

RESOLUTION NO. 4338

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Arin J. Thayer

Purpose


A bicycle path easement, varying in width from 27.75 feet to 31.75 feet, as described on the attached.

WHEREAS, on November 18, 1998, the Albany City Council authorized staff to proceed with the purchase of an easement for the pedestrian/bicycle path to connect the section from Sherman Street and Front Avenue as part of the proposed Willamette River Path, and

WHEREAS, the easement has been secured from Arin J. Thayer.

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

DATED THIS 6th DAY OF SEPTEMBER 2000.



Mayor

ATTEST:



City Recorder

Grantor's Name and Address:

Arin J. Thayer
235 Sherman Street NE
Albany, OR 97321

Grantee's Name and Address:

City of Albany
333 Broadalbin Street
Albany, OR 97321

After recording return to: *FAISUE*
244714-L

The true and actual consideration for
this Conveyance is \$11,568.00

James V.B. Delapoer
Attorney at Law
Post Office Box 40
Albany, OR 97321

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

No change - Grant of Easement Only

Tax Account Information:

Account No. 414488 - Map No. 11S-03W-06DA; Tax Lot No. 4502
Account No. 854397 - Mobile Home

This Agreement is made and entered into this 3RD day of March, 1999, by and between the City of Albany, Oregon, hereinafter referred to as "City" and Arin J. Thayer, hereinafter referred to as "Owner"

In consideration of the sum of \$11,568.00, paid to owner, receipt of which is hereby acknowledged, the Owner agrees as follows:

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

A tract of land for Pedestrian and Bicycle Pathway Easement purposes located within that vacated portion of Front Street as described by City of Albany ordinance No. 3864 recorded in MF Volume 117, Page 573 of the Linn County Deed Records September 26, 1975 which is more particularly described as follows:

Beginning at a point on the east right-of-way line of Sherman Street that is North 09° West 1.25 feet from the northwest corner of Lot 1 of Block 9 of "HACKLEMAN'S THIRD ADDITION TO THE CITY OF ALBANY", a subdivision of record in Linn County, Oregon, which point also being on the westerly line of said vacated portion of Front Street; thence North 09° West, along said right-of-way line, 31.75 feet to the centerline of said vacated Front Street; thence North 81° East, along said centerline, 132.00 feet to a point on the east line of said vacated Front Street; thence South 09° East, along said east line of vacated Front Street, 27.75 feet; thence leaving last said east line South 81° West 10.00 feet to a point; thence along the arc of a 88.00 foot radius curve to the left (chord bears South 75°15'39" West 17.60 feet) a distance of 17.63 feet to a point; thence along the arc of a 112.00 foot radius curve to the right (chord bears South 75° 15'39" West 22.40 feet) a distance of 22.44 feet to a point; thence South 81° West 82.20 feet to the Point of Beginning. Containing 4074 square feet of land, more or less.

Order No. 244714-L Return to:
First American Title Insurance Company of Oregon 11-3W-60A/4502

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

Lots 1 and 2, Block 9, HACKLEMAN'S THIRD ADDITION to Albany, Linn County, Oregon.

ALSO the South half of that vacated portion of Front Avenue running 132 feet East from the East line of Sherman Street.

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 so as to allow public recreational access for site seeing, hiking, nature observation, bicycling, and other similar or related recreational activities. 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.

Binding Affect This Agreement is binding upon the parties and their successors and interest.

CITY OF ALBANY, OREGON:

OWNER:

By: [Signature]
Steve Bryant *P. Gary Hilliday*
Title: ~~City Manager~~ *Finance Director*

[Signature]
Arin J. Thayer

ATTEST:

By: [Signature]
Title:

STATE OF OREGON
County of Linn } ss.

BE IT REMEMBERED, That on this 03 day of March, 19 99, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Arin J. Thayer

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Susan C Creel
Notary Public for Oregon.
My Commission expires 6-21-2000

STATE OF OREGON
County of Linn } ss.

BE IT REMEMBERED, That on this 04TH day of March, 19 99, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named D. Gary Holliday, Finance Director for the City of Albany

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Susan C Creel
Notary Public for Oregon.
My Commission expires 6-21-2000

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. 25
R. 10
S. 10
A.
O.
MF. 1016
PAGE 494

MAR 5 11 48 AM '99

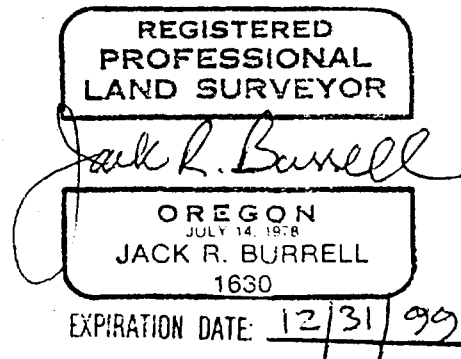
EXHIBIT "A"

PATHWAY EASEMENT DESCRIPTION

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January 13, 1999
EXHIBIT "A"
HACKLEMAN'S 3rd ADDITION
PATHWAY EASEMENT DESCRIPTION
(98-118) JRB:nm
File: nm\legal\98119.doc



PATHWAY EASEMENT
FOR

CITY OF ALBANY

PARKS AND RECREATION DEPT.

LOCATED IN

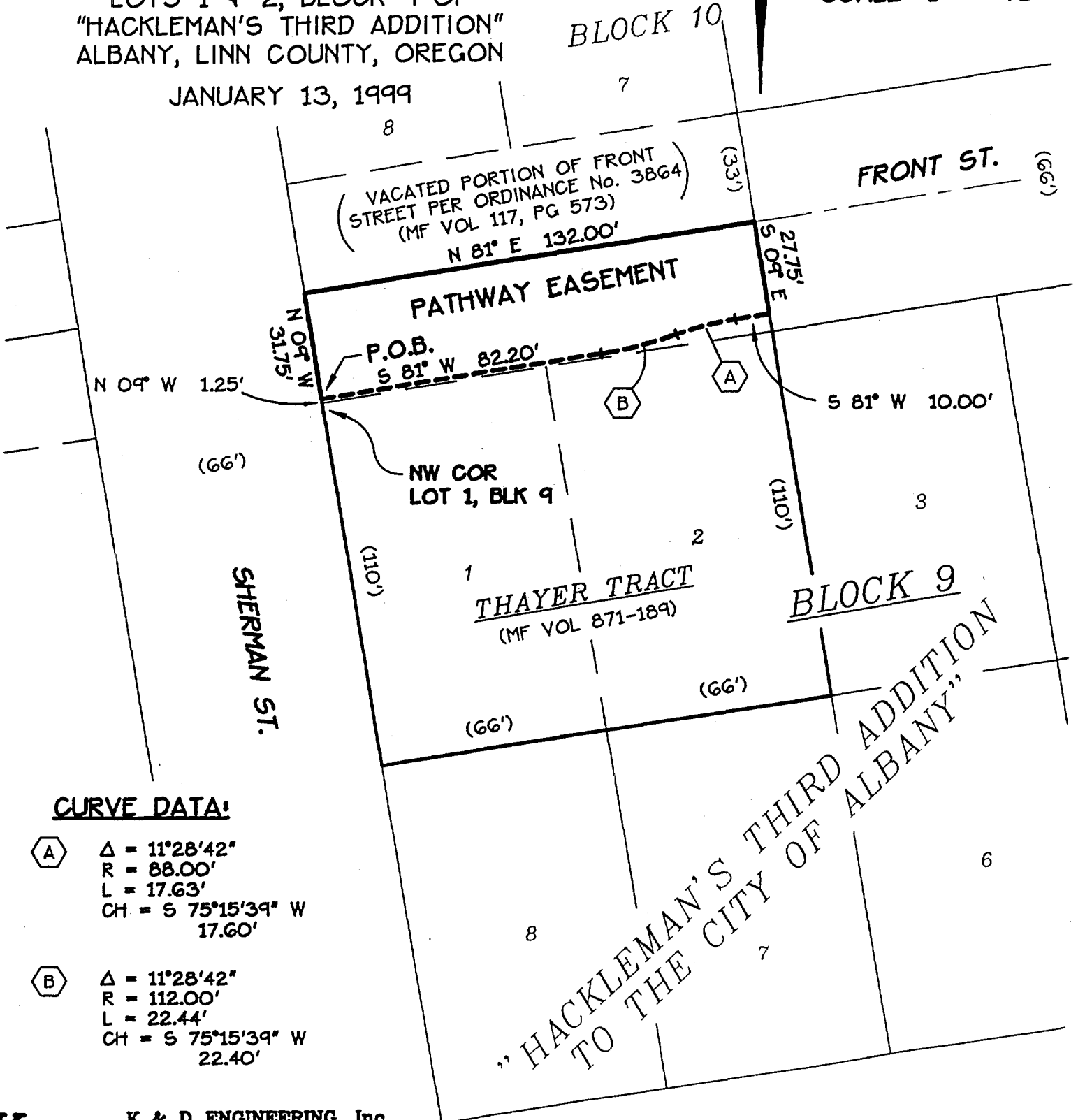
LOTS 1 + 2, BLOCK 9 OF
"HACKLEMAN'S THIRD ADDITION"
ALBANY, LINN COUNTY, OREGON

JANUARY 13, 1999

EXHIBIT "B"



SCALE: 1" = 40'



CURVE DATA:

- A** $\Delta = 11^{\circ}28'42''$
 $R = 88.00'$
 $L = 17.63'$
 $CH = S 75^{\circ}15'39'' W$
 $17.60'$
- B** $\Delta = 11^{\circ}28'42''$
 $R = 112.00'$
 $L = 22.44'$
 $CH = S 75^{\circ}15'39'' W$
 $22.40'$

K & D ENGINEERING, Inc.

278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

Date: 1/13/1999 Time: 13:23
View: PLOT Scale: 1=40
File: DWG\98-119\98119EXH.dwg (cpu#15 meh)



Resolution No. 4338

Recorded Document Recorder File No. 3652