

RESOLUTION NO 24-12

WHEREAS the City of Astoria provides a valuable public service by providing and improving trails in public easements and rights of way.

WHEREAS ORS 105.668 allows a city to its limit liability from claims or rights of action based on negligence arising from the use of public easements or unimproved rights of way, or from use of structures in the public easement or unimproved right of way.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF ASTORIA:

Section 1.1. LIMITATION OF LIABILITY.

As provided by ORS 105.668 and to the fullest extent of the law, the City of Astoria opts to limit liability for any and all private claims or rights of action for personal injuries or property damage based on negligence resulting from the use of any trail in a public easement or 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.

Such claim does not give rise to a private claim or right of action based on negligence against:


- (a) The City of Astoria;
- (b) The officers, employees, or agents of the City of Astoria to the extent such officers, employees or agents are entitled to defense and indemnification under ORS 30.285;
- (c) The owner of land abutting the public easement, or unimproved right of way, within the City of Astoria; or
- (d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the City of Astoria.

Section 1.2. Effective Date.

The provisions of this resolution shall be effective on the date of execution.

ADOPTED BY THE CITY COUNCIL THIS 15 DAY OF April, 2024

ADOPTED BY THE MAYOR THIS 15 DAY OF April, 2024.



Mayor

ATTEST:



City Manager

ROLL CALL ON ADOPTION

YEA

NAY

ABSENT

| | | | | |
|-----------|-------------------|---|--|--|
| Councilor | Davis | X | | |
| | Brownson | X | | |
| | Adams | X | | |
| | Hilton | X | | |
| | Mayor Fitzpatrick | X | | |

X
X
X
X
X