

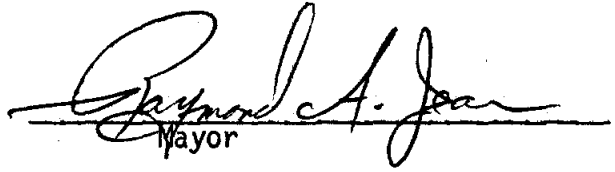
A5

RESOLUTION NO. 2116

BE IT RESOLVED by the Mayor and members of the City Council of the City of Albany, Oregon, that it accept the following easement on behalf of the City of Albany:

<u>Grantor</u>	<u>Purpose</u>
Robert G. and Marilyn Avery	For construction and maintenance of bicycle path


DATED THIS 26TH DAY OF SEPTEMBER, 1979.




 Mayor

(Council President acting as Mayor)

ATTEST:



 City Recorder



6
2116

EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF

BICYCLE PATH

THIS AGREEMENT, made and entered into this 19 day of
September, 19 79, by and between
Robert G. Avery and Marilyn Avery

herein called grantors, and the CITY OF ALBANY, a Municipal
corporation, herein called "City"

WITNESSETH:

That for and in consideration of the sum of 0 DOLLARS

() cash in hand paid, the receipt of which
sold and by these presents do bargain, sell, convey and transfer
unto the City of Albany, a permanent easement and right-of-way,
including the perpetual right to enter upon the real property
hereinafter described at any time that it may see fit, and to construct,
maintain and repair bicycle path for the purpose of constructing
a bicycle path over, across, through and under the lands hereinafter
described, together with the right to excavate and refill ditches and/or
trenches for the location of the said bicycle path and the further right
to remove trees, bushes, undergrowth and other obstructions interfering
with the location, construction and maintenance of the said bicycle
path.

The easement and right-of-way hereby granted covers a strip of
land 20 feet in width for the purpose of construction and 20 feet
in width for the purpose of maintenance over the following described
property:

Beginning at the intersection of the west line of Wharf Lot 6 in the
City of Albany, Linn County, Oregon, and the centerline of a 40'
easement dedicated to the City of Albany by Book 261, page 757 of
the Deed Records of Linn County. Thence S82°41'E 22.9 feet; thence
N81°19'E 42.0 feet more or less to the east line of Wharf Lot 6.

TO HAVE AND TO HOLD the said easement and right-of-way unto the
City of Albany and unto its successors and assigns forever.

The City covenants that should it become necessary subsequent to the original construction of the said bicycle path, to enter in and upon the property for the purpose of maintenance, that the property will be restored to that condition that it was prior to the undertaking of the maintenance.

The grantors do hereby covenant with the City that they are lawfully seized and possessed of the real property above described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the grantors have hereunto fixed their hands and seals the day and year first hereinabove written.

Robert G. Avery
Marilyn Avery

STATE OF OREGON)
County of) ss
City of)

On this 19th day of SEPTEMBER, 1979
personally appeared the above named
Robert G. Avery and Marilyn Avery

and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 19th day of SEPTEMBER, 1979.

Michael J. Puro
Notary Public for Oregon

My Commission Expires: AUGUST 25, 1983

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

I, Richard S. Olsen, as Mayor of the City of Albany, Oregon, pursuant to Resolution Number 2116, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated: October 1, 1979.

CITY OF ALBANY, OREGON
Richard S. Olsen
Mayor

[Signature]
Recorder

Low Water Level

WILLAMETTE RIVER

Top of Bank ± 202

58° 31' 16.7"

City of Albany Encroachment

WHARF

Top of Bank B ± 202

WATER STREET BLDG

PARKING FOR MO'S

MO'S

N 80° 50' E 564.86

WATER AVE.

Broadbain St.

C.S. 10447
Record of Survey
for

S 8° 53' 30" E

Set & File

BATH ST.

(PARKING LOT) A/C

POSSIBLE TO MOVE PARKING

12" sanitary sewer

12" sanitary sewer

Set 8" I Rod
Made in concrete foundation
Corner of block. Why of
car is 173' block block
cut at bldg

corner of
old
and brick
is old
lots

P.O.B

SHEDDIE
one wall
± 275
line

ONE WALL

made on conc. foundation
above point and 120'
E of cor. of bldg

PARKING FOR
WATER ST.
STA.
6 STALLS ±

6722 (66)

6722 (66)

6722 (66)

58° 55' 30"

Set 8" I Rod

35

35

