

## RESOLUTION NO. 1406

### A RESOLUTION ADOPTING THE LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY PURSUANT TO ORS 105.668

#### RECITALS

**WHEREAS**, ORS 105.668(2) limits the liability of cities, adjacent property owners, and certain non-profit groups for injuries or property damage that result from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way;

**WHEREAS**, ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by resolution;

**WHEREAS**, Canby's population is less than 500,000;

**WHEREAS**, Canby has trails or structures within its public easements and unimproved rights of way that may be used by the public for non-motorized activities such as walking, hiking, or biking;

**WHEREAS**, the Canby City Council finds that the City of Canby's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

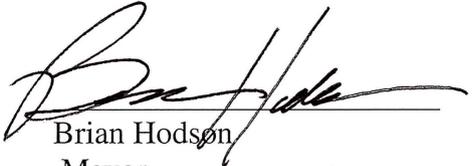
**WHEREAS**, the Canby City Council finds that it is important to protect the city, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

**WHEREAS**, the Canby City Council finds that opting into the limitation of liability in ORS 105.668(2) will provide the city, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in Canby's public easements and unimproved rights of way.

#### **NOW, THEREFORE, THE CITY OF CANBY RESOLVES AS FOLLOWS:**

- Section 1. Findings. The Canby City Council incorporates the above recitals into this resolution.
- Section 2. Limitation of Liability. Pursuant to ORS 105.668(3), the Canby City Council hereby adopts the limitation of liability provided by ORS 105.668(2).
- Section 3. Severability. The Canby City Council intends for this resolution to be severable. If any provision, section, phrase, or word of this resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or its application.
- Section 4. Effective Date. This resolution is effective immediately following its approval and adoption.

The Canby City Council adopts this resolution on the 15<sup>th</sup> day of May, 2024.



Brian Hodson  
Mayor

ATTEST:



Maya Benham, CMC  
City Recorder