



RESOLUTION NO. 7320

A RESOLUTION OPTING INTO RECREATIONAL IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576.

WHEREAS, the Oregon Legislature enacted Senate Bill 1576 in its 2024 Regular Session; and

WHEREAS, ORS 105.668, as amended by Senate Bill 1576, limits private claims or rights of action based on negligence for personal injury or property damage resulting from “use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance” (ORS 105.668); and

WHEREAS, ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with a lesser population to opt to limit liability in the manner established by law; and

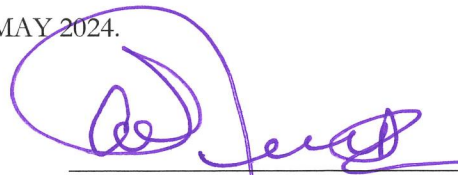
WHEREAS, the City of Albany has several trails located in both easements and unimproved right-of-ways including the Takena Landing Trail, portions of the Dave Clark Trail, Oak Creek Trail, and the trails around Simpson Park; and

WHEREAS, the Council finds that the City of Albany will limit its liability from certain claims by opting into the recreational immunity provided for in ORS 105.668.

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL as follows:

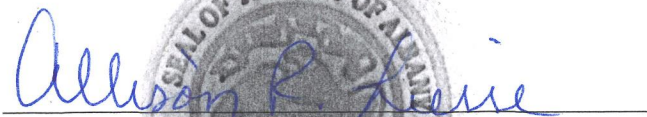
Pursuant to ORS 105.668(3)(a) and (b), the City of Albany, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be users on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance. This resolution shall take effect immediately upon its adoption by the city council and execution by the mayor.

DATED AND EFFECTIVE THIS 8TH DAY OF MAY 2024.



Mayor

ATTEST:



City Clerk

