

A RESOLUTION ACCEPTING A PERMANENT UTILITY EASEMENT AGREEMENT ACROSS THE PORT OF PORTLAND PROPERTY

WHEREAS, Certain public utility improvements have been constructed across Port of Portland property; and

WHEREAS, There is a need for the Port of Portland to grant certain easements in order that the City may have the right to construct, operate, maintain and repair certain utility facilities; and

WHEREAS, There is a need for the City of Troutdale to accept certain easements in order that the City may have the right to construct, operate, maintain and repair certain utility facilities; and

WHEREAS, The Port of Portland has submitted a "Permanent Utility Easement Agreement", attached hereto as Exhibit 'A' for City of Troutdale review and consideration; and

WHEREAS, Said Exhibit 'A' has been reviewed by the City Attorney, and the Consulting Engineer; NOW

THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT the Permanent Utility Easement Agreement, attached hereto as Exhibit 'A', be accepted by the Common Council.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 14th DAY OF April, 1981.

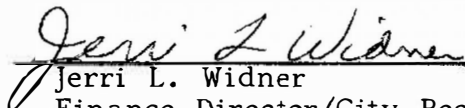
YEAS: 5

NAYS: 0



~~ROBERT M. SUTTER, Mayor~~
SAM K. COX, PRESIDENT/PRESIDING

ATTEST:



Jerri L. Widner
Finance Director/City Recorder

A PERMANENT UTILITY EASEMENT AGREEMENT

This Agreement is made this 14 day of April, **BOOK 1521 PAGE 342**, 1981, between THE PORT OF PORTLAND, a municipal corporation of the state of Oregon, hereinafter called the Grantor, and THE CITY OF TROUTDALE, a municipal corporation of the state of Oregon, hereinafter called the Grantee.

In consideration of the covenants, agreements and stipulations contained herein, each party hereto does expressly covenant and agree to with the others as follows:

1. Grantor grants and conveys to Grantee a permanent easement upon which to construct, operate, maintain and repair certain utility facilities, i.e., gravity sanitary sewer lines, sanitary force main, sewage pump station and water mains.

2. Easements for gravity sanitary sewer lines shall be a width of 30 feet and shall be centered on the centerline of the pipeline. The centerline locations are as follows:

- a. Sewer line "A" beginning at a point which bears north 42.91 feet and west 21.85 feet from the south quarter corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence North 01° 09' 00" East a distance of 976.02 feet more or less to the southerly right-of-way line of Graham Road (County Road No. 1380A).

- b. Sewer line "C" beginning at a point which bears north 42.91 feet and west 21.85 feet from the south quarter corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence South 88° 18' 26" East a distance of 1,325.11 feet to a point on Manhole C-4; thence South 81° 46' 31" East a distance of 195.42 feet to a point on Manhole C-5; thence South 89° 40' 24" East a distance of 1,773 feet more or less to the westerly right-of-way line of Graham Road (County Road No. 1380A).

3. An easement shall be granted for the sewage pump station, adjoining parking space and access road. The area of easement is more particularly described as follows:

Beginning at a point which bears north 42.91 feet and west 21.85 feet from the south quarter corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence South 01° 09' 00" West a distance of 17 feet; thence North 88° 44' 36" West parallel to the south section line of Section 23 a distance of 300 feet; thence North 01° 09' 00" East a distance of 30 feet to a point; thence South 88° 44' 36" East a distance of 180 feet to a point; thence North 01° 09' 00" East a distance of 20 feet to a point; thence South 88° 44' 36" East a distance of 120 feet to a point; thence South 01° 09' 00" West a distance of 33 feet more or less to the point of beginning.

4. Easements for water mains shall be a width of 15 feet and shall be centered on the pipeline. The centerline location is as follows:

A waterline beginning at a point bearing North 85° 32' 31" East a distance of 651.64 feet from the southeast corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence North 68°

23' 47" West a distance of 30 feet to a point; thence South 44° 36' 13" West a distance of 49 feet to a point; thence South 89° 40' 24" East a distance of 1,312.0 feet to a point; thence South 02° 42' 32" East to a point 9 feet north of the north right-of-way line of N. Frontage Road; thence South 42° 29' 11" West a distance of 13 feet more or less to a point on the north right-of-way line of N. Frontage Road.

5. Basis of bearings is Multnomah County Survey No. 44313 by Walter Caswell. This establishes the runway centerline at North 89° 57' 48" West.

6. The easements are subordinate to operation and maintenance of the Troutdale Airport as determined by The Port of Portland and the Federal Aviation Administration and shall expire if no longer used for purpose granted.

7. Grantee agrees to indemnify and save harmless Grantor for claims and damages resulting from these easements.

8. Grantor reserves the right to use the premises at any time, in any manner and for any purpose not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the rights herein granted.

IN WITNESS WHEREOF, the parties hereto have subscribed their names.

CITY OF TROUTDALE

THE PORT OF PORTLAND

By *R.M. Singer*
Mayor

By *Paul Carlson*
Executive Director

APPROVED AS TO FORM

APPROVED AS TO FORM

Brian Freeman
Counsel for Troutdale

Betty J. Gifford
Counsel for The Port of Portland

03/06/81
47C007:0341E

CITY OF TROUTDALE
104 KINGING ST.
TROUTDALE, OR 97060
17:30 m

31201

STATE OF OREGON }
Multnomah County }
sr.
Director, Department of Administration Services and Recorder of Conveyances, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of said County at

1981 MAY 14 AM 9:44
RECORDING SECTION
MULTNOMAH CO. OREGON

In Book 1521 On Page 341
witness my hand and seal of office affixed.
Director Department of Administration Services
M. Burton Deputy.

~~_____~~
I, Jerri Widner, Finance Director/City Recorder for the City of Troutdale, hereby certify that the foregoing Resolution & Utility Easement was accepted by the Council of the City of Troutdale on the 14th day of April, 1981.

Jerri Widner
Finance Director/City Recorder