECORD INFORMATION PER "BRYANT'S TRACTS", UNLESS OTHERWISE NOTED
- [] COMPUTED FROM RECORD DATA
- * COURSE USED FOR COMPUTATION, WHERE TWO RECORD COURSES ARE SHOWN
- Ⓟ SURVEY REFERENCE TO RECORD INFORMATION, SEE "SURVEY REFERENCE DATA"
- Ⓛ RECORD LINE DATA, SEE "RECORD LINE DATA"
- Ⓢ COURSE DATA FOR PATHWAY EASEMENT, SEE "SET MONUMENT LINE DATA"
- Ⓣ TOP OF BANK



SURVEY REFERENCE DATA:

- A C.S. 20287
- B "BRYANT'S TRACTS" - C.S. 1255-A
- C C.S. 2842
- D C.S. 5676
- E C.S. 9722
- F DEED TO CITY OF ALBANY PER HF VOL 93-771
- G DEED TO CITY OF ALBANY PER HF VOL 92-421

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Jack R. Burrell
 OREGON
 JACK R. BURRELL
 1982

RENEWAL DATE: 12/31/99

NARRATIVE:
PURPOSE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND MONUMENT A 15 FOOT WIDE PATHWAY EASEMENT OVER TRACT 4 AND A PORTION OF TRACT 3 OF "BRYANT'S TRACTS". THE WESTERLY TERMINUS OF THE PATHWAY IS THE WEST PROPERTY LINE OF TRACT 4. THE EASTERLY TERMINUS OF THE PATHWAY IS THE WEST DEED LINE OF THAT CITY OF ALBANY TRACT RECORDED IN VOLUME HF 92, PAGE 421 OF THE LINN COUNTY DEED RECORDS.

BOUNDARY DETERMINATION:

WEST LINE OF TRACT 4:

HOLDING FOUND MONUMENTS AT POINTS "A" AND "B" SHOWN HEREON, I TURNED A RECORD ANGLE FROM LINE A-B TO RE-ESTABLISH THE WEST LINE OF TRACT 4 AS PER C.S. 20287.

WEST LINE OF CITY OF ALBANY TRACT DESCRIBED IN HF VOL 92-421:

I USED RECORD INFORMATION FROM PLAT OF "BRYANT'S TRACTS" AND C.S. 2842, C.S. 5676, C.S. 9722, AND C.S. 20287 TO RE-ESTABLISH THE LOCATION OF THE WEST LINE OF THE TWO CITY OF ALBANY TRACTS, AS SHOWN.

THIS SURVEY RECEIVED AND RECORDED ON
 THIS DAY ____ OF _____ 1998.

BY: _____
 LINN COUNTY SURVEYOR

Date: 12/21/1998 Time: 15:44
 View: PLO1 Scale: 1=200
 File: DWG-98-136\98136-5.dwg (cpu#15.msh)
 SHEET 1 OF 1

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K&D
K & D ENGINEERING, Inc.
 870 N.W. Fishery Street, P.O. Box 705
 Albany, Oregon 97101
 (503) 868-2885

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

By PA, Deputy

M
R
S

10

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PAGE

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Recorded Document Recorder File No. 3343