

A RESOLUTION TO ACQUIRE AN EASEMENT.

WHEREAS, The Common Council of the City of Troutdale finds that a certain portion of real property owned by Mario Cerruti and described in Exhibit "A", so marked, attached hereto and made a part hereof, is necessary for the efficient development of sanitary sewer, storm sewer and other public utility systems of the City, and

WHEREAS, the easement described in Exhibit "A" is for the general benefit of the City of ~~the~~ property owners connected to the system, and

WHEREAS, The Common Council finds that the value of the easement herein acquired by the City is equivalent to the value of the benefit to the real property described in Exhibit "A" resulting from the construction of sanitary sewer and storm sewer improvements within the easement,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

1. The City accept the easement from Mario Cerruti in substantially the form set forth in Exhibit "A".
2. The City will not charge Mario Cerruti for the initial construction costs of the sanitary sewer and storm sewer pipe lines placed within the easement described in Exhibit "A". Charges or expenses for other construction of utilities and improvements are not within the scope of this resolution. Hook-up fees or System Development charges are also unaffected by this resolution.

~~Adopted~~  
~~PASSED~~ by the Common Council of the City of Troutdale, this 8th day of March, 1977.

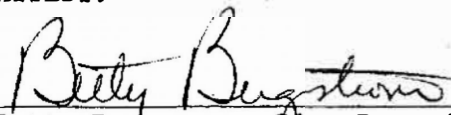
YEAS: 4

NAYS: 0

SIGNED by the Mayor this 8th day of March, 1977.

  
\_\_\_\_\_  
R. M. Sturges, Mayor

ATTEST:

  
\_\_\_\_\_  
Betty Bergstrom, City Recorder.

*Recorded & filed 4-6-77  
Mutt Co.*

GRANT OF EASEMENT FOR RIGHT-OF-WAY

M. A. CERRUTI, hereinafter referred to as "Grantor", in consideration of \$ 10<sup>000</sup> and other good and valuable consideration, the receipt of which is acknowledged, does hereby grant to the City of Troutdale, a Municipal corporation of the State of Oregon, its successors and assigns, hereinafter referred to as "Grantee", an easement for the purpose of constructing, maintaining, operating, inspecting and repairing public utilities, including but not limited to water, sanitary sewer and storm sewer pipe lines and the necessary appurtenances thereto, laid thereon and therein, together with the right of ingress and egress, when necessary, for the purposes above mentioned, on, over, under, and across the ground embraced within the right-of-way situated on the following described lands located in the County of Multnomah and State of Oregon:

A tract of land in the County of Multnomah and State of Oregon, in Section 26, Township 1 North, Range 3 East of the Willamette Meridian, described as follows:

Beginning at a point in the south line of the D. F. Buxton Donation Land Claim in said Section, which point is 507.4 feet Easterly from the Southwest corner thereof, said point being the Southeast corner of a tract of land conveyed by D. F. Buxton and wife to Issac Newton Buxton by deed recorded April 30, 1894, in Deed Book 210, Page 316, Records of Multnomah County, Oregon; running thence North along the East line of said Issac Buxton tract 3982.3 feet to the Northeast corner thereof, said corner being on the North line of said Buxton Donation Land Claim; thence East along said North line of said claim 520 feet to the Northwest corner of that tract of land conveyed by D. F. Buxton and wife to Mary Eliza Buxton by deed recorded April 30, 1894, in Deed Book 213, Page 128, Records of Multnomah County, Oregon; thence South along the West line of said Mary Buxton tract 3965.9 feet to the South line of said Buxton Donation Land Claim; thence South 88 degrees 25' West along the South line of said claim 520 feet to the place of beginning; EXCEPTING therefrom such portions of said premises lying within the right-of-way conveyed by David F. Buxton and wife to the Oregon Railway and Navigation Company by deed recorded June 8, 1881, in Deed Book 46, Page 412, and the right-of-way conveyed by Louisa V. Bristol and husband to the Oregon Railway and Navigation Company by deed recorded June 19, 1907, in Deed Book 387, Page 347,

*EASEMENT NOT GRANTED  
NORTH OF HALSEY STREET  
AS PART OF THIS AGREEMENT...*

*Mavis Cerruti  
P.W. Sen*

*BB 3-15-77*

Deed Records of Multnomah County, Oregon; EXCEPTING also all portions of said premises lying within the boundaries of public roads and highways; SUBJECT ALSO to a perpetual right-of-way for an unobstructed passage by all those who now or may hereafter own any portion of the lands adjacent thereto over a strip of land 16 feet in width beginning at a point 38.8 feet North of the Southwest corner of said premises and running North 1256 feet, more or less, to the South line of the Sandy Road; ALSO SUBJECT TO an easement in favor of Charles S. Wilson, over a roadway 24 feet wide on the boundary line between the property herein described, and that of said Charles S. Wilson, from the North line of the Sandy Road to the lowlands North of the right-of-way of the O. R. & N. Co., as described in deed from L. V. Bristol and husband to the O. R. & N. Co., recorded in Book 387, Page 347.

The Easement shall consist of a temporary Construction Easement and a Permanent Easement as shown on "Exhibit A" attached hereto and made a part hereof.

The easement is limited to and is more particularly described as follows:

CONSTRUCTION  
EASEMENT ONLY  
MAY USE THE  
30 FOOT STRIP...  
R.R.  
M.C.

A strip of land extending 20 feet to the West and 10 feet to the East of a line parallel to and 150 feet East of the western boundary of the above described property. Such line extends from the Southern boundary of the above described property northward to the Northern boundary of the above described property. Upon completion of construction of the sanitary sewer and storm sewer lines and acceptance thereof by the City of Troutdale for purposes of operation and maintenance, the strip of land for permanent easement shall be that extending 10 feet on either side of the above described line.

This Easement is further subject to the following stipulations:

(1) All sanitary sewer and storm sewer lines, manholes, and other appurtenances thereto shall be installed a minimum of three feet below finished grade.

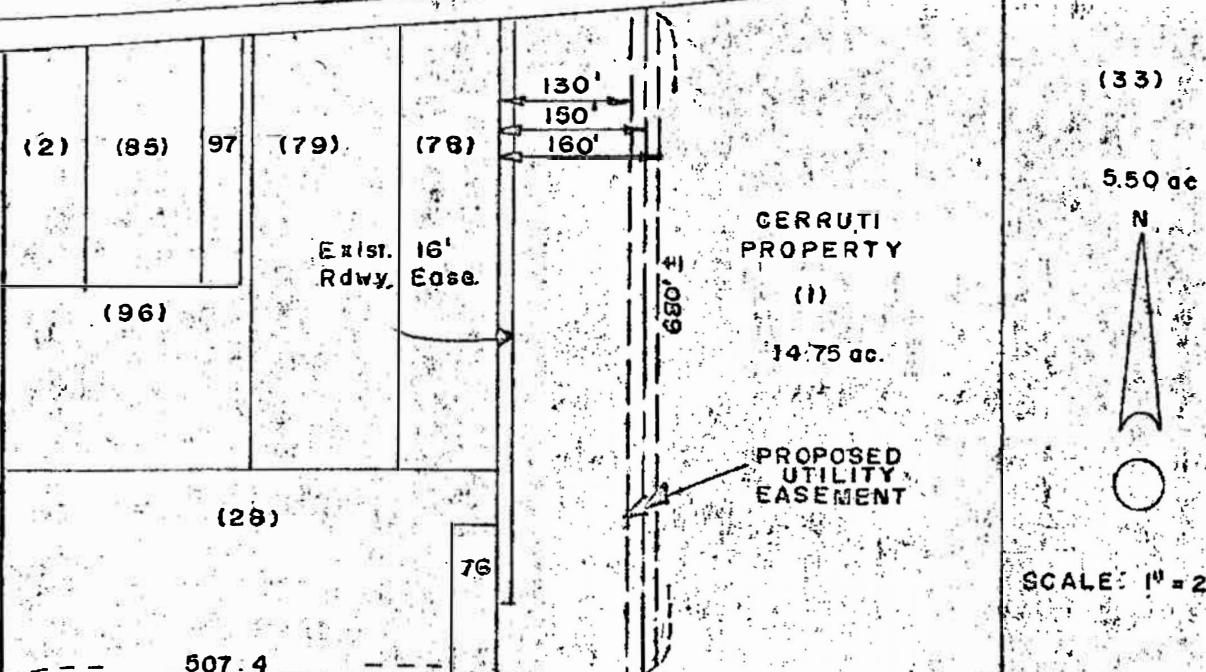
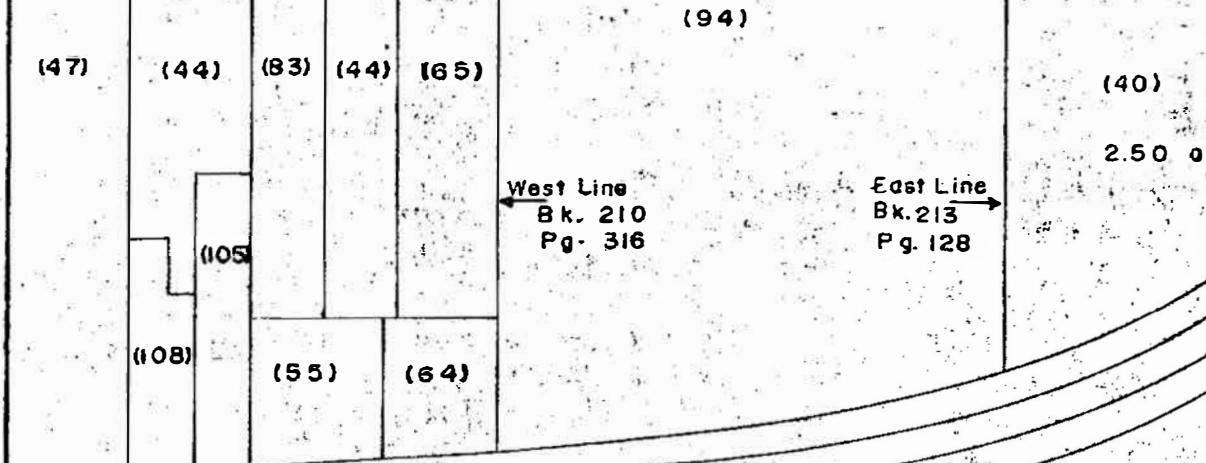
(2) During excavation, the top 18 inches of soil shall be carefully removed and stockpiled. Once the sanitary sewer and storm sewer lines are installed and backfilled to within 18 inches of original grade, the stockpiled soil shall be carefully replaced in the excavation area up to original grade elevation.

(3) Upon completion of the replacement of topsoil, all construction debris and all rocks larger than 2 inches in diameter within 12 inches of the surface shall be removed from the construction site and disposed of away from the Grantor's above described property. In addition, the construction site shall be graded to eliminate any noticeable ditch.

(4) The Grantee shall make every effort to complete construction work by the start of crop planting season, 1977. If construction and cleanup work cannot be completed by the time the growing season starts, the Grantee shall reimburse the Grantor for crop loss as a rate of \$500.00 per acre for said crops which may have been grown within the easement.

16 R.R.  
M.C.





S. E. CORNER  
D. F. BUXTON  
LAND CLAIM

FUJII PROPERTY: TAX LOT (48) 49.23 ac.

SKETCH FOR RIGHT-OF-WAY DESCRIPTION  
OF A PORTION OF TAX LOT 1, SITUATED  
IN SE 1/4 Sec. 26, T 1 N, R 3 E, WM  
MULTNOMAH COUNTY, OREGON

LEE ENGINEERING ENTERPRISES  
ENGINEERS / PLANNERS  
OREGON CITY, OREGON

CERRUTI  
DATE: JAN 1977  
JOB NO: 139-4