

RESOLUTION NO. 2266

BE IT RESOLVED by the Albany City Council that the following easement be accepted on behalf of the City of Albany:

<u>Grantor</u>	<u>Purpose</u>
Albany Boys' & Girls' Club	12-foot wide permanent easement and right-of-way for the construction and maintenance of a bicycle path.

DATED THIS 22ND DAY OF JULY, 1981.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF  
BICYCLE PATH

THIS AGREEMENT, made and entered into this 7<sup>th</sup> day of July, 1984, by and between ALBANY BOYS' CLUB, INC., herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City"

WITNESSETH:

That for and in consideration of the sum of NO DOLLARS (\$0.00), Grantor does hereby 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 bicycle path 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 bicycle path and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction and maintenance of the said bicycle path.

The easement and right-of-way hereby granted covers a strip of land 12 feet in width for the purpose of construction and maintenance over the following described property:

The northernmost 12 feet of even width of the following described real property, to wit:  
Beginning at a point where the East line of Hill Street extended intersects the South line of the railroad right of way, said point being 882.8 feet South 8° 15' East from the Southwest corner of Block 54, in HACKLEMAN'S SECOND ADDITION to Albany, Oregon; and running thence South 8° 15' East 166 feet; thence North 81° 45' East 505 feet; thence North 8° 15' West 111 feet to the South line of said railroad right of way; thence along said right of way on a 1614.3 foot radius to the right; (the chord of which curve bears South 87° 58' West) a distance of 510 feet to the place of beginning; EXCEPT the Easterly 20 feet of the above described premises, all being situated in Linn County, Oregon.

It is understood by and between the parties that by accepting this deed the City of Albany assumes all responsibility for the construction and maintenance of said bike path and agrees to defend and hold harmless the Albany Boys' Club, Inc. and its successors and assigns, from any and all damages or claims for damages arising from the public's use of said bike path and/or the City's maintenance thereof.

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

The City covenants that should it become necessary subsequent to the original construction of the said bicycle path, 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.

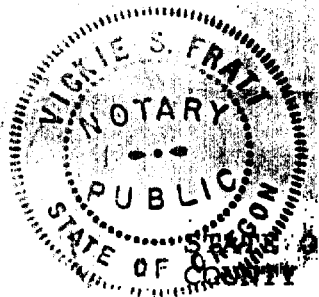
IN WITNESS WHEREOF, the grantors have hereunto fixed their hands and seals the day and year first hereinabove written.

ALBANY BOYS' CLUB, INC.

By [Signature] pres.

By [Signature]

\_\_\_\_\_, 19\_\_



STATE OF OREGON )  
COUNTY OF LINN ) ss.

On this 7th day of July, 1981, personally appeared the above named Kirk E. Tabbetts and Ed Vetter

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

Subscribed and Sworn to before me this 7th day of July, 1981.

Vickie S. Pratt  
Notary Public for Oregon  
My Commission Expires: 3-30-82

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 2266, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated this 23rd day of July, 1981.

CITY OF ALBANY, OREGON

By [Signature]  
Mayor

[Signature]  
Recorder

527938

700  
Ret 1052

August 20, 1981

STATE OF OREGON  
County Of Linn **COMPARED**

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

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

**DEL W. RILEY**  
Linn County Clerk

By Grace Anna Hunter  
Deputy

City of Albany  
P O Box 490  
Albany, Ore 97321

Resolution No. 2266

Recorded Document Recorder File No. 1173