

RESOLUTION NO. 603-R

A RESOLUTION ACCEPTING A UTILITY EASEMENT ACROSS MULTNOMAH COUNTY PROPERTY IN SECTIONS 26 & 35, T1N, R3E, W.M. MULTNOMAH COUNTY, STATE OF OREGON.

WHEREAS, the City of Troutdale has entered into a utility easement agreement for the purpose of constructing, maintaining, operating, inspecting and repairing a waterline 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 the Agreement (Exhibit "A") and this Resolution.

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(s) described as follows:

- a. A strip of land in Sections 26 and 35, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, across Multnomah County tracts as recorded in Book 398, Page 21; Book 476, page 296; Book 124, page 53; and Book 2, page 298, Deed Records, described as follows:

Beginning at the Southeast corner of the Multnomah County tract as recorded in Book 398, page 21, Multnomah County Deed Records, said point being the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 35; thence North $1^{\circ} 18' 26''$ East along the Easterly line of said tract in Book 398, page 21, 1,328 feet to the North quarter corner of said section 35; thence North $1^{\circ} 36' 12''$ East in said Section 26, along the Easterly line of said tract in Book 398, page 21, and the Easterly line of the Multnomah County tract as recorded in Book 476, page 296, Deed Records, a distance of 396.0 feet; thence North $88^{\circ} 23' 48''$ West a distance of 10.0 feet; thence North $1^{\circ} 36' 12''$ East a distance of 352.00 feet; thence South $88^{\circ} 23' 48''$ East a distance of 131.00 feet; thence North $1^{\circ} 36' 12''$ East a distance of 612.00 feet; thence North $88^{\circ} 23' 48''$ West a distance of 131.00 feet; thence North $1^{\circ} 36' 12''$ East a distance of 508 feet to the South right-of-way line of Halsey Street (Barr Road); thence North $88^{\circ} 23' 48''$ West along the South right-of-way line of Halsey Street 20.00 feet; thence South $1^{\circ} 36' 12''$ West a distance of 528.00 feet; thence South $88^{\circ} 23' 48''$ East a distance of 131.00 feet; thence South $1^{\circ} 36' 12''$ West a distance of 572.00 feet; thence North $88^{\circ} 23' 48''$ West a distance of 131.00 feet; thence South $1^{\circ} 36' 12''$ West a distance of 768 feet to the South line of said Section 26, said point being

30 feet at right angles from the South quarter corner of said section 26; thence South $1^{\circ} 18' 26''$ West in said Section 35, parallel and 30 feet Westerly from the East line of said tract, in Book 398, page 21, 1,328 feet to the South line of said tract in Book 398, page 21; thence East 30 feet to the POINT OF BEGINNING.

EXCEPT any portions in Northeast Cherry Park Road.

Subject to restrictions, reservations and easements of record.

- b. A strip of land being 10.00 feet in width parallel and adjoining the Southerly right-of-way line of Northeast Halsey Street, and across Multnomah County tracts as recorded in Book 465, page 338; Book 476, page 296; and Book 124, page 53, Deed Records, in Section 26, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, described as follows:

Beginning in the Southerly right-of-way line of Northeast Halsey Street (Barr Road), Station 330+37.71 as shown on Street Map A5/4A Multnomah County Survey Records; thence North $86^{\circ} 26'$ East along said Southerly right-of-way line a distance of 900.00 feet; thence South $3^{\circ} 34'$ East a distance of 10.00 feet; thence South $86^{\circ} 26'$ West parallel and 10.00 feet South of said right-of-way, a distance of 900.00 feet; thence North $3^{\circ} 34'$ West a distance of 10.00 feet to the POINT OF BEGINNING.

Subject to restrictions, reservations, and easements of record.

- c. A strip of land 30.00 feet in width in Section 26, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, across Multnomah County tract as recorded in Book 465, page 338, Deed Records, described as follows:

Beginning at a point which is North $0^{\circ} 19'$ West 19.55 chains (1290.3 feet) and North $89^{\circ} 40'$ East 8.35 chains (551.1 feet) and North $0^{\circ} 07'$ West 290.00 feet more or less from the Southwest Section Corner of said Section 26, said point also being the intersection of the Westerly line of said tract in Book 465, page 338, with the Southerly right-of-way line of Northeast Halsey Street (Barr Road); thence South $0^{\circ} 07'$ East along said Westerly line and Westerly line extended a distance of 380.00 feet; thence North $89^{\circ} 53'$ East a distance of 30.00 feet; thence North $0^{\circ} 07'$ West a distance of 380.00 feet more or less to the Southerly right-of-way line of said Halsey Street; thence Westerly 30.00 feet

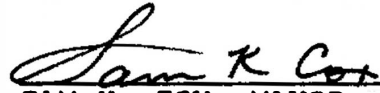
more or less along said Halsey Street Southerly
right-of-way line to the POINT OF BEGINNING.

Subject to restrictions, reservations, and easements of
record.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 10th
DAY OF DECEMBER, 1985.

YEAS 6

NAYS 0



SAM K. COX, MAYOR
Date Signed 12/11/85

ATTEST



VALERIE RAGLIONE
(City Recorder)

DEC85:CS17:3.58

RECORD COPY

UTILITY EASEMENT AGREEMENT

This Agreement is made this 19 day of December, 1985, between MULTNOMAH COUNTY, 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 waterlines as the Grantee may deem necessary.

2. Easements for said waterlines shall be described as follows:

a. A strip of land in Sections 26 and 35, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, across Multnomah County tracts as recorded in Book 398, Page 21; Book 476, page 296; Book 124, page 53; and Book 2, page 298, Deed Records, described as follows:

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EXCEPT any portions in Northeast Cherry Park Road.

Subject to restrictions, reservations and easements of record.

- b. A strip of land being 10.00 feet in width parallel and adjoining the Southerly right-of-way line of Northeast Halsey Street, and across Multnomah County tracts as recorded in Book 465, page 338; Book 476, page 296; and Book 124, page 53, Deed Records, in Section 26, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, described as follows:

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Subject to restrictions, reservations, and easements of record.

3. This easement shall automatically expire if Grantee no longer uses it for purpose herein granted.

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

5. 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 of the rights herein granted.

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

CITY OF TROUTDALE

MULTNOMAH COUNTY

BY: *Sam K Cox*
Mayor

BY: *Dennis Buchanan*
County Executive

APPROVED AS TO FORM

APPROVED AS TO FORM

[Signature]
Counsel for Troutdale

[Signature]
Counsel for Multnomah
County

NOV85:CS17:3.17

STATE OF OREGON

COUNTY OF MULTNOMAH

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)
) ss.

On this 19th day of December, A.D. 1985, before me, a Notary Public in and for said County and State, personally appeared Casey LaGuardia, to me personally known, who being duly sworn did say that she, Casey LaGuardia, is authorized by Dennis Buchanan, County Executive of Multnomah County, Oregon to sign official County documents on behalf of the said Dennis Buchanan, and that the seal affixed to said instrument is the corporate seal of said Multnomah County and that said instrument was signed and sealed on behalf of said County by authority of its Board of County Commissioners, by Casey LaGuardia, on behalf of the said Dennis Buchanan, and the said Casey LaGuardia, acknowledged said instrument to be the free act and deed of said County,

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


Jean G. A. Markle
Notary Public for Oregon

My Commission Expires: 5/2/86