

ORDINANCE NO 5553

AN ORDINANCE AUTHORIZING RECONVEYANCE OF AN EASEMENT TO RICHARD A BOUDREAU AND ALMA K. BOUDREAU, AND DECLARING AN EMERGENCY.

WHEREAS, Richard A. Boudreau and Alma K. Boudreau (hereinafter "Boudreaus") previously granted the City of Albany (hereinafter "City") an easement for a bike path on May 7, 1996, which easement was recorded at Volume 0806, page 123, of Linn County Deed Records; and

WHEREAS, City and Boudreaus have agreed on a new and different easement location, and

WHEREAS, Boudreaus, have contemporaneously granted City an easement for a bike path at a different location across their property; and

WHEREAS, in consideration of the new easement, the City wishes to reconvey the previous easement to Boudreaus.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Authorization to Reconvey. The City Manager or his designate is hereby directed to reconvey the easement referred to in the recitals above from City to Boudreaus

Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: January 8, 2003

Approved by Mayor: January 8, 2003

Effective Date: January 8, 2003

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

RECORDING INFORMATION

City of Albany  
Finance Department  
P.O. Box 490  
Albany, OR 97321

Until requested otherwise send  
all tax statements to:  
No change

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 acknowledged by Boudreau, they agree as follows:

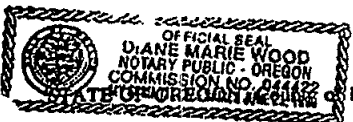
1. Boudreau does hereby grant, assign and set over unto the City over and upon the property above-described the right to use the same as and for a pedestrian and bike path to be used by the citizens and general public in the City of Albany.
2. The City shall have all rights of ingress and egress to and 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*  
Richard A. Boudreau  
*Alma K. 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

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

**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.

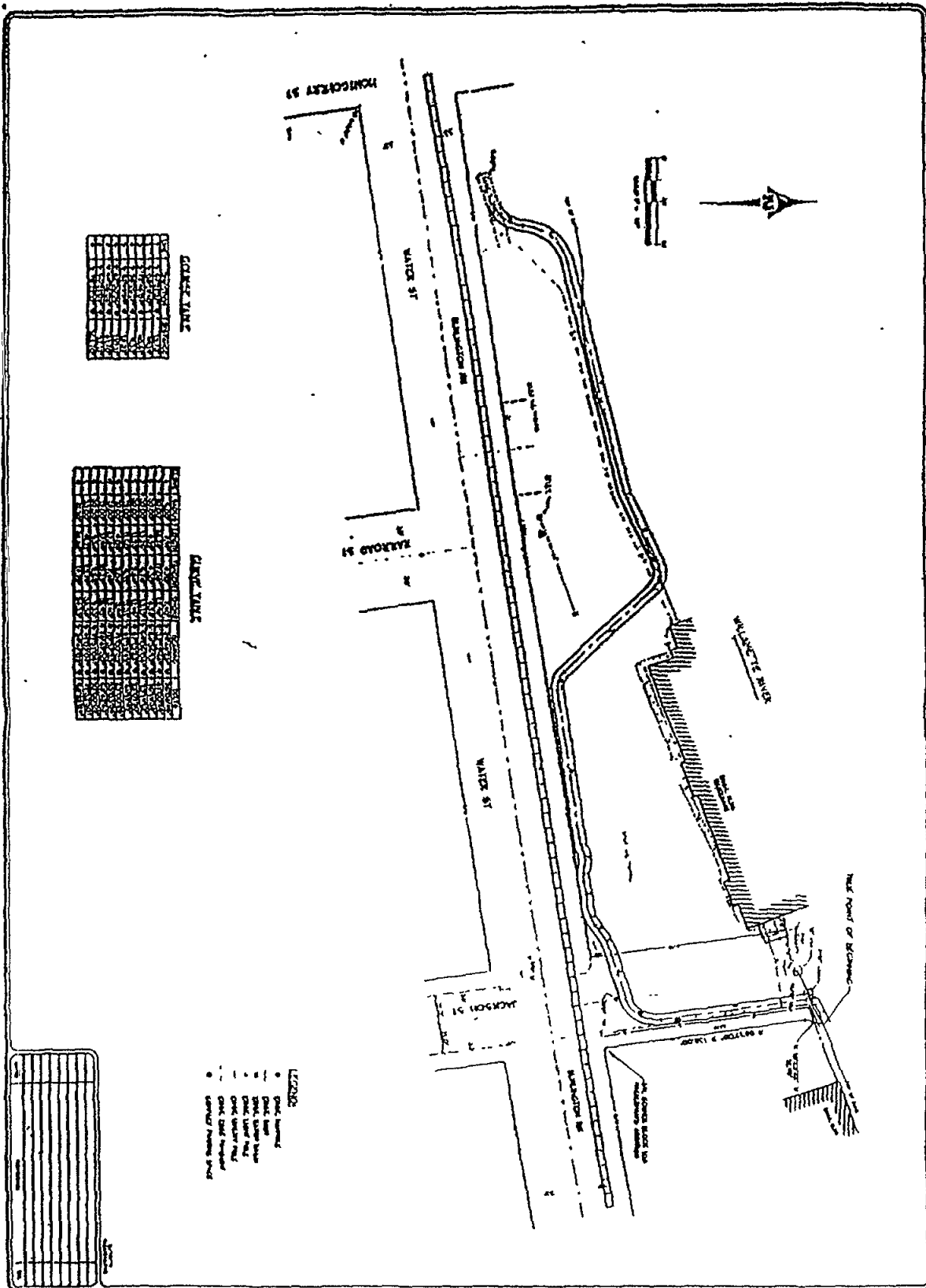
Containing 7,355 square feet of land, more or less

November 20, 1995  
BIKE PATH EASEMENT  
(94-255) AWF:nm  
File numLegal94255.EAS

EXHIBIT "   A   "  
PAGE   1   OF   1  

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Andrew Foster*  
OREGON  
JULY 25, 1989  
ANDREW FOSTER  
2385

EXPIRATION DATE   12-31-95



1071	K & D	WILLAMETTE PARKWAY FOR ALDANY PARKS + REC EASEMENT MAP © 2001 FOR COUNTY OREGON		K & D ENGINEERING, INC. 874 N.W. ROCKFORD ST. — ALBANY, OREGON P.O. BOX 748 — 503-599-8444
		CIVIL ENGINEERING — LAND PLANNING SURVEYING — CONSTRUCTION MANAGEMENT		

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VOL 0802 PAGE 320

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

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PAGE 317

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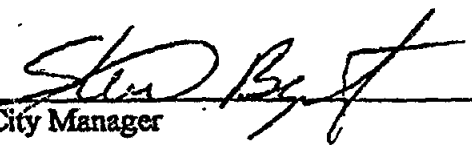
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CITY OF ALBANY:

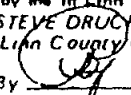
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 1621, 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  
I hereby certify that the attached was received and duly recorded by me in Linn County records.  
STEVE DRUCKENMILLER  
Linn County Clerk  
By  Deputy

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MF 806  
PAGE 123

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MAY 30 3 26 PM '96

**RECONVEYANCE OF EASEMENT**

**THIS AGREEMENT**, made and entered into this 8 day of January, 200~~7~~<sup>3</sup>, by and between the CITY OF ALBANY, OREGON, a municipal corporation (hereinafter "City") and RICHARD A. BOUDREAU and ALMA K BOUDREAU (hereinafter "Boudreaus"),

**WITNESSETH:**

WHEREAS, Boudreaus previously granted City an Easement for Bike Path on May 7, 1996, which Easement was recorded at Vol. 0806, page 123, of Linn County Deed Records; and,

WHEREAS, City and Boudreaus have agreed on a new and different easement location, and,

WHEREAS, Boudreaus have contemporaneously granted City an Easement for a bike path at a different location across their property; and,

WHEREAS, in consideration of the new Easement, the City wishes to reconvey the previous Easement to Boudreaus,

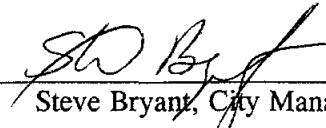
**AGREEMENT:**

NOW, THEREFORE, in view of the mutual promises set forth herein, the parties agree as follows

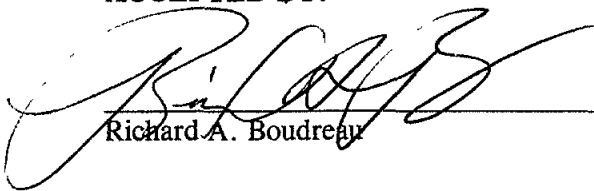
1. ***Incorporation of Recitals.*** The Recitals set forth above are incorporated into this instrument
2. City grants, bargains and sells to the Boudreaus the Easement for Bike Path granted by Boudreaus to City on May 7, 1996, recorded at Vol. 0806, page 123, of Linn County Deed Records.

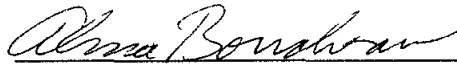
**"GRANTOR":**

CITY OF ALBANY,  
a municipal corporation

By   
Steve Bryant, City Manager

**ACCEPTED BY:**

  
Richard A. Boudreau

  
Alma K. Boudreau

\*\*\*\*\*

STATE OF OREGON, County of Linn ) ss.

January 8, 2003 *me*

This instrument was acknowledged before me on ~~Sept 11th~~, 2002, by STEVE BRYANT, as City Manager of the City of Albany, a municipal corporation

*Margaret Langwell*  
NOTARY PUBLIC for Oregon  
*My commission expires on Sept. 2, 2004*



STATE OF OREGON, County of <sup>Marion</sup> ~~Linn~~ ) ss.

This instrument was acknowledged before me on Sept 11th, 2002, by RICHARD A BOUDREAU.

*Cherie Smith*  
NOTARY PUBLIC for Oregon



STATE OF OREGON, County of <sup>Marion</sup> ~~Linn~~ ) ss.

This instrument was acknowledged before me on Sept 11th, 2002, by ALMA K. BOUDREAU.

*Cherie Smith*  
NOTARY PUBLIC for Oregon

