



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

Recorded in MULTNOMAH COUNTY, OREGON

C. Swick, Deputy Clerk

B27 9

ATESB

Total : 56.00

2005-037515 03/04/2005 10:59:45am

After Recording Return to:

Debbie Stickney, City Recorder
City of Troutdale
104 SE Kibling Ave.
Troutdale, OR 97060

PIU
3/4/05

EXECUTIVE DEPARTMENT

Fax (503) 665-7265

Administration

City Administrator
City Recorder

Human Resources

Community Services

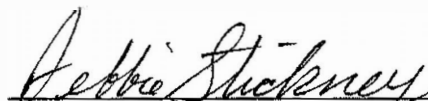
CERTIFICATION OF PUBLIC RECORD

OF THE CITY OF TROUTDALE, OREGON

I, DEBBIE STICKNEY, hereby certify that I am the duly appointed, qualified, and acting City Recorder of the City of Troutdale, Oregon, and

I Further Certify that the attached photo copy of Ordinance No. 758 is a correct, true and exact copy of an official public record of the City of Troutdale, Oregon, that was adopted by the City Council on January 11, 2005 and that the record copy thereof is in my official care, custody and control in my capacity as set forth below my signature.

Witness my Hand, and Seal of the City of Troutdale, Oregon, this 28th day of February, 2005.


Debbie Stickney, City Recorder

ORDINANCE NO. 758

AN ORDINANCE VACATING A PORTION OF THE HARDY/ PARKS ROAD DEED

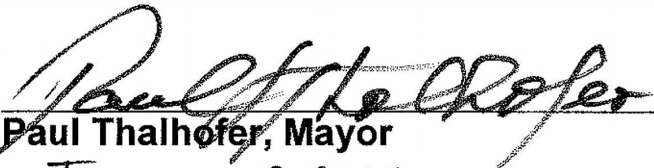
THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. 1989, Hardy and Parks dedicated a road right-of-way to the City of Troutdale (the "Hardy/Parks Road Deed"). The Hardy Parks Road Deed was dedicated in violation of a restrictive covenant that precluded use of a portion of the property as a public road. Because all the dedicated property was not subject to the restrictive covenant, the Multnomah County Surveyor and the Deeds Record Office has refused to record the Sandy Dell Acres subdivision plat and requested that the City vacate that portion of the previously dedicated property that was not subject to the restrictive covenant.
2. The Troutdale City Council initiated this vacation of the portion of the Hardy/Parks Road Deed that is not encumbered by the restrictive covenant to clarify that the City and public do not own any portion of road right-of-way that was mistakenly dedicated.
3. The proposed vacation does not cause a conflict with the Comprehensive Land Use Plan.
4. The public interest will not be prejudiced by the vacation.
5. The owners of property abutting the property that is being vacated have consented to the vacation.
6. The Troutdale Planning Commission held a public hearing on November 17, 2004 concerning this road right-of-way vacation and has recommended that the Council approve the vacation.
7. Notice of the public hearing by the City Council has been provided in accordance with applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The portion of the tract of land, described in Attachment A, which was deeded to the City of Troutdale by Deed for Road Purposes, recorded in Book 2264 Pages 553-558, Multnomah County Deed Records, which was not encumbered by the restrictive covenant in the last paragraph of the 1923 Right-of-Way Deed, described in Attachment B, which was recorded in Book 905, Page 241.(b), is hereby vacated.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Paul Thalhofer, Mayor
January 12, 2005

Date



Debbie Stickney, City Recorder

Adopted: January 11, 2005

Road Deed Description

A tract of land situated in the Southeast one-quarter of Section 36, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Troutdale, Oregon, County of Multnomah and State of Oregon, being more particularly described as follows:

Beginning at the southeast corner of said legal subdivision; thence N.0°32'42"E., along the east line thereof, a distance of 40.00 feet to a point; thence N.89°46'30"W., parallel with the south line of said legal subdivision, a distance of 495.22 feet to a point in the westerly east line of "SANDEE PALISADES", a duly recorded plat situated in said County; thence S.0°13'30"W., along said westerly east line, a distance of 40.00 feet to a point in the south line of said legal subdivision; thence S.89°46'30"E., along said south line, a distance of 495.00 feet to the point of beginning; containing an area of 0.45 acres, more or less.

Deed Book 905 Page 241.(b).

Olive Strebin, widow, John Strebin and Helena Strebin, his wife, Bessie Strebin Schneider and Joe Schneider, her husband, Jennie Strebin, unmarried and Robert Strebin, unmarried, hereinafter called the parties of the first part,

To

J R Knarr and Margaret Knarr, husband and wife, hereinafter called the parties of the second part.

RIGHT OF WAY DEED.

Dated April 18, 1921

Acknowledged April 18, 1921, by Olive Strebin, widow, John Strebin and Helena Strebin, his wife, Bessie Strebin Schneider and Joe Schneider, her husband, Jennie Strebin, unmarried and Robert Strebin, unmarried, before Geo J Perkins, Notary Public for the County of Multnomah, State of Oregon. (Notarial Seal) My commission expires March 18, 1924.

Recorded Feb. 8, 1923
File No. 32316
Consideration \$1.00, &c.
Signed and sealed. (See Below.)

GRANT, BARGAIN, SELL AND CONVEY,

A right of way over and across the following described lands owned by the parties of the first part, to wit:

A strip of land 30 feet in width along the North side of the Base Line parallel with said Base Line between a point where the Base Line Road as now laid out and established leaves said Base Line, in Section 36 Township 1 North Range 3 East of the Willamette Meridian, in Multnomah County, Oregon, and the Southeast corner of Government Lot No 5 in said Section 36 said point being also on said Base Line.

Also a strip of land 15 feet in width along the East side of Government Lots 3 and 5 in said Section 36 from an iron pipe driven in the East line of said Lot 5, on a line dividing the land of the parties of the first part and the parties of the second part, said iron pipe being 792 feet from a point where the East line of said Government Lot 3 intersects the Sandy River.

TO HAVE AND TO HOLD the same unto the said parties of the second part, their heirs assigns and licensees ~~so long as required for road and thoroughfare purposes.~~

Both said strips of land herein described to be used by the parties of the second part their heirs, assigns and licensees ~~exclusively for road and highway purposes,~~ and the parties of the second part, their heirs, assigns and licensees may go upon said strips of land and construct, maintain and use suitable roads and thoroughfares thereon and use the same as a road or thoroughfare so long as required for such purposes. The parties of the first part, however, ~~reserve to themselves,~~ their representatives, heirs, assigns and licensees the ~~right to use said strips of land as a road,~~ passageway and thoroughfare in common with the grantees and all persons claiming under them. Should said land or any part thereof ~~cease for a period of 3 years to be used as a road~~ or thoroughfare or be abandoned, all rights and privileges herein granted to the parties of the second part, their heirs, successors or assigns, or licensees ~~shall cease and terminate.~~

In consideration of the granting of said right of way to the parties of the second part, and for \$1.00 and other valuable and sufficient consideration to them paid by the parties of the first part herein named, the receipt of which is hereby acknowledged, the

parties of the second part * * * * * do hereby grant, bargain, sell and convey unto the parties of the first part herein named, their heirs, assigns and licensees a right of way 30 feet in width over and across the land of the parties of the second part situated in the Southwest Quarter (SW 1/4) of Section 31 in Township 1 South Range 4 East of the Willamette Meridian, in Multnomah County, Oregon, and along the road contemplated by the parties hereto as now staked out, grubbed and partially graded between the Southwest corner of said Section 31 on the Base Line and a point at which an iron stake is driven in the ground on the West line of Section 31 which line divides the land of the parties of the first part and the parties of the second part, said stake beingfeet from the intersection of the West line of said Section 31 with the Sandy River; also a strip of land 15 feet in width along the West side of said Section 31, between said iron pipe and the point where the West line of said section intersects the Sandy River.

TO HAVE AND TO HOLD the same unto the said parties of the first part, their respective heirs, assigns and licensees so long as required for road, passageway and thoroughfare purposes. Said right of way or strips of land herein last described or referred to, to be used by the parties of the first part, their respective heirs, assigns and licensees exclusively for a passageway road highway and thoroughfare purposes.

It is the intention of the parties of the second part to construct a road over and across their said land between the points designated herein, and when so constructed the parties of the first part their respective heirs, assigns and licensees shall have, and are hereby granted the perpetual right to travel over and use the same

for highway purposes in the way the roads and highways are ordinarily used. Also, should the course of said road be changed, the parties of the first part, their respective heirs, assigns and licensees shall have the right to use the changed road to the same extent as they are hereby authorized to travel over and use the roads as now proposed and partially laid out. Should the parties of the second part fail to construct or complete the road as now staked out, between the points on their land herein described, the parties of the first part, their respective heirs assigns and licensees may go upon said land and construct complete and maintain the proposed road and use the same so long as required for road and passageway purposes. Should the course of the proposed road, as now marked out, become obliterated or indefinite the parties of the first part, their respective heirs, assigns and licensees may lay out, construct, maintain and use a road over and across a strip of land of the parties of the second part 30 feet in width, on the most suitable and favorable route between the aforesaid points on the land of the parties of the second part. It is understood, however, that the parties of the second part, their heirs, assigns and licensees reserve the right to use said road or right of way and to maintain said road in a way satisfactory to them, so long as the same is left open for the use of the parties of the first part, their respective heirs, assigns and licensees.

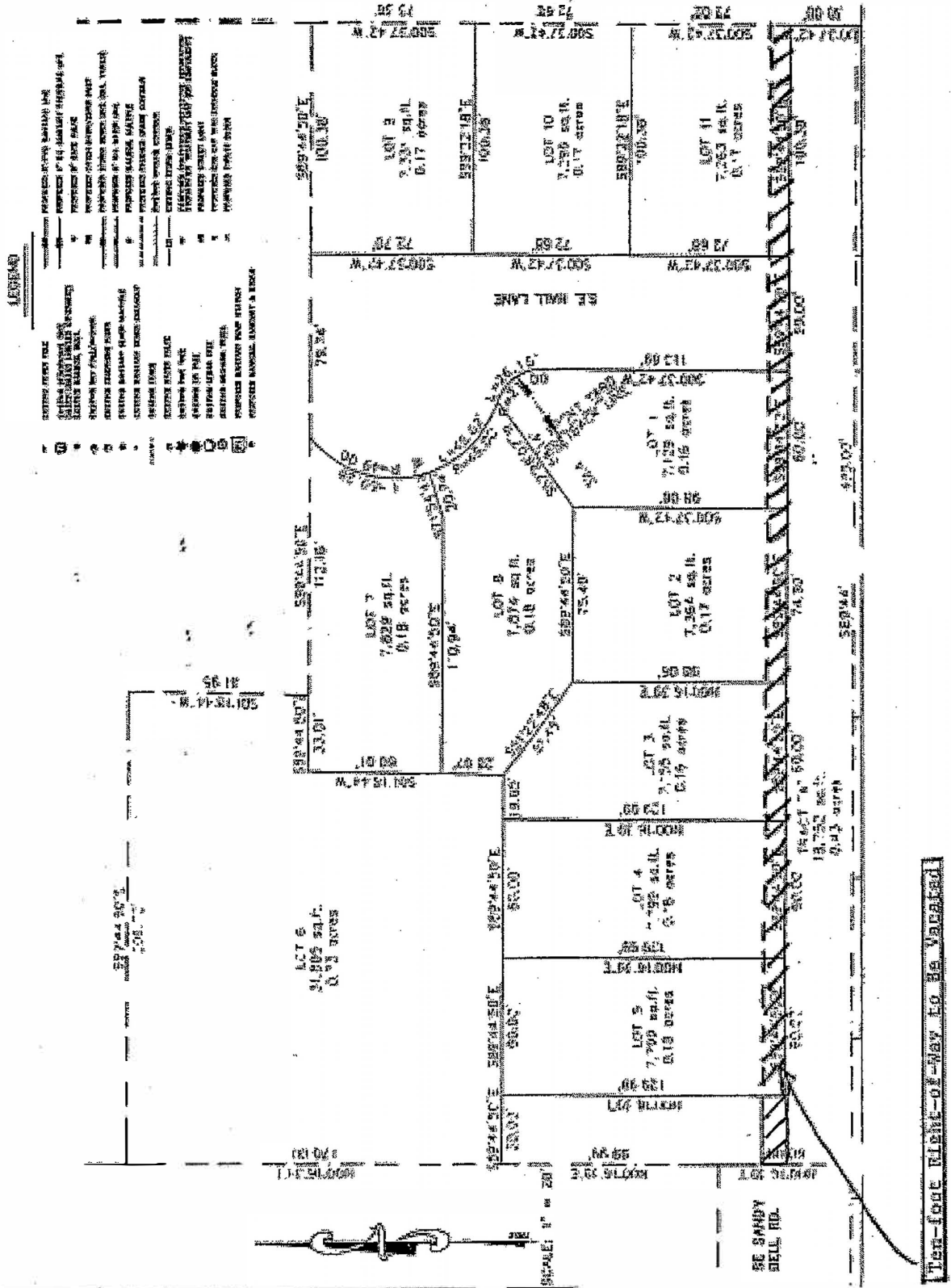
All rights herein granted to the parties of the first part in the land of the parties of the second part are limited to the use of said land for right of way, road and passageway purposes and to the right of laying out, constructing and maintaining a road or passageway thereon.

~~None of the parties hereto shall dedicate the roads or rights~~

~~Of way herein described unconditionally to the public, without the~~
~~consent of all of the parties hereto,~~ and said rights of way or roads shall not be used by heavy vehicles or teams in a way that will cause permanent or unnecessary damage thereto. Every party hereto, however, shall have an equal right with the other or others to the use of said roads and highways.

John C Strebin (Seal)
Helena S Strebin (Seal)
Olive Strebin (Seal)
Robert S Strebin (Seal)
Jennie Strebin (Seal)
Bessie Strebin Schneider (Seal)
Joe Schneider (Seal)
J R Knarr (Seal)
Margaret Knarr (Seal)

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MAP NOT RECORDED
 REFERENCE ONLY
 FOR ORD NO. 758