

RESOLUTION NO. 271

A RESOLUTION ACCEPTING A UTILITY EASEMENT.

WHEREAS, on June 2, 1979, Walter L. Mackey executed an easement situated on the following described parcel;

A tract situated in the Southwest quarter of Section 35, T1N, R3E, of the Willamette Meridian, more particularly described as follows:

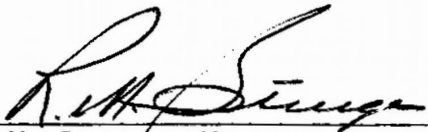
Beginning at the Northwest corner of that certain road strip conveyed to Ella Sophia Calkins by deed recorded January 16, 1920 in book 791, page 418, deed records, Multnomah County, Oregon, thence North  $89^{\circ} 32' 00''$  West a distance of 1.75' to a point thence North  $0^{\circ} 28' 00''$  East a distance of 173.41 feet to a point thence South  $89^{\circ} 32'$  East a distance of 75' to a point thence South  $0^{\circ} 28' 00''$  West a distance of 20' to a point thence North  $89^{\circ} 32'$  West a distance of 55 feet to a point thence South  $0^{\circ} 28'$  West a distance of 153.41' to a point thence North  $89^{\circ} 32'$  West a distance of 20' 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  
28th DAY OF June, 1979.

YEAS: 4

NAYS: 0

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

ATTEST:

  
\_\_\_\_\_  
Jerri L. Widner  
Finance Director/  
City Recorder

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Walter L. Mackey and \_\_\_\_\_, husband and wife, hereinafter referred to as "Grantors", in consideration of one dollar (\$1.00) and other good and valuable considerations, the receipt of which is acknowledged, does hereby grant to the City of Troutdale, a municipal corporation in the State of Oregon, 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 a 12" water line and the necessary appurtenances thereto, a public pedestrian way and the necessary appurtenances thereto, placed thereon, 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:

A tract situated in the Southwest quarter of Section 35, T1N, R3E, of the Willamette Meridian, more particularly described as follows:

Beginning at the Northwest corner of that certain road strip conveyed to Ella Sophia Calkins by deed recorded January 16, 1920 in book 791 page 418 deed records, Multnomah County, Oregon, thence North 89° 32' 00" West a distance of 1.75' to a point thence North 0° 28' 00" East a distance of 173.41 feet to a point thence South 89° 32' East a distance of 75' to a point thence South 0° 28' 00" West a distance of 20' to a point thence North 89° 32' West a distance of 55 feet to a point thence South 0° 28' West a distance of 153.41' to a point thence North 89° 32' West a distance of 20' to the point of beginning.

In consideration for said easement Grantee agrees:

1. to relieve Grantors of any cost associated with the construction of the proposed new 12" water main in the easement,
2. that public pedestrian access across the easement will not be permitted until such time as Grantors sub-divide or sell their property,
3. that the Grantors will be allowed access from Latourell Place for the Grantors existing house,
4. that the City will furnish and install a water meter to serve Grantors existing house, after construction of the water main through this easement, at the Grantors request.

IN WITNESS WHEREOF, this grant of easement has been executed on the 2 day of June, 1979.

Walter L. Mackey  
Signature

\_\_\_\_\_  
Signature

STATE OF OREGON )  
COUNTY OF MULTNOMAH) SS:

BEFORE ME, personally appeared the above named Walter Mackey  
and acknowledged that the foregoing instrument is a voluntary act and deed.

Jerry L. Widner  
JERRI L. WIDNER  
NOTARY PUBLIC - OREGON  
My Commission Expires 3/27/80

Jerry L. Widner  
Notary Public of Oregon  
My Commission Expires: 3/27/80