

RESOLUTION NO. 4757

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Richard A. Boudreau and Alma K. Boudreau

Purpose


A bicycle path easement as described on the attached.

WHEREAS, the Albany Parks & Recreation Department has received easements for the bicycle and pedestrian path along the Willamette River from Monteith Park to Bowman Park, and

WHEREAS, the City Manager has received the described easement from Richard A. Boudreau and Alma K. Boudreau.

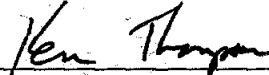
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 25th DAY OF SEPTEMBER 2002.



Mayor

ATTEST:



City Recorder

EASEMENT FOR BIKE PATH

THIS AGREEMENT, made and entered into this 25 day of September, 2002, by and between the CITY OF ALBANY, OREGON, a municipal corporation (hereinafter "City") and RICHARD A BOUDREAU and ALMA K. BOUDREAU (hereinafter "Boudreaus"),

WITNESSETH:

WHEREAS, Boudreaus previously granted City an Easement for Bike Path on May 7, 1996, which Easement was recorded at Vol. 0806, page 123, of Linn County Deed Records, and,

WHEREAS, City and Boudreaus have agreed on a new and different easement location, and,

WHEREAS, Boudreaus have contemporaneously granted City an Easement for a bike path at a different location across their property; and,

WHEREAS, in consideration of the new Easement, the City wishes to reconvey the previous Easement to Boudreaus;

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows

- 1 **Incorporation of Recitals.** The Recitals set forth above are incorporated into this instrument
- 2. Boudreaus do hereby grant, bargain and sell unto the City over and upon the real property described in *Exhibit "1"* attached hereto, and by this reference incorporated herein, an easement to construct, maintain, and use, a pedestrian bicycle path for public recreational purposes. The location of this Easement shall be as set forth in *Exhibit "2"* attached hereto, and by this reference incorporated herein.
- 3 The City shall have rights of ingress and egress to and from said real property, including the right from time to time to cut, trim and remove trees, brush, and overhanging branches and other obstructions necessary for use of the property as a public bike and pedestrian path and shall have the enjoyment, operation and maintenance of the easement granted herein and all rights and privileges incident thereto.
- 4 Except as to the rights granted herein, Boudreaus shall have the full use and control of the above-described real property.
- 5 The Easement described hereinabove shall continue in perpetuity.

Return to: City of Albany Records
PO Box 498
Albany, OR 97324

6. This Easement shall bind and inure to the benefit of, as circumstances require, not only to the immediate parties hereto, but also to their heirs, administrators, and successors-in-interest as well

“GRANTORS”:

[Signature]
Richard A. Boudreau

[Signature]
Alma K Boudreau

ACCEPTED BY:

THE CITY OF ALBANY, a
municipal corporation

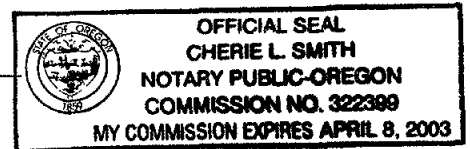
By: *[Signature]*
Steve Bryant, City Manager

STATE OF OREGON, County of ~~Linn~~) ss.

Marion

This instrument was acknowledged before me on Sept 11th, 2002, by
RICHARD A. BOUDREAU

[Signature]
NOTARY PUBLIC for Oregon



STATE OF OREGON, County of ~~Linn~~) ss.

Marion

This instrument was acknowledged before me on Sept 11th, 2002, by ALMA
K. BOUDREAU.

[Signature]
NOTARY PUBLIC for Oregon



STATE OF OREGON, County of ~~Linn~~) ss.

This instrument was acknowledged before me on September 25, 2002, by STEVE
BRYANT, as City Manager of the City of Albany, a municipal corporation

[Signature]
NOTARY PUBLIC for Oregon



K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Boudreau Property Description

All of that Boudreau property described by deed recorded in MF Volume 162, Page 861 of the Linn County Deed Records on April 15, 1977, said property being more particularly described as follows:

TRACT I

Beginning at a point on the South boundary line of Block 100 in Hackleman's Addition to the City of Albany, Linn County, Oregon, which is 100 feet easterly from the Southwest corner of said block; running thence easterly on the South boundary of said block, a distance of 80 feet to the Southeast corner of said block; thence northerly along the East boundary of said block, a distance of 110 feet, more or less, to the Willamette River; thence on a southwesterly course up said river following the meanders thereof to a line parallel with the East boundary of said block which passes through the place of beginning; thence southerly to the place of beginning.

TOGETHER WITH the West one-half of even width of vacated Railroad Street lying immediately to the North of Water Avenue and located between Blocks 100 and 107 of Hackleman's Addition to the City of Albany, Linn County, Oregon.

TRACT II

All of Block 107, Hackleman's Addition to the City of Albany, Linn County, Oregon. EXCEPT right-of-way for railroad spur line.

TOGETHER WITH the East one-half of even width of vacated Railroad Street lying immediately to the North of Water Avenue and located between Blocks 100 and 107 of Hackleman's Addition to the City of Albany, Linn County, Oregon.

March 22, 2002
BOUDREAU PROPERTY
DESCRIPTION
(01-41-B) JRB:nm
File nm\legal\01-41-b boudreau desc doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Bussell
JACK R. BUSSELL

RENEWAL DATE 12/31/03

EXHIBIT "1"
PAGE 1 OF 1

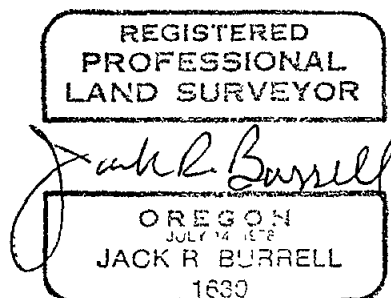
K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"BIKE PATH AND PEDESTRIAN WALKWAY EASEMENT
(Across Buzz Saw Property)

A strip of land of variable width for easement purposes located in Blocks 100, 107, and the vacated portion of Railroad Street north of Water Avenue of "HACKLEMAN'S ADDITION TO CITY OF ALBANY", a subdivision of record in Linn County, Oregon, more particularly described as follows:

Beginning at a point on the north right-of-way line of Water Avenue that is North 81°45'00" East 138.00 feet of the southwest corner of Block 100 of "HACKLEMAN'S ADDITION TO CITY OF ALBANY", a subdivision of record in Linn County, Oregon said point being the southwest corner of that Boudreau Tract described by deed recorded in Volume 168, Page 760 of the Linn County Microfilm Records on June 15, 1977; thence North 81°45'00" East, along the north right-of-way line of Water Avenue, 475.80 feet to the southeast corner of Block 107 of said "HACKLEMAN'S ADDITION"; thence North 08°15'00" West, along the easterly line of said Block 107, a distance of 11.00 feet; thence South 81°45'00" West 72.50 feet; thence South 08°15'00" East 2.00 feet; thence South 81°45'00" West 403.30 feet to the westerly line of said Boudreau Tract; thence South 08°15'00" East 9.00 feet to the Point of Beginning.



August 23, 2002
BUZZ SAW PROPERTY
BIKE PATH EASEMENT
(01-41-B) JRB:nm
File nm\mydoc\legal\01-41-B easement doc

RENEWAL DATE

12/31/01

EXHIBIT "2"
PAGE 1 OF 2



0 50 100 FT
 ORIG SCALE 1" = 50'

WILLAMETTE RIVER

BOUDREAU TRACT
 (MF 162-861 + MF 168-760)

EXISTING BUILDING
 (BUZZSAW)

BLOCK 108

VACATED PER CITY
 ORDINANCE 3970

10' PEDESTRIAN
 EASEMENT

BLOCK 100 TAX LOT 11500
 (11-3W-GCD)

TAX LOT 11500
 (11-3W-GCD)

BLOCK 107
 EAST AC PAVING

11' WIDE PATHWAY
 EASEMENT

N 08°15'00" W

CITY OF ALBANY TRACT
 (MF 363-427)

WEST LINE OF
 BOUDREAU TRACT
 MF 168-760

9' WIDE PATHWAY
 EASEMENT

SE COR BLOCK 107

TAX LOT 5600
 (11-3W-GCD)

S 08°15'00" E

EXIST AC PAVING

RAILROAD ST

10' WALKWAY

403.30'

(329.80')

72.50'

33'
 33'

SW COR BLOCK 100
 (100')

N 81°45'00" E

BURLINGTON RAILROAD
 STREET

JACKSON
 STREET

BLOCK 109

P.O.B.
 SE COR. OF
 BOUDREAU TRACT
 MF 168-760

WATER

RAILROAD
 STREET

BLOCK 106

33' 33'

BLOCK 101

NOTE:
 BASIS OF BEARINGS + BLOCK
 LOCATION IS CS 19645

Date: 8/28/2002 Time 13:34
 Scale: 1=50(PS)
 File: dwg\01-41\0141pathe0.dwg (ntwrkadmin)

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Jack R Burrell
 OREGON
 JULY 14 1978
 JACK R BURRELL
 1630

RENEWAL DATE 12/31/03

EXHIBIT "B" PATHWAY EASEMENT

LOCATED IN
 BLOCKS 100 + 107 OF
 "HACKLEMANS ADDITION"
 CITY OF ALBANY, LINN COUNTY, OREGON

MONTGOMERY STREET

DLC LINE
 HACKLEMAN DLC #62

K & D K & D ENGINEERING, Inc
 276 NW Hickory Street P.O. Box 725
 Albany Oregon 97321
 (541) 928-2583

CITY OF ALBANY PARKS + RECREATION WILLAMETTE PATHWAY
PATHWAY EASEMENT MAP
 CITY OF ALBANY, LINN COUNTY, OREGON

Degn. by: JRB	Scale: 1" = 50'	Sheet no
Dwg. by: DM	Date: MARCH 2002	1 OF 1
Ckd. by: JRB	Proj. no.: 01-41-B	

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

1336

MF _____

By Wij, Deputy

PAGE 897

M
R 25
S 10
ALL
O

2002 OCT -1 P 3: 01

46

Resolution No. 4757

Recorded Document Recorder File No. 4118