

RESOLUTION NO. 649-R

A RESOLUTION ACCEPTING A UTILITY EASEMENT ACROSS PORT OF PORTLAND PROPERTY IN SECTION 23, T1N, R3E, W.M.

WHEREAS, such property is needed for the purpose of constructing, maintaining, operating, inspecting and repairing a water line 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 tract of land in the east half of the southwest quarter of Section 23, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, and more particularly described as follows:

Commencing at the quarter corner on the south line of said Section 23, thence North $88^{\circ} 40' 07''$ West 141.41 feet; thence North $01^{\circ} 19' 53''$ East 1080.07 feet to the northerly right-of-way line of vacated county road No. 1380A-50 and the TRUE POINT OF BEGINNING; thence North $00^{\circ} 10' 11''$ West 121.85 feet; thence North $28^{\circ} 14' 47''$ West 147.09 feet to a point 8.00 feet southerly of, when measured at right angles to, the southerly right-of-way line of Northwest Graham Road as dedicated to the City of Troutdale as recorded April 11, 1984, in Book 1740, Page 710; thence parallel to said dedication South $89^{\circ} 49' 30''$ West 255.73 feet; thence North $00^{\circ} 10' 30''$ West 8.00 feet to the south line thereof; thence along said south line North $89^{\circ} 49' 30''$ East 254.87 feet to the southwesterly line of a sanitary sewer easement to the City of Troutdale executed December 14, 1984 by the Port of Portland; thence along said easement South $28^{\circ} 14' 47''$ East 114.35 feet and South $87^{\circ} 43' 01''$ East 15.09 feet; thence South $28^{\circ} 14' 47''$ East 36.53 feet; thence South $00^{\circ} 10' 11''$ East 126.27 feet to the northerly line of said county road No. 1380A-50; thence North $88^{\circ} 40' 07''$ West 16.01 feet to the TRUE POINT OF BEGINNING containing 0.114 acres.

Subject to restrictions, reservations and easements
of record.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
27TH DAY OF JANUARY, 1987.

YEAS 5

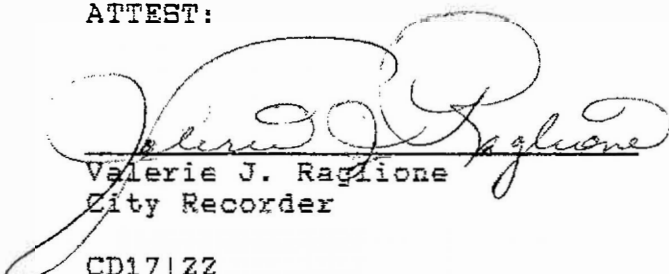
NAYS 0



Sam K. Cox, Mayor

Date Signed: 1/28/87

ATTEST:



Valerie J. Ragnione
City Recorder

CD17|22

UTILITY EASEMENT AGREEMENT

This agreement is made this 27th day of March, 1987 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 water lines described herein.
2. Easements for the waterline shall be centered on the centerline of the pipeline as shown on Exhibit 'A', attached. The location is as follows:

A tract of land in the east half of the southwest quarter of Section 23, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, and more particularly described as follows:

Commencing at the quarter corner on the south line of said Section 23, thence North $88^{\circ} 40' 07''$ West 141.41 feet; thence North $01^{\circ} 19' 53''$ East 180.07 feet to the northerly right-of-way line of vacated county road No. 1380A-50 and the TRUE POINT OF BEGINNING; thence North $00^{\circ} 10' 11''$ West 121.85 feet; thence North $28^{\circ} 14' 47''$ West 147.09 feet to a point 8.00 feet southerly of, when measured at right angles to, the southerly right-of-way line of Northwest Graham Road as dedicated to the City of Troutdale as recorded April 11, 1984, in Book 1740, Page 710; thence parallel to said dedication South $89^{\circ} 49' 30''$ West 255.73 feet; thence North $00^{\circ} 10' 30''$ West 8.00 feet to the south line thereof; thence along said south line North $89^{\circ} 49' 30''$ East 254.87 feet to the

southwesterly line of a sanitary sewer easement to the City of Troutdale executed December 14, 1984 by the Port of Portland; thence along said easement South 28° 14' 47" East 114.35 feet and South 87° 43' 01" East 15.09 feet; thence South 28° 14' 47" East 36.53 feet; thence South 00° 10' 11" East 126.27 feet to the northerly line of said county road No. 1380A-50; thence North 88° 40' 07" West 16.01 feet to the TRUE POINT OF BEGINNING containing 0.114 acres.

- 3. This instrument does not grant or convey to Grantee any right or title to the surface of soil along the route of said waterline and the easement granted herein is 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 purposes 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 this easement.
- 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, its successors and assigns, of the rights herein granted.

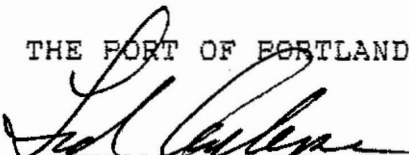
IN WITNESS WHEREOF, the parties hereto have subscribed their names.

CITY OF TROUTDALE

THE PORT OF PORTLAND



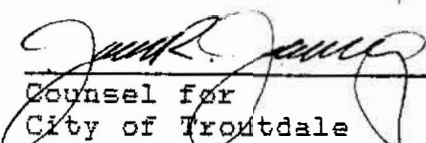
Sam K. Cox, Mayor



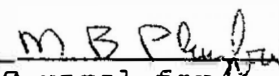
Executive Director

APPROVED AS TO FORM

APPROVED AS TO FORM



Counsel for
City of Troutdale



Counsel for
The Port of Portland

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

March 27, 1987
Date

Personally appeared the above named Lloyd Anderson
and acknowledged the foregoing instrument to be his voluntary act
and deed.

BEFORE ME:

Shirley L. Jackson
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-7-90

CERTIFICATE OF ACCEPTANCE

I, Jared R. Spurgeon, Recorder of the City of Troutdale, heraby
certify that the foregoing Utility Agreement was accepted by the
Common Council of the City of Troutdale on the 27th day of
January, 1987 by Resolution No. 649-R.

Dated this 1 day of April, 1987.

Jared R. Spurgeon
CITY RECORDER

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

April 4, 1987
Dated

Personally appeared the above named Valerie J. Raglione and
acknowledged the foregoing instrument to be the voluntary act and deed
of THE CITY OF TROUTDALE.

BEFORE ME:

Manon Peers
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-18-90

034028

stump to:
City of Troutdale
Valerie J. Raglione
104 SE Kibling
Troutdale, OR
97060

STATE OF OREGON)
) ss.
Multnomah County)

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

1987 APR 24 AM 10:02

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book On Page
BOOK 1998 PAGE 1597

witness my hand and seal of office affixed
Recorder of Conveyances

M. Burnett
Deputy

Resolution 649

The large map for this resolution is not able to be scanned. To view the map, please refer to the microfilm or the duplicate copy of the resolution located in the blue reference binders.