

RESOLUTION NO. 3030

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Robert S. Rondeau and  
Elizabeth A. Rondeau

Purpose

Quit Claim Deed from the City of Albany to Robert S. Rondeau and Elizabeth A. Rondeau to quit claim all rights to an easement for a bike path along their property.

A new bike path easement has been signed by the Rondeau's to relocate the bike path to reflect changing parking and landscaping conditions. Bike Path Easement for the relocation is also located at 2875 SE Cedarwood Court SE, City of Albany, Linn County, Oregon.

DATED this 13th day of February, 1991.



Approved by Council President

ATTEST:



Deputy City Recorder

## BIKE PATH EASEMENT

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of February, 1991, by and between Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

## WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantors have this day bargained and sold and by these presents do bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services 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 public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

That portion of a 7-foot wide permanent bike path easement located across that property conveyed to Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife in Volume MF 485, Page 186, Linn County Microfilm Deed Records, the centerline of the easement being more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southwest corner of the Anderson Cox Donation Land Claim Number 49, in Section 17, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the west line of said donation land claim, North 01° 39' 00" West 3,405.72 feet to a point on the centerline of Waverly Drive; thence leaving said centerline and on the south line of said Rondeau parcel, North 88° 40' 30" East 528.66 feet to the southeast corner thereof; thence on the east line of said Rondeau parcel, North 01° 39' 00" West 330.23 feet to an angle point; thence on the parcel line of said Rondeau parcel North 88° 01' 30" East 1.04 feet to an angle point; thence on the east line of said Rondeau parcel North 01° 39' 00" West 45.80 feet to a point; thence North 88° 21' 00" East 1.99 feet to a point on the centerline of the existing bike path on the west side of Lehigh Park, said point being the **TRUE POINT OF BEGINNING**; thence on the arc of a 50.00-foot radius curve to the left (the long chord of which bears South 75° 32' 25" West 22.17 feet) 22.36 feet; thence South 62° 43' 49" West 50.63 feet; thence on the arc of a 75.65-foot radius curve to the right (the long chord of which bears South 75° 35' 00" West 33.66 feet) 33.94 feet; thence South 88° 26' 11" West 30.33 feet; thence on the arc of a 96.65-foot radius curve to the right (the long chord of which bears North 73° 21' 28" West 60.39 feet) 61.42 feet; thence North 55° 09' 07" West 2.74 feet, more or less, to the southeasterly right-of-way line of Cedarwood Court, and there terminating.

Containing 1,275 feet, more or less.

- 2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
- 3. The easement granted is in consideration of \$ 3511.60 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
- 4. 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.
- 5. Upon performing any maintenance, the City shall return the site to original or better condition.
- 6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

Robert S. Rondeau  
 Robert S. Rondeau  
Elizabeth A. Rondeau  
 Elizabeth A. Rondeau

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

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

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February, 1991, by grantor(s) as ~~his/her~~/their voluntary act and deed.

[Signature]  
 Notary Public for Oregon  
 My Commission Expires: 9/25/93

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3030, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of February, 1991.

CITY OF ALBANY, OREGON  
[Signature]  
 City Manager

[Signature]  
 JAMES F. DAVIS  
 NOTARY PUBLIC - OREGON  
 My Commission Expires 9/25/93

[Signature]  
 Deputy City Recorder

**EXHIBIT A:**

Edges of existing  
6' wide bikepath

True Point of  
Beginning of  
Curve Description

STA 0+01.99  
Rondeau  
Property Line

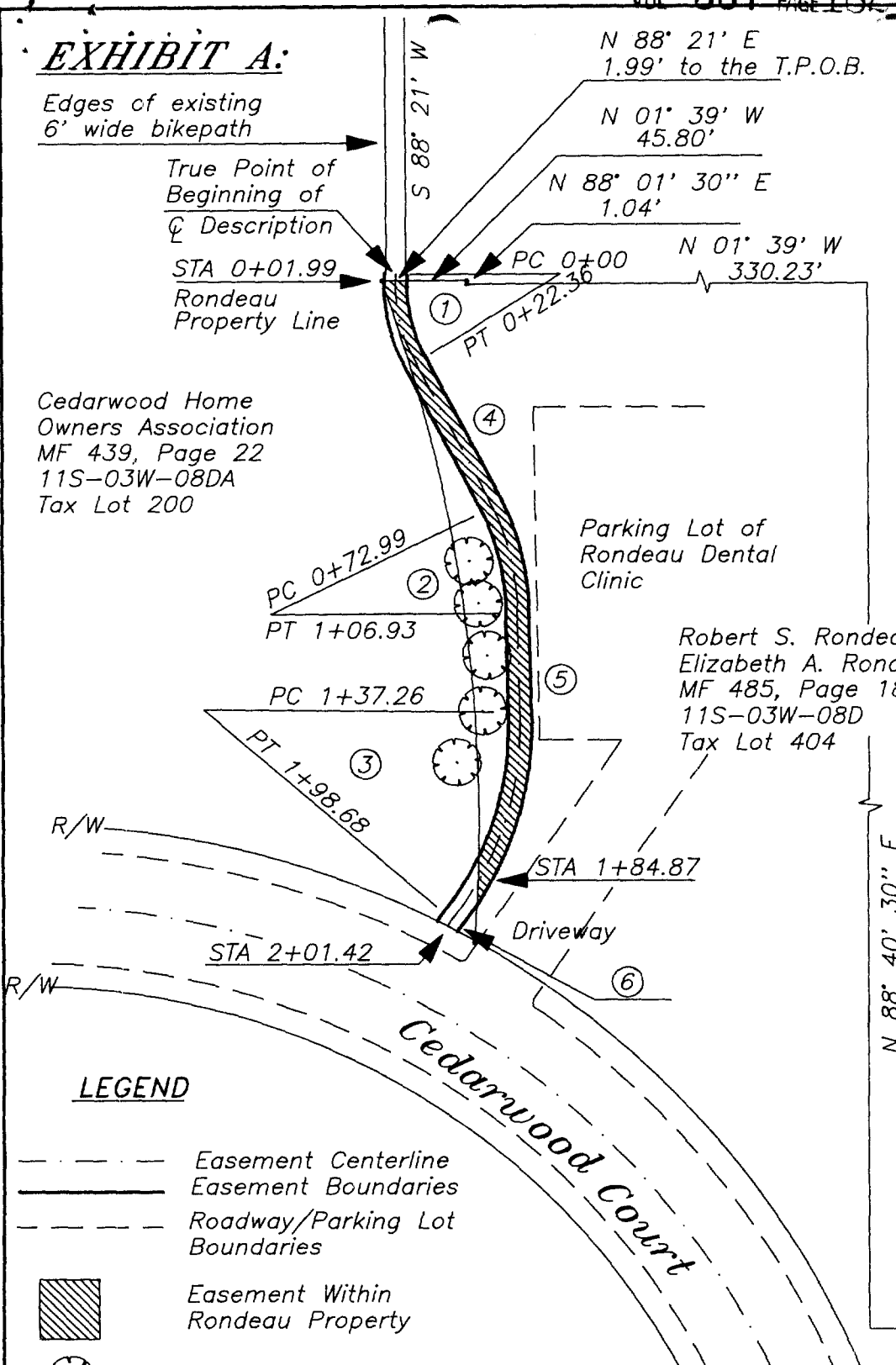
Cedarwood Home  
Owners Association  
MF 439, Page 22  
11S-03W-08DA  
Tax Lot 200

Parking Lot of  
Rondeau Dental  
Clinic

Robert S. Rondeau  
Elizabeth A. Rondeau  
MF 485, Page 186  
11S-03W-08D  
Tax Lot 404

**Bearing and  
Curve Table**

①	D = 25° 37' 11" R = 50.00' L = 22.36' LC = S 75° 32' 25" W 22.17'
②	D = 25° 42' 22" R = 75.65' L = 33.94' LC = S 75° 35' 00" W 33.66'
③	D = 36° 24' 42" R = 96.65' L = 61.42' LC = N 73° 21' 28" W 60.39'
④	S 62° 43' 49" W 50.63'
⑤	S 88° 26' 11" W 30.33'
⑥	N 55° 09' 07" W 2.74'



Point of Beginning  
SW Cor. DLC No. 49  
Anderson Cox in  
Sec. 17, T. 11 S.,  
R. 3 W., W.M.

N 01° 39' W  
3,405.72'  
Waverly Drive

**LEGEND**

- Easement Centerline
- Easement Boundaries
- - - Roadway/Parking Lot Boundaries
- ▨ Easement Within Rondeau Property
- ⊙ Existing Trees
- Property Pins Found

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION

7-Foot Wide Bike Path  
Easement From Rondeau  
to the City of Albany

Scale 1" = 50'

25

MAR 12 2 10 PM '91

STATE OF OREGON  
County of Linn

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

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STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature], Deputy  
*City of Albany*

1-1-74

QUITCLAIM DEED



KNOW ALL MEN BY THESE PRESENTS, That CITY OF ALBANY, OREGON, an Oregon municipality

hereinafter called grantor, Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any-wise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

All interest and claim to an easement granted to the City of Albany by Robert S. Rondeau and Elizabeth A. Rondeau, husband and wife, for the purpose of a bike path as recorded in Volume MF 527, Page 336, Linn County Microfilm Deed Records.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 20th day of February, 1991; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

Steve Bryant City Manager
Debbie Andrews Deputy City Recorder

STATE OF OREGON, County of ss. Personally appeared the above named

STATE OF OREGON, County of Linn ss. February 20, 1991 Personally appeared Steve Bryant and Debbie Andrews

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

each for himself and not one for the other, did say that the former is the City Manager and that the latter is the Deputy City Recorder of the municipal City of Albany, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Notary Public for Oregon My commission expires:

Before me: James F. Davis Notary Public for Oregon My commission expires: 9/25/93

City of Albany, Oregon P.O. Box 490 Albany, OR 97321 GRANTOR'S NAME AND ADDRESS

STATE OF OREGON, County of ss. I certify that the within instru-

GRANTEE'S NAME AND ADDRESS After recording return to:

STATE OF OREGON County of Linn I hereby certify that the attached was received and duly recorded by me in Linn County records:

MAR 12 2 10 PM '91

STEVE DRUCKENMILLER Linn County Clerk

By [Signature], Deputy City of Albany

NAME, ADDRESS, ZIP Until a change is requested all tax statements shall be sent to the following a

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NAME, ADDRESS, ZIP

Resolution No. 3030

Recorded Document Recorder File No. 2046