

RESOLUTION NO. 592-R

A RESOLUTION ACCEPTING A UTILITY EASEMENT ACROSS PROPERTY IN SECTION 25, T1N, R3E, W.M., MULTNOMAH COUNTY, STATE OF OREGON, OWNED BY KAZUO AND MARY M. FUJII

WHEREAS, the City of Troutdale has adopted a downtown concept plan that sets forth the perimeters for the relocation of utilities to underground or other locations, and

WHEREAS, the relocation of main electrical feeder service must be established in order to meet the goals and objectives of the Downtown Plan and policy statements of the City Council:

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

The City of Troutdale does hereby accept the utility easement on the following described property for the uses set forth herein:

A tract of land fifteen (15) feet in width located in the Southwest quarter (1/4) of Section 25, T1N, R3E, W.M., City of Troutdale, Multnomah County, Oregon, the centerline of which is described as follows:

Beginning at the northwest corner of the terminus of Southwest Fourth Street, a public roadway dedicated to the City of Troutdale on March 6, 1962; thence Southerly along the westerly terminus line of said Southwest Fourth Street, a distance of 7.5 feet to the True Point of Beginning; thence Westerly and parallel with the extension of the northerly right-of-way line of said Southwest Fourth Street, 322.5 feet more or less, to a point which when measured at right angles lies 7.5 feet easterly of the westerly line of that tract of land conveyed to Kazuo and May M. Fujii, in Book 1483 on Page 2236 of the Multnomah County, Oregon Deed Records; thence Northerly and parallel with the westerly line of said Fujii tract three hundred thirty-five (335) feet more or less, to a point on the southerly right-of-way of Halsey Street (Barr Road #1180) and the terminus of this easement.

Also, a tract of land fifteen (15) feet in width located in the Southwest quarter (1/4) of Section 25, T1N, R3E, W.M., City of Troutdale, Multnomah County, Oregon the center line of which is described as follows:

Beginning at the northwest corner of the terminus of Southwest Fourth Street, a public roadway dedicated to the City of Troutdale on March 6, 1962; thence Southerly along the westerly terminus line of said Southwest Fourth Street 7.5 feet; thence Westerly and parallel with the extension of the northerly right-of-way line of said Southwest Fourth Street 322.5 feet more or less, to a point which when measured at right angles, lies 7.5 feet easterly of the westerly line of that tract of land conveyed to Kazuo and May M. Fujii, in Book 1483 on Page 2236 of the Multnomah County, Oregon Deed Records, said point also being the True Point of Beginning; thence Southerly and parallel with the westerly line of said Fujii tract a distance of twenty (20) feet to the terminus of this easement.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
fourteenth DAY OF May, 1985.

YEAS 5

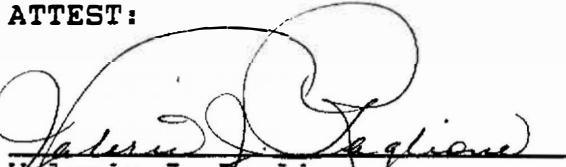
NAYS 0



Sam K. Cox, MAYOR

Date Signed: 5/16/85

ATTEST:


Valerie J. Raglione
City Recorder

9.66

In consideration of the sum of ten dollars (\$10.00), Kazou Fujii and May M. Fujii, hereinafter called "Grantor" conveys to the CITY OF TROUTDALE, hereinafter called "Grantee", its successors and assigns, for public use and benefit, a perpetual, nonexclusive easement upon the following described property for the uses set forth herein:

A tract of land fifteen (15) feet in width located in the Southwest quarter (1/4) of Section 25, T1N, R3E, W.M., City of Troutdale, Multnomah County, Oregon, the centerline of which is described as follows:

Beginning at the northwest corner of the terminus of Southwest Fourth Street, a public roadway dedicated to the City of Troutdale on March 6, 1962; thence Southerly along the westerly terminus line of said Southwest Fourth Street, a distance of 7.5 feet to the True Point of Beginning; thence Westerly and parallel with the extension of the northerly right-of-way line of said Southwest Fourth Street, 322.5 feet more or less, to a point which when measured at right angles lies 7.5 feet easterly of the westerly line of that tract of land conveyed to Kazou and May M. Fujii, in Book 1483 on Page 2236 of the Multnomah County, Oregon Deed Records; thence Northerly and parallel with the westerly line of said Fujii tract three hundred thirty-five (335) feet more or less, to a point on the southerly right-of-way of Halsey Street (Barr Road #1180) and the terminus of this easement.

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The terms of this utility easement are as follows:

1. Grantor acknowledges the receipt of ten dollars (\$10.00) as consideration for the granting of this easement.
2. Grantor acknowledges that no building shall be erected on this easement.
3. Grantee, its agents, independent contractors, and franchised utility companies shall use the easement for the purpose of constructing, maintaining, and operating public or other utilities in, on, and over the above described tract of land.

- 4. Grantee agrees to idemnify and defend the grantor from any loss, claim, or liability to Grantor arising in any manner out of Grantee's use of the easement property. Grantee assumes all risk arising out of its use of the easement property and Grantor shall have no liability to Grantee or others for any condition existing thereon.
- 5. This easement is granted subject to all prior easements or encumbrances of record.
- 6. The grantor warrants that he is the sole owner of the easement property, and that there are no mortgages or encumbrances thereon except _____
- 7. This easement shall be for the right to enter upon the Property and to erect, maintain, repair, rebuild, operate and patrol electric power lines and appurtenant signal or communication lines, and all uses directly or indirectly necessary thereto. Such uses shall include the necessary erection of poles, towers, wires, cables, guys, supports and appurtenances and the protection thereof from fire and other hazards. Such uses shall also include keeping the Property free from structures, equipment, trees, vines, brush and any and all other obstructions of any kind.
- 8. PGE shall have the present right to top, limb or fell trees located on land owned by Grantors adjacent to the Property if PGE determines that such trees represent a danger to the use of this easement.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS EASEMENT ON THE 28th DAY OF April 1985.

GRANTOR:

Ray J. [Signature]
Ray M. [Signature]

GRANTEE:

City of Troutdale

[Signature]
[Signature]

WITNESS:

[Signature]

(Seal)

I, Valerie J. Raglione, City Recorder/Administrative Secretary for the City of Troutdale, hereby certify that the foregoing Utility easement was accepted by the Common Council of the City of Troutdale on the 17 day of May, 1985.

[Signature]
City Recorder/Administrative Secretary

Please Return to:

City of Troutdale
104 SE Kibling Street
Troutdale, OR 97060

40786

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 JUN 17 AM 9:51

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book

1830

On Page

1748

witness my hand and seal of office affixed.

Recorder of Conveyances

M Burns

Deputy

BOOK 1830 PAGE 1750