

RESOLUTION NO. 248

A RESOLUTION ACCEPTING A UTILITY EASEMENT:

WHEREAS, on April 5, 1979 Ivan D. Handy and Lenora M. Handy executed an easement for the following purposes, namely:

The right, easement and privilege of constructing, maintaining, operating, inspecting and repairing public utilities, including but not limited to water, sanitary sewer, gas and storm sewer pipe lines, together with power and telephone lines, and the necessary appurtenances thereto, laid thereon and therein or above, together with the right of ingress and egress, when necessary, for the purposes above mentioned, on, over, under and across the following described property located in the County of Multnomah and State of Oregon:


Beginning at a point which bears S 89° 57' 47" E a distance of 591.35 feet and N 0° 03' 31" W a distance of 20 feet from the southwest corner of the north one-half of the northeast one-quarter of Section 35, T1N, R3E, W.M., said point of beginning being on the north right-of-way line of Cherry Park Road (County Road No. 571); thence N 0° 03' 31" W a distance of 10 feet; thence S 89° 57' 47" E 10 feet north of and parallel to the north right-of-way line of Cherry Park Road a distance of 484.33 feet to a point; thence N 0° 00' 48" E 25 feet west of and parallel to the west right-of-way line of 257th Drive (County Road No. 571) a distance of 617.18 feet to the north boundary line of the tract described above; thence N 67° 05' 37" E along the north boundary of said tract a distance of 27.15 feet to the west boundary of 257th Drive; to its intersection with the north line of Cherry Park Road a distance of 637.76; thence N 89° 57' 47" W along the north line of Cherry Park Road a distance of 509.33 feet to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE that a utility easement be accepted on the precedingly described tract:

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 10th DAY OF April, 1979.

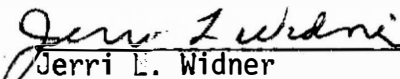
YEAS: 3

NAYS: 0



R. M. Sturges, Mayor

ATTEST:



Jerri L. Widner
Finance Director/
City Recorder

GRANT OF EASEMENT FOR RIGHT-OF-WAY

Ivan D. Handy and Lenora M. Handy, husband and wife, hereinafter referred to as "Grantors", in consideration of \$2,500.00 and other good and valuable consideration, the receipt of which is acknowledged, does hereby grant to the City of Troutdale, its successors and assigns, hereinafter referred to as "Grantee", an easement for the following purposes, namely:

The right, easement and privilege of constructing, maintaining, operating, inspecting and repairing public utilities, including but not limited to water, sanitary sewer, gas and storm sewer pipe lines, together with power and telephone lines, and the necessary appurtenances thereto, laid thereon and therein or above, together with the right of ingress and egress, when necessary, for the purposes above mentioned, on, over, under and across the following described property located in the County of Multnomah and State of Oregon:

Description of Easement

That certain tract of land situated in the north one-half of the northeast one-quarter of Section 35, Township 1 North, Range 3 East of the Willamette Meridian and conveyed to Ivan D. Handy and Lenora M. Handy by contract recorded January 24, 1978, in Book 1236, Page 2080, of the Multnomah County Deed Records. The specific area of easement being more particularly described below:

Beginning at a point which bears S 89° 57' 47" E a distance of 591.35 feet and N 0° 03' 31" W a distance of 20 feet from the southwest corner of the north one-half of the northeast one-quarter of Section 35, TIN, R3E, WM, said point of beginning being on the north right-of-way line of Cherry Park Road (County Road No. 571); thence N 0.03' 31" W a distance of 10 feet; thence S 89° 57' 47" E 10 feet north of and parallel to the north right-of-way line of Cherry Park Road a distance of 484.33 feet to a point; thence N 0° 00' 48" E 25 feet west of and parallel to the west right-of-way line of 257th Drive (County Road No. 571) a distance of 617.18 feet to the north boundary line of the tract described above; thence N 67° 05' 37" E along the north boundary of said tract a distance of 27.15 feet to the west boundary of 257th Drive; thence S 0° 00' 48" W along the west right-of-way line of 257th Drive to its intersection with the north line of Cherry Park Road a distance of 637.76; thence N 89° 57' 47" W along the north line of Cherry Park Road a distance of 509.33 feet to the point of beginning.

In addition to the consideration stated above, the Grantee agrees to pay the Grantor the sum of \$3,000.00 as compensation for all damages suffered by the Grantor as a result of construction of a storm sewer pipe line. These damages include but may not be limited to the resetting of fence posts, loss of crops and loss of profits. No other damage to property within the easement shall be compensated except as may arise from the failure of the Grantee to perform according to the terms hereof.

Within a reasonable time after the completion of any work upon public utilities within the easement, the Grantee shall replace the ground to its original grade in reasonably the same condition as it was prior to the work.

The Grantor reserves all right of access over the easement herein described.

TO HAVE AND TO HOLD THE said Easement and right-of-way unto the City of Troutdale, its successors and assigns forever. The Grantors covenant that they are the owners in fee simple of the real property described herein.

IN WITNESS WHEREOF, the Grantors have assigned this Easement this 5th day of April, 1979.

Ivan D. Handy
Ivan D. Handy

Lenora M. Handy
Lenora M. Handy

STATE OF OREGON)
 : ss
County of Multnomah)

April 5, 1979

Personally appeared the above named Ivan D. Handy and Lenora M. Handy who acknowledged the foregoing GRANT OF EASEMENT FOR RIGHT-OF-WAY to be their voluntary act and deed.

BEFORE ME:

Jerry L. Widner
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/27/80

Jerry L. Widner
JERRI L. WIDNER
NOTARY PUBLIC - OREGON
My Commission Expires 5/27/80