

RESOLUTION NO. 4164

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

St. John's Lodge No. 17 A.F. & A.M.

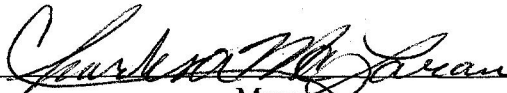
Purpose

A 20-foot wide bicycle path easement as described on the attached Exhibit "B."

WHEREAS, the City has received the described easement from St. John's Lodge No. 17 A.F. & A.M. for the construction, operation, and maintenance of a pathway or trail across the westerly portion, nearest to Cox Creek, of the property located on Old Salem Road.

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

DATED THIS 25th DAY OF AUGUST 1999.



Mayor

ATTEST:



City Clerk

Grantor's Name and Address:

St. John's Lodge No. 17 A.F. & A.M.
Masonic Cemetery Association
Post Office Box 394
Albany, OR 97321

Grantee's Name and Address:

City of Albany
333 Broadalbin Street
Albany, OR 97321

After recording return to:

City of Albany
Post Office Box 490
Albany, OR 97321

**The true and actual consideration for
this Conveyance is \$0.00**

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

No change - Grant of Easement Only

Tax Account Information:

Account No.: 71882

This Agreement is made and entered into this 25th day of August, 1999, by and between the City of Albany, Oregon, hereinafter referred to as "City" and St. John's Lodge No. 17 A.F. & A.M., hereinafter referred to as "Owner".

In consideration of the obligation of the City, hereinafter set forth, the Owner agrees as follows:

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

A strip of land 20.00 feet in width, located in that tract conveyed to St. John's Lodge No. 17 A.F. & A.M. Corporation by deed recorded in Book 128, Page 595 of the Linn County Deed Records on November 19, 1924, the southerly line of herein described 20.00 foot strip being more particularly described as follows:

Beginning at a 5/8 inch rod on the southeasterly right-of-way line of Southern Pacific Railroad, which point being South 80°17'07" West 1796.62 feet from the northwest corner of Anderson Cox DLC No. 49 located in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 52°55'15" East 101.31 feet to a 5/8 inch rod; thence South 26°49'58" East 45.61 feet to a 5/8 inch rod; thence South 54°01'08" East 90.98 feet to a 5/8 inch rod; thence South 60°30'26" East 75.78 feet to a 5/8 inch rod; thence South 23°53'42" East 22.84 feet to a 5/8 inch rod; thence South 41°23'50" East 17.84 feet to a 5/8 inch rod; thence South 32°31'15" East 103.41 feet to a 5/8 inch rod at the point of curvature of a 82.00 foot radius curve to the left; thence along the arc of said curve (chord bears South 55°44'55" East 64.68 feet) a distance of 66.49 feet to a 5/8 inch rod on the northwesterly right-of-way line of County Road No. 367 (a 60.00 foot wide right-of-way also known as Old Salem Road).

The northerly terminus of the above described strip is the said southeasterly right-of-way line of Southern Pacific Railroad. The southerly terminus of the above described strip is the said northwesterly right-of-way of County road No. 367.

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

Description of Property to 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:

See Exhibit "A" attached hereto and by this reference incorporated herein.

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 sight 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.

Obligation of City The City agrees to construct and maintain an eight foot high, chain link fence along the east edge of the easement. The fence shall be constructed within 90 days of completion of paving improvements to the pathway or trail to be constructed in the easement area. The aforementioned fence shall have two eight foot high, standard vehicle size, double hung gates, at locations approved by the property owners.

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

CITY OF ALBANY, OREGON:


OWNER:

By: Ken Thompson
~~Steve Bryant~~ Ken Thompson
Title: ~~City Manager~~ Assistant City Manager

Richard Harper
Richard Harper, Worshipful Master
St. John's Lodge No. 17 A.F. & A.M.

ATTEST:

George Eldredge
George Eldredge, Senior Warden
St. John's Lodge No. 17 A.F. & A.M.

By: Debra Deussell
Title: City Clerk


David Thompson
David Thompson, Junior Warden
St. John's Lodge No. 17 A.F. & A.M.

K & D ENGINEERING, Inc.

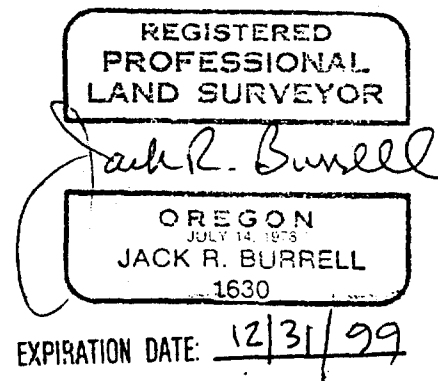
Engineers • Planners • Surveyors

EXHIBIT "A"

MASONIC CEMETERY TRACT

That tract of land conveyed to ST. JOHN'S LODGE NO. 17 A.F. & A.M., an Oregon corporation by deed recorded in Book 128, Page 595 of the Linn County Deed Records on November 19, 1924, that is more particularly described as follows:

Beginning at the center of Cox's Creek and 30 feet south of the center of the Oregon & California Railroad, said point being in the Donation Land Claim of Anderson Cox, Notification No. 696 and Claim No. 49 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon, running thence up the center of the main channel of said Cox's Creek 5 chains more or less to the center of the county road leading from Albany to Jefferson, running thence North 57°22' East 6.87 chains in the center of said road to a stone from which a fir tree 22 inches in diameter bears South 57°22' West 185 links; thence North 50° West 8.68 chains to a stone 30 feet south of the center of said railroad; thence Westerly with the curve of said railroad 30 feet from its center 4.80 chains to the place of beginning, containing 4.17 acres, more or less in Linn County, Oregon.



April 6, 1999
MASONIC CEMETERY TRACT
(98-149) JRB:nm
File: nm\city-alb\legal\98149 des.doc

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "B"**20' WIDE PATHWAY EASEMENT ACROSS MASONIC CEMETERY**

A strip of land 20.00 feet in width, located in that tract conveyed to St. John's Lodge No. 17 A.F. & A.M. Corporation by deed recorded in Book 128, Page 595 of the Linn County Deed Records on November 19, 19924, the southerly line of herein described 20.00 foot strip being more particularly described as follows:

Beginning at a 5/8 inch rod on the southeasterly right-of-way line of Southern Pacific Railroad, which point being South 80°17'07" West 1796.62 feet from the northwest corner of Anderson Cox DLC No. 49 located in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 52°55'15" East 101.31 feet to a 5/8 inch rod; thence South 26°49'58" East 45.61 feet to a 5/8 inch rod; thence South 54°01'08" East 90.98 feet to a 5/8 inch rod; thence South 60°30'26" East 75.78 feet to a 5/8 inch rod; thence South 23°53'42" East 22.84 feet to a 5/8 inch rod; thence South 41°23'50" East 17.84 feet to a 5/8 inch rod; thence South 32°31'15" East 103.41 feet to a 5/8 inch rod at the point of curvature of a 82.00 foot radius curve to the left; thence along the arc of said curve (chord bears South 55°44'55" East 64.68 feet) a distance of 66.49 feet to a 5/8 inch rod on the northwesterly right-of-way line of County Road No. 367 (a 60.00 foot wide right-of-way also know as Old Salem Road).

The northerly terminus of the above described strip is the said southeasterly right-of-way line of Southern Pacific Railroad. The southerly terminus of the above described strip is the said northwesterly right-of-way of County Road No. 367.

February 9, 1999
EXHBIT "B"
20' EASEMENT ACROSS
MASONIC CEMETERY
(98-149) JRB:ls
File: nm\city-alb\legal\98-149 exh b.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14, 1962
JACK R. BURRELL
1630

RENEWAL DATE

12/31/99

C.S. 22397

RECORD OF SURVEY

FOR

CITY OF ALBANY PARKS + RECREATION

LOCATED IN

NW 1/4 OF SEC 4, AND NE 1/4 OF SEC 5, T. 11 S., R. 3 W., W.M. CITY OF ALBANY, LINN COUNTY, OREGON

FEBRUARY 5, 1999

NARRATIVE:

PURPOSE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT A 20 FOOT WIDE PEDESTRIAN AND BICYCLE PATHWAY EASEMENT ACROSS THE TRACT AS SHOWN HEREON.

BOUNDARY DETERMINATION:

WESTERLY BOUNDARY OF PATHWAY: IS THE EAST RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD. I SEARCHED FOR CORNERS ALONG THE RIGHT-OF-WAY AND COULD FIND NO MONUMENTATION. I TIED THE CENTERLINE OF THE MAIN TRACK ADJACENT TO PROPOSED PATHWAY AND ESTABLISHED THE RIGHT-OF-WAY LINE 30 FEET THEREFROM.

EASTERLY BOUNDARY OF PATHWAY: IS THE WESTERLY RIGHT-OF-WAY LINE OF OLD SALEM ROAD. I USED THE FOUND MONUMENTATION AS SHOWN TO CALCULATE THE CENTERLINE CURVE STATIONS AT PC STATION 7+44.12 AND PT STATION 9+98.45. I THEN USED RECORD CURVE DATA TO ESTABLISH THE CENTERLINE TANGENT LYING SOUTHWESTERLY FROM PC STATION 7+44.12.



SCALE: 1" = 100'



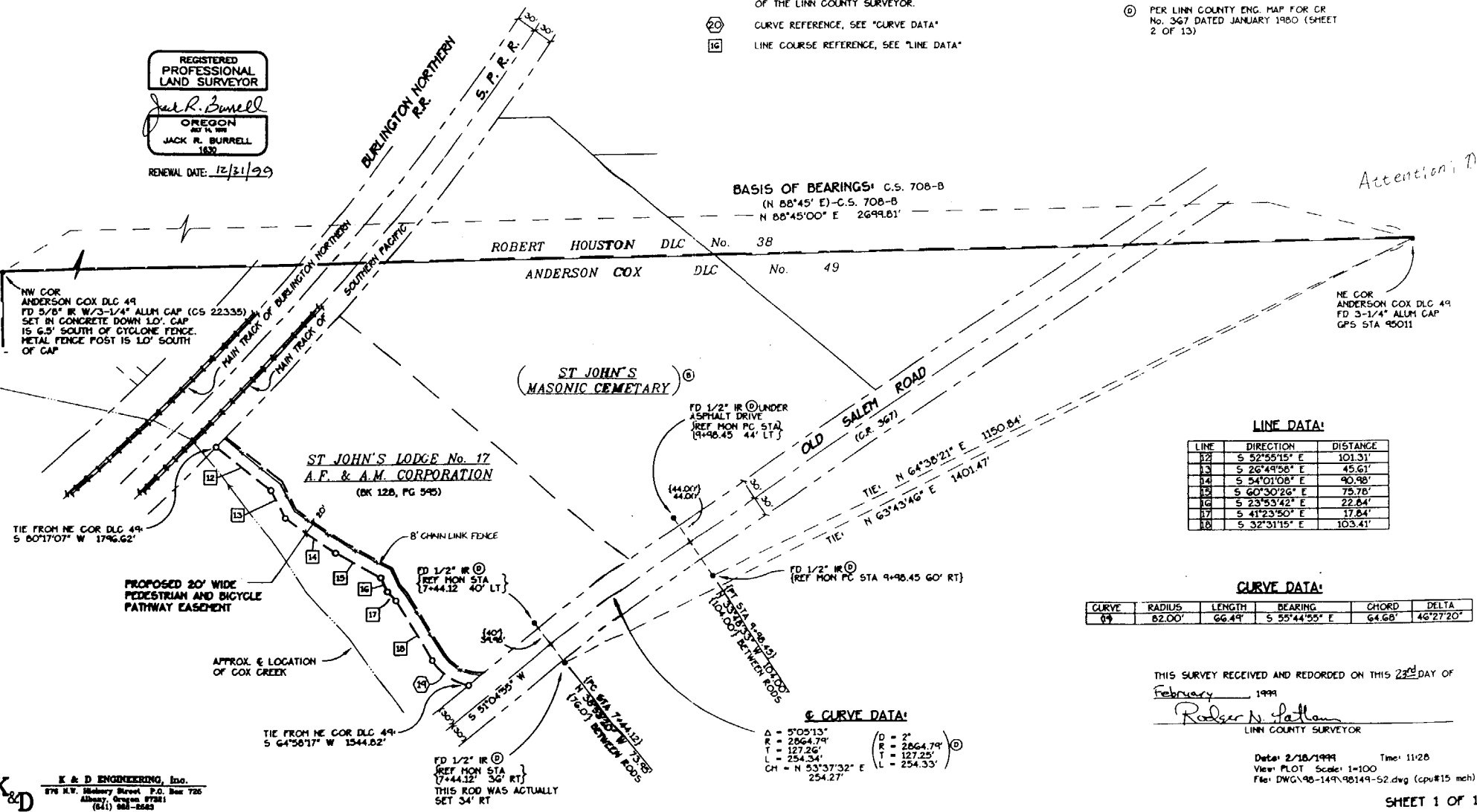
LEGEND:

- FOUND MONUMENT, AS NOTED
- SET 5/8"x30" ROD W/TPC MARKED "K + D ENGR. LS 1630"
- () DENOTES RECORD DATA, AS NOTED
- { } DATA FROM UN-RECORDED LINN COUNTY ENGINEER DESIGN DRAWING FOR COUNTY ROAD No. 367 DATED JANUARY 1980 - SHEET 2 OF 13 WHICH IS STORED IN THE OFFICE OF THE LINN COUNTY SURVEYOR.
- ⊕ CURVE REFERENCE, SEE "CURVE DATA"
- Ⓜ LINE COURSE REFERENCE, SEE "LINE DATA"

REFERENCE:

- Ⓜ PLAT OF "ST JOHN'S MASONIC CEMETERY" PER CS 2404-F
- Ⓜ PER LINN COUNTY ENG. MAP FOR CR No. 367 DATED JANUARY 1980 (SHEET 2 OF 13)

REGISTERED PROFESSIONAL LAND SURVEYOR
Jack R. Burrell
 OREGON
 JACK R. BURRELL
 1982
 RENEWAL DATE: 12/31/99



BASIS OF BEARINGS: C.S. 708-B
 (N 88°45' E) - C.S. 708-B
 N 88°45'00" E 2699.81'

LINE DATA:

LINE	DIRECTION	DISTANCE
12	S 52°55'15" E	101.31'
13	S 26°49'56" E	45.61'
14	S 54°01'08" E	90.98'
15	S 60°30'26" E	75.78'
16	S 23°53'42" E	22.84'
17	S 41°23'50" E	17.84'
18	S 32°31'15" E	103.41'

CURVE DATA:

CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA
09	82.00'	66.49'	S 55°44'55" E	64.68'	46°27'20"

Ⓜ CURVE DATA:

Δ = 5°05'13"
 R = 2864.79'
 T = 127.26'
 L = 254.34'
 CH = N 53°37'32" E 254.27'

(D = 2"
 R = 2864.79"
 T = 127.25"
 L = 254.33")

THIS SURVEY RECEIVED AND REDCORDED ON THIS 23RD DAY OF February, 1999

Rodger N. Fallam
 LINN COUNTY SURVEYOR

Date: 2/18/1999 Time: 11:28
 View: PLOT Scale: 1=100
 File: DWG\98-149\98149-52.dwg (cpu#15 mech)

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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 [Signature], Deputy

M
R 25
S 10

SEP 14 3 02 PM '99 35

MF 1061

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Resolution No. 4164

Recorded Document Recorder File No. 3462