

RESOLUTION NO. 527-R

A RESOLUTION ACCEPTING A UTILITY EASEMENT ACROSS PORT OF PORTLAND PROPERTY IN SECTION 26, T1N, R3E, W.M.

WHEREAS, such property is needed for the purpose of constructing, maintaining, operating, inspecting and repairing a sanitary sewer pipe and necessary appurtenances thereto beneath the surface of the ground, including the right of ingress and egress, when necessary across the real property located in the County of Multnomah and State of Oregon; and

WHEREAS, the Port of Portland and the City of Troutdale have reached agreement on the improvements and maintenance of this property,

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

The City does hereby accept a utility easement on the following described tract:

- a. A 30.00 foot easement over and across a portion of the North half ($N-\frac{1}{2}$) of Section 26, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, said easement being 15.00 feet each side of the following described centerline:

Beginning at a point in the North line of said Section 26 North $88^{\circ} 44' 36''$ West 1151.38 feet from the Northeast corner thereof; thence South $00^{\circ} 08' 39''$ West 9.01 feet to the TRUE POINT OF BEGINNING of this centerline description; thence continuing South $00^{\circ} 08' 39''$ West 424.37 feet; thence North $89^{\circ} 57' 49''$ East 937.00 feet and the terminus of this centerline description.

ALSO a 30.00 foot easement over and across a portion of the North half ($N-\frac{1}{2}$) of the aforesaid Section 26, said easement being 15.00 feet each side of the following described centerline; beginning at a point in the North line of said Section 26 North $88^{\circ} 44' 36''$ West 1151.38 feet from the Northeast corner thereof; thence South $00^{\circ} 08' 39''$ West 433.38 feet to the TRUE POINT OF BEGINNING of this centerline description; thence South $89^{\circ} 57' 49''$ West 515.00 feet and the terminus of this centerline easement.

Subject to restrictions, reservations and easements of record.

- b. A 30.00 foot easement over and across a portion of the South Half ($S-\frac{1}{2}$) of Section 23, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon said easement being 15.00 feet each side of the following described centerline:

Beginning at the South One Quarter ($S-\frac{1}{4}$) of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence North $88^{\circ} 40' 07''$ West along the South line of said Section 23 a distance of 27.35 feet; thence North $01^{\circ} 19' 53''$ East 1025.87 feet to the TRUE POINT OF BEGINNING of this centerline description; thence North $00^{\circ} 10' 11''$ West 225.00 feet; thence North $87^{\circ} 43' 01''$ West 120.00 feet; thence North $28^{\circ} 14' 47''$ West 160.00 feet and the terminus of this centerline description.

EXCEPT that portion thereof lying within the right-of-way of Graham Road.

Also a 30.00 foot easement over and across a portion of the South Half (S-1/2) of Section 23, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon said easement being 15.00 feet each side of the following described centerline.

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PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 28th DAY OF FEBRUARY, 1984.

YEAS 4

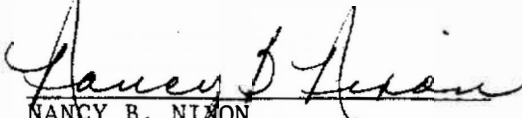
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SAM K. COX, MAYOR

Date Signed: 3-1-84

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER

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Beginning at a point in the North line of said Section 26 North 88° 44' 36" West 1151.38 feet from the Northeast corner thereof; thence South 00° 08' 39" West 9.01 feet to the TRUE POINT OF BEGINNING of this centerline description; thence continuing South 00° 08' 39" West 424.37 feet; thence North 89° 57' 49" East 937.00 feet and the terminus of this centerline description.

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Please Return to:

City of Troutdale
104 SE Kibling Street
Troutdale, OR 97060

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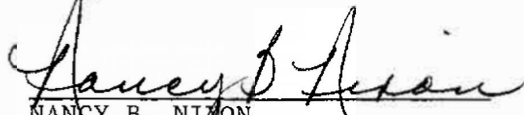
NAYS 0



 SAM K. COX, MAYOR

Date Signed: 3-1-84

ATTEST:



 NANCY B. NIXON
 FINANCE DIRECTOR/CITY RECORDER



UTILITY EASEMENT AGREEMENT

BOOK **1827** PAGE **407**

This Agreement is made this 24th day of February, 1984, 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 sum of One Dollar and No Cents (\$1.00), covenants, agreements and stipulations and other good and valuable consideration, to it paid by the Grantee, the parties hereto expressly covenant and agree to do as follows:

1. Grantor grants and conveys to Grantee an easement to construct, operate and perpetually maintain and repair certain gravity sanitary sewer lines described herein.

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. A 30.00 foot easement over and across a portion of the North half (N-1/2) of Section 26, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, said easement being 15.00 feet each side of the following described centerline:

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Subject to restrictions, reservations, and easements of record.

3. Basis of bearings is Multnomah County Survey No. 44313 by Walter Caswell. This establishes the runway centerline at North $89^{\circ} 57' 48''$ West.

4. This instruction does not grant or convey to Grantee any right or title to the surface of soil along the route of said sewer and the easements granted herein are subordinate to operation and maintenance of the Troutdale Airport as determined by The Port of Portland and the Federal Aviation Administration. This easement shall automatically expire if Grantee no longer uses it for purpose herein granted.

5. Grantee agrees to indemnify and save harmless Grantor from any and all claims and damages resulting from the granting or exercise of these easements.

6. 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: Sam K Cox
Mayor

BY: [Signature]
Executive Director

APPROVED AS TO FORM

APPROVED AS TO FORM

Brian Freeman
Counsel for
Troutdale

M Brian Playfair
Counsel for
The Port of Portland

36712



STATE OF OREGON }
Multnomah County ss.

I, a Deputy for the 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

1985 MAY 21 AM 10:22

RECORDING SECTION
MULTNOMAH CO OREGON

In Book On Page

1827 405

witness my hand and seal of office affixed.
Recorder of Conveyances

M Burned
Deputy

2500