

RESOLUTION NO. 3621

A RESOLUTION TO ACCEPT AN EASEMENT FOR A BIKE PATH.

WHEREAS, Richard A. and Alma K. Boudreau have agreed to grant to the City use of a portion of their property; and

WHEREAS, the terms and conditions of this agreement are specified in the attached Exhibit A, "Easement for Bike Path"; and

WHEREAS, the City wishes to accept said property for purposes of providing a pedestrian and bicycle path to be used by the citizens and general public in the City of Albany.

NOW, THEREFORE, BE IT RESOLVED that the City shall accept the easement as specified in Exhibit A.

DATED THIS 10th DAY OF April 1996.



Mayor

ATTEST:



City Recorder

RECORDING INFORMATION

After recording return to: City of Albany Finance Department P.O. Box 490 Albany, OR 97321

Until requested otherwise send all tax statements to: No change

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EASEMENT FOR BIKE PATH

THIS AGREEMENT made and entered into this 7 day of May 1996, by and between RICHARD A. BOUDREAU and ALMA K. BOUDREAU, hereinafter called "Boudreau;" and the CITY OF ALBANY, LINN COUNTY, OREGON, a municipal corporation, hereinafter called "City":

WITNESSETH:

WHEREAS, Boudreau is the record owner of the real property located in Albany, Linn County, Oregon, legally described on Exhibit "A" attached hereto and by reference incorporated herein; and

WHEREAS, Boudreau has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, in view of the premises and in consideration of no dollars and other valuable consideration given and paid by the City, receipt of which is hereby acknowledge by Boudreau, they agree as follows:

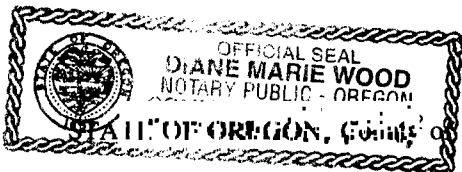
- 1. Boudreau does hereby grant, assign and set over unto the City over and upon the property above-described the right to use the same as and for a pedestrian and bike path to be used by the citizens and general public in the City of Albany.
2. The City shall have all rights of ingress and egress to and from said real property, including the right from time-to-time, except as hereinafter provided, to cut, trim and remove trees, brush and overhanging branches and other obstructions necessary for use of the property as a public bike path and shall have the enjoyment, operation and maintenance of the easement herein granted and all rights and privileges incident thereto.
3. Except as to the rights herein granted Boudreau shall have the full use and control of the above-described real property.
4. The City does hereby agree to hold Boudreau harmless from any and all claims of third-parties arising from the use of the property as and for a bike path.
5. The easement described hereinabove shall continue in perpetuity.
6. This agreement shall bind and inure to the benefit of, as the circumstances require, not only the immediate parties hereto, but also to their heirs, executors, administrators and successors in interest as well.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument the day and year first above written.

Richard A. Boudreau
Alma K. Boudreau

STATE OF OREGON, County of Linn) ss.

Personally appeared the above named RICHARD A. BOUDREAU and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 7th day of May, 1996.



Diane Marie Wood
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-23-99

Personally appeared the above-named ALMA K. BOUDREAU and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 7th day of May, 1996.



Diane Marie Wood
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-23-99

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

BIKE PATH EASEMENT

A portion of land for a 10-foot wide Bike Path/Pedestrian Walkway, from Blocks 100, 107 and the vacated portion of Railroad Street north of Water Avenue of Hackleman's Addition to the City of Albany, Linn County, Oregon, the centerline being more particularly described as follows:

Beginning at a point which is North 08°15'00" West 135.00 feet to a 5/8 inch iron rod and North 15°23'22" East 12.93 feet from the southwest corner of Block 108, Hackleman's Addition to the City of Albany, in the SE Quarter of Section 6, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said beginning point being on the centerline of this description; thence South 67°51'37" West 15.73 feet; thence on the arc of a 6.00 foot radius curve to the left (the long chord of which bears South 29°48'28" West 7.40 feet) 7.97 feet; thence South 08°14'40" East 99.19 feet; thence on the arc of a 20.00 foot radius curve to the right (the long chord of which bears South 32°15'44" West 25.98 feet) 28.28 feet; thence South 72°46'07" West 40.61 feet; thence on the arc of a 30.00 foot radius curve to the left (the long chord of which bears South 64°36'12" West 8.52 feet) 8.55 feet; thence South 56°26'17" West 9.33 feet; thence on the arc of a 30.00 foot radius curve to the right (the long chord of which bears South 69°06'08" West 13.15 feet) 13.26 feet; thence South 81°45'59" West 18.52 feet; thence on the arc of a 30.00 foot radius curve to the right (the long chord of which bears North 87°13'22" West 11.46) 11.53 feet; thence on the arc of a 15.00 foot radius curve to the left (the long chord of which bears South 81°38'45" West 11.31 feet) 11.59 feet; thence on the arc of a 10.00 foot radius curve to the right (the long chord of which bears South 71°00'35" West 3.99 feet) 4.02 feet; thence South 82°30'56" West 110.11 feet; thence on the arc of a 15.00 foot radius curve to the right (the long chord of which bears North 70°57'33" West 13.40 feet) 13.89 feet; thence North 44°26'02" West 81.70 feet; thence on the arc of a 15.00 foot radius curve to the left (the long chord of which bears North 78°47'30" West 16.93 feet) 17.99 feet; thence South 66°51'02" West 52.12 feet; thence on the arc of a 30.00 foot radius curve to the right (the long chord of which bears South 71°51'06" West 5.23 feet) 5.24 feet; thence South 76°51'10" West 165.70 feet; thence on the arc of a 33.00 foot radius curve to the left (the long chord of which bears South 41°05'07" West 38.58 feet) 41.20 feet; thence on the arc of a 21.50 foot radius curve to the right (the long chord of which bears South 39°47'02" West 24.33 feet) 25.87 feet and there terminating.

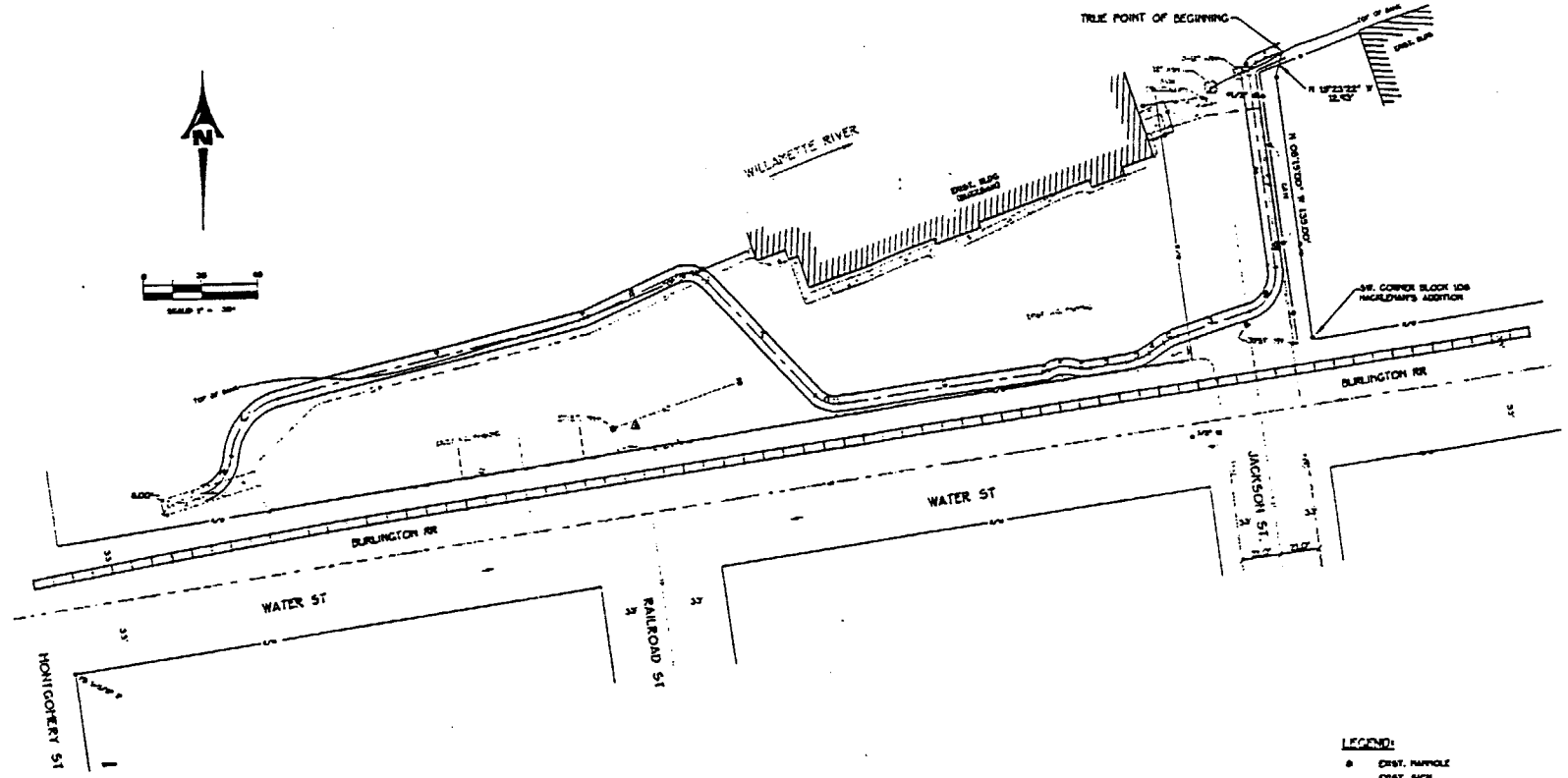
Containing 7,355 square feet of land, more or less.

November 20, 1995
BIKE PATH EASEMENT
(94-255) AWF:nm
File: nmlegal94255.EAS

EXHIBIT " A "
PAGE 1 OF 1

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Andrew Foster
OREGON
JULY 26, 1989
ANDREW FOSTER
2395

EXPIRATION DATE: 12-31-95



COURSE TABLE

LINE	BEARING	DISTANCE
1	S 89°12'00" W	125.00
2	S 89°12'00" W	125.00
3	S 89°12'00" W	125.00
4	S 89°12'00" W	125.00
5	S 89°12'00" W	125.00
6	S 89°12'00" W	125.00
7	S 89°12'00" W	125.00
8	S 89°12'00" W	125.00
9	S 89°12'00" W	125.00

CURVE TABLE

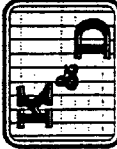
CURVE	ANGLE (DEG)	LENGTH (FEET)	TANGENT (FEET)	CHORD (FEET)	BEARING	START	END
1	90.00	125.00	125.00	125.00	S 89°12'00" W	125.00	250.00
2	90.00	125.00	125.00	125.00	S 89°12'00" W	250.00	375.00
3	90.00	125.00	125.00	125.00	S 89°12'00" W	375.00	500.00
4	90.00	125.00	125.00	125.00	S 89°12'00" W	500.00	625.00
5	90.00	125.00	125.00	125.00	S 89°12'00" W	625.00	750.00
6	90.00	125.00	125.00	125.00	S 89°12'00" W	750.00	875.00
7	90.00	125.00	125.00	125.00	S 89°12'00" W	875.00	1000.00
8	90.00	125.00	125.00	125.00	S 89°12'00" W	1000.00	1125.00
9	90.00	125.00	125.00	125.00	S 89°12'00" W	1125.00	1250.00

- LEGEND:**
- DRST. RAMPOLE
 - DRST. SIGN
 - ▭ DRST. CATCH BASIN
 - DRST. LIGHT POLE
 - - - DRST. UTILITY POLE
 - DRST. EDGE PAVEMENT
 - COMPACT PARKING SPACE

DATE	REVISION	BY

K & D ENGINEERING, INC.
 878 N.W. MICHIGAN ST. ALBANY, OREGON
 P.O. BOX 748 503-286-8448

CIVIL ENGINEERING — LAND PLANNING
 SURVEYING — CONSTRUCTION MANAGEMENT



WILLAHETTE PATHWAY
 FOR
 ALBANY PARKS + REC.
 EASEMENT MAP
 ALBANY, Linn County, Oregon

SCALE: 1"=40'
 DATE: NOV. 30, 1988
 DRAWN BY: A.P.F.
 CHECKED BY: M.L.C./G.L.A.
 PROJECT NO.: 94-255
 SHEET NO.: 1 OF 1

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 *Dj*, Deputy

M
R 75
S 10

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MF 802

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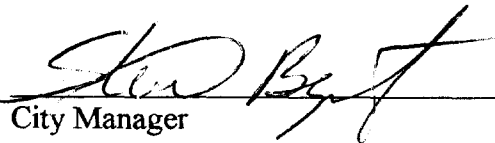
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MAY 9 3 05 PM '96

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CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3621, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29th day of May, 1996.



City Manager

ATTEST:



City Recorder

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

MF 806

By , Deputy

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MAY 30 3 26 PM '96

Resolution No. 3621

Recorded Document Recorder File No. 2760