

RESOLUTION NO. 263

A RESOLUTION DECLARING A NECESSITY TO ACQUIRE AN EASEMENT AND COMMENCE CONDEMNATION OF THE EASEMENT.

WHEREAS, improvements to the City water system must be made to provide domestic water to additional property within the City, and

WHEREAS, part of the water pipeline is designed to be laid in the ground within the property owned by C. Edward Venita and Venita Finegan and described in Exhibit "A", a copy of which is attached hereto and made a part hereof as though fully set forth herein, and

WHEREAS, negotiations with the owners of the above described property have failed to produce an agreement, and

WHEREAS, a public need for the above improvements exists, and

WHEREAS, a public need exists for an easement described in Exhibit "A", and

WHEREAS, a written offer was tendered to C. Edward Venita and Venita Finegan on April 20, 1979, offering to purchase the easement for \$6,500 which offer has not been accepted.

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

1. A public necessity for an easement as described in Exhibit "A" is hereby declared to exist for the purpose of making improvements to the water system operated by the city.
2. The City Attorney is hereby directed to commence condemnation proceedings to acquire the easement and allege \$6,000 to be a reasonable sum for the acquisition.
3. The City Recorder is authorized to verify the Complaint prepared by the City Attorney.
4. The City Recorder is authorized to tender to the Clerk of Multnomah County Circuit Court an amount equal to the amount set forth in paragraph 2 above or as otherwise required by the Court.
5. Immediate possession of the easement is hereby declared to be necessary.

ADOPTED BY THE COMMON COUNCIL this 5th day of June, 1979.

YEAS: 4

NAYS: 0

ATTEST:

Jerr L. Widner
JERRI L. WIDNER, City Recorder

Robert M. Sturges
ROBERT M. STURGES, Mayor

UTILITY EASEMENT

_____, herein-
 after referred to as "Grantors", in consideration of _____
 _____ and other good and valuable consideration, the receipt
 of which is hereby acknowledged, do hereby grant to THE CITY OF TROUTDALE, a
 municipal corporation of the State of Oregon, its successors and assigns, here-
 inafter referred to as "Grantee", an easement for the purposes of constructing,
 maintaining, operating, inspecting and repairing public utilities and improve-
 ments, including pipes and conduits for water, sanitary sewer and storm sewer
 and necessary appurtenances thereto, laid over, upon or beneath the surface of
 the ground and for all other utility purposes, including facilities for the
 conveyance of electricity, telephonic messages, cable T.V., natural gas and
 other utilities, including the right of ingress and egress, when necessary
 for the purposes above mentioned, on, over, under and across the real property
 located in the County of Multnomah and State of Oregon, described as follows:

Beginning at a point which bears S 89° 59' 20" E. a distance of 1318.65
 feet and N. 0° 10' 10" W. a distance of 25 feet from the center of
 Section 35, TIN, R3E, W.M., said point being the southwest corner of
 that tract of land recorded in Book 602, Page 585; thence N 0° 10' 10"
 W. along the west boundary of said tract a distance of 840.38 feet to a
 point; thence southeast along the arc of a 627.96 foot radius curve
 through a central angle of 16° 13' 16" and an arc distance of 177.86
 feet to a point; thence S 0° 10' 10" E. a distance of 639.96 feet to a
 north right-of-way line of N.E. Hensley Rd. (County Rd. No. 565-50);
 thence west along said right-of-way line to the point of beginning.

EXHIBIT "A"

IN WITNESS WHEREOF, the parties here have signed and executed this

Easement, this ____ day of _____, 1979.

GRANTORS:

GRANTEE:

THE CITY OF TROUTDALE

By

[Handwritten Signature]

By _____

STATE OF OREGON, County of Multnomah) ss: _____, 1979

Personally appeared the above named _____, Husband and Wife, and acknowledged the foregoing instrument to be their voluntary act and deed. BEFORE ME:

Notary Public for Oregon
My Commission expires: _____

CERTIFICATE OF ACCEPTANCE

I, JERRI L. WIDNER, Recorder of the City of Troutdale, hereby certify that the foregoing Easement was accepted by the Common Council of the City of Troutdale on the ____ day of _____, 1979, by Resolution No. _____.

DATED, this ____ day of _____, 1979.

JERRI L. WIDNER, City Recorder

STATE OF OREGON, County of Multnomah) ss: _____, 1979

Personally appeared the above named JERRI L. WIDNER and acknowledged the foregoing instrument to be the voluntary act and deed of THE CITY OF TROUTDALE. BEFORE ME:

Notary Public for Oregon
My Commission expires: _____