

RESOLUTION NO. 567-R

A RESOLUTION RELINQUISHING A UTILITY EASEMENT ACROSS PORT OF PORTLAND PROPERTY IN SECTION 23, T1N, R3E, W.M., MULTNOMAH COUNTY, STATE OF OREGON AND ACCEPTING A UTILITY EASEMENT ACROSS PORT OF PORTLAND PROPERTY IN SECTION 23, T1N, R3E, W.M., MULTNOMAH COUNTY, STATE OF OREGON.

WHEREAS, the City of Troutdale, by Resolution No. 527-R, accepted easement rights 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, described in Exhibit A, Resolution No. 527-R.

WHEREAS, construction modifications necessitated the relocation of said sewer line across Port of Portland property:

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

The City of Troutdale does hereby relinquish the utility easement on the following described tract:

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- $\frac{1}{4}$) corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence North 88° 40' 07" West along the South line of said Section 23 a distance of 27.35 feet; thence North 01° 19' 53" East 1,025.87 feet to the TRUE POINT OF BEGINNING of this centerline description; thence North 00° 10' 11" West 225.00 feet; thence North 87° 43' 01" West 120.00 feet; thence North 28° 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- $\frac{1}{2}$) 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 South One Quarter (S- $\frac{1}{4}$) corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence North 88° 40' 07" West along the South line of said Section 23 a distance of 27.35 feet; thence North 01° 19' 53" East

1,025.87 feet; thence North $00^{\circ} 10' 11''$ West 225.00 feet to the TRUE POINT OF BEGINNING of this centerline description; thence continuing North $00^{\circ} 10' 11''$ West 145.00 feet and the terminus of this centerline description.

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

AND,

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

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 ($S-\frac{1}{4}$) corner 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 1040.87 feet to the TRUE POINT OF BEGINNING of this centerline description; thence North $88^{\circ} 40' 07''$ West 44.99 feet; thence North $00^{\circ} 10' 11''$ West 211.93 feet; thence North $87^{\circ} 43' 01''$ West 75.14 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 ($S-\frac{1}{2}$) 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 South One Quarter ($S-\frac{1}{4}$) corner 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 72.34 feet; thence North $01^{\circ} 19' 53''$ East 1039.69 feet; thence North $00^{\circ} 10' 11''$ West 211.93 feet to the TRUE POINT OF BEGINNING of this centerline description; thence continuing North $00^{\circ} 10' 11''$ West 143.07 feet and the terminus of this centerline description.

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

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 23rd
DAY OF October, 1984.

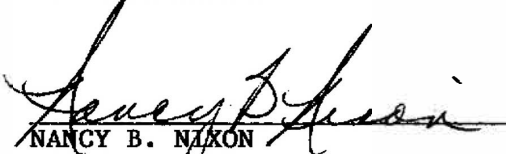
YEAS 6

NAYS 0



SAM K. COX, MAYOR
Date Signed 10-24-84

ATTEST:



NANCY B. NIXON
Finance Director/City Recorder

EASEMENT

THE PORT OF PORTLAND, a municipal corporation of the State of Oregon, the Grantor herein, for good and valuable consideration, does grant to THE CITY OF TROUTDALE, a municipal corporation of the State of Oregon, the Grantee herein, an easement to construct, operate, and perpetually maintain gravity sanitary sewer lines centered on the centerline of the pipeline. The centerline locations of the easement are as follows:

- a. A 30-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 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 1,151.38 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 feet and the terminus of this centerline description.

Also, a 30-foot easement over and across a portion of the North Half (N-1/2) of the aforesaid Section 26, said easement being 15 feet each side of the following described

centerline; beginning at a point in the north line of said Section 26 North 88° 44' 36" West 1,151.38 feet from the northeast corner thereof; thence South 00° 08' 39" West 433.38 feet to the TRUE POINT OF BEGINNING of this centerline description; thence South 89° 57' 49" West 515 feet and the terminus of this centerline description.

- b. A 30-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 feet each side of the following described centerline:

Beginning at the South One-Quarter (S-1/4) corner of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence North 88° 40' 07" West along the south line of said Section 23 a distance of 27.35 feet; thence North 01° 19' 53" East 1,040.87 feet to the TRUE POINT OF BEGINNING of this centerline description; thence North 88° 40' 07" West 44.99 feet; thence North 00° 10' 11" West 211.93 feet; thence North 87° 43' 01" West 75.14 feet; thence North 28° 14' 47" West 160 feet and the terminus of this centerline description.

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

Also, a 30-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 feet each side of the following described centerline:

Beginning at the South One-Quarter (S-1/4) corner 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 72.34 feet; thence North $01^{\circ} 19' 53''$ East 1,039.69 feet; thence North $00^{\circ} 10' 11''$ West 211.93 feet to the TRUE POINT OF BEGINNING of this centerline description; thence continuing North $00^{\circ} 10' 11''$ West 143.07 feet and the terminus of this centerline description.

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

The above-described property gives Grantee the right to construct, operate, and perpetually maintain gravity sewer lines, and the easement shall terminate when no longer used for the purposes described herein.

Grantee shall pay all costs for installation of such sewer lines, including the cost to restore improvements which are affected by such installation. This includes the cost of restoring any landscaping to

its condition and size prior to such installation, as well as replacing any sidewalks, pavement, curbs, driveways, signs, irrigation systems, or other improvement affected by the installation. Grantee shall not interrupt the business operation of the Grantor or other Grantor tenants in such installation.

Grantee shall fully indemnify, save harmless, and defend the Grantor, its commissioners, officers, and employees from and against all claims and actions and all expenses incidental to the investigation and defense thereof, based upon or arising out of any and all damages or injuries to the Grantor or third (3rd) persons or their property, caused by Grantee's installation, operation, or maintenance of sewers pursuant to this paragraph.

It is understood and agreed that no structure shall be erected upon said easement right-of-way without the written consent of the Grantor.

A preconstruction meeting shall be held with representatives of the City, Port, and Contractor in attendance to establish routine coordination requirements and to clarify plan and specification issues that relate to construction on Port properties.

After completion of the construction work, a final inspection shall be conducted to insure Port properties have been satisfactorily restored.

This instrument does not grant or convey to the Grantee any right or title to the surface of the soil or land described herein.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 14th day of November, 1984.

THE PORT OF PORTLAND

By *L. D. Collier*
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY:

M. B. Playfair
Counsel for
The Port of Portland

ACCEPTED, CONFIRMED, and AGREED this 6th day of December, 1984.

CITY OF TROUTDALE

By *Jan K. Cox*

11/15/84
12L267:0930L

Suscribed and sworn to before me this 6th day of December 1984

Mary J. Eaton
Notary Public for Oregon

My commission expires: 11/23/86

STATE OF OREGON)
) SS
County of Multnomah)

On this 14th day of December, 1984, before me appeared
Lloyd Anderson, who is the Executive Director of the within named Port
of Portland, a municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year first in this certificate written.



Shirley L. Jackson
Notary Public for Oregon
My commission expires: 3-7-86

11/15/84
12L267:0930L