

RESOLUTION NO. 785-R

A RESOLUTION DEDICATING CITY PROPERTY FOR UTILITY EASEMENT PURPOSES AND ACCEPTING SAID PROPERTIES AS UTILITY EASEMENTS.

WHEREAS, the City of Troutdale owns property under which is located public facilities including, but limited to, water, sewer and storm drainage; and

WHEREAS, the City desires to place these utilities within designated easements for the overall long term public good.

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

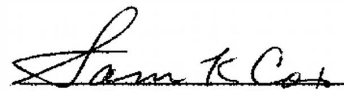
The City does both dedicate for easement purposes and accept said utility easements attached and hereto made part of this document.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 14th DAY OF NOVEMBER 1989.

YEAS 4

NAYS 1 (SCHMUNK)


ABSTAINED 1 (FOWLER)



 Sam K. Cox, Mayor

Date Signed: November 16, 1989

ATTEST


 Valerie J. Raglione
 City Recorder

PW79:40

ENGINEERING
 PLANNING
 SURVEYING
 LAND DEVELOPMENT

KENT W. COX and ASSOCIATES, INC.
 Consulting Engineers - Land Surveyors
 204 N.E. KELLY AVENUE
 GRESHAM, OREGON 97030
 (503) 667-4464



Registration:
 Oregon
 Idaho
 Washington

Affiliations:
 American Society of Civil Engineers
 Professional Land Surveyors of Oregon
 American Congress of Surveying and Mapping

**SANITARY SEWER EASEMENT DESCRIPTION
 CITY OF TROUTDALE TO THE CITY OF TROUTDALE**

PROJECT NO. 89 088
 November 13, 1989

A 10.00 foot wide strip of land, being 5.00 feet on each side of the following described centerline and within the northwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, said centerline being further described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence South $88^{\circ}44'43''$ East along the south line of said tract and along the north line of said right-of-way, a distance of 116.35 feet to a point of curvature; thence 217.19 feet along the arc of a 2740.00 foot radius circular curve to the left through a central angle of $04^{\circ}32'30''$ (long chord is 217.14 feet and bears North $88^{\circ}59'02''$ East) and along the north line of said right-of-way to the **TRUE POINT OF BEGINNING OF SAID CENTERLINE**; thence North $06^{\circ}34'38''$ West, a distance of 217.78 feet; thence North $02^{\circ}54'58''$ West, a distance of 374.00 feet to the **TERMINUS POINT OF SAID CENTERLINE**.

The above description and elements therein are based upon Property Survey 47700 on file in the Multnomah County Surveyor's Office.

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WATER LINE EASEMENT DESCRIPTION
CITY OF TROUTDALE TO THE CITY OF TROUTDALE

PROJECT NO. 89 088
November 13, 1989

A 10.00 foot wide strip of land within the northwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, the east line of said 10.00 foot wide strip being further described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North $00^{\circ}17'09''$ East along the west line of said tract, a distance of 363.00 feet; thence North $89^{\circ}43'47''$ East, a distance of 328.56 feet; thence North $00^{\circ}01'38''$ West, a distance of 15.00 feet to the TRUE POINT OF BEGINNING of said east line; thence South $00^{\circ}01'38''$ East, a distance of 15.00 feet; thence South $03^{\circ}35'32''$ East, a distance of 360.86 feet to the north line of said right-of-way and to the TERMINUS POINT of said west line.

The above description and elements therein are based upon Property Survey No. 47700 on file in the Multnomah County Surveyor's Office.

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GENERAL UTILITY EASEMENT DESCRIPTION
CITY OF TROUTDALE TO THE CITY OF TROUTDALE

PROJECT NO. 89 088
November 13, 1989

A 35.00 foot wide strip of land within the northwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, being further described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North $00^{\circ}17'09''$ East along the west line of said tract, a distance of 328.00 feet to the TRUE POINT OF BEGINNING of this Description; thence continuing North $00^{\circ}17'09''$ East along the said west line a distance of 35.00 feet; thence North $89^{\circ}43'47''$ East, a distance of 328.56 feet; thence South $00^{\circ}01'38''$ East, a distance of 1.90 feet; thence South $03^{\circ}35'32''$ East, a distance of 33.16 feet; thence South $89^{\circ}43'47''$ West, a distance of 330.81 feet to the above referenced TRUE POINT OF BEGINNING of this Description.

The above description and elements therein are based upon Property Survey No. 47700 on file in the Multnomah County Surveyor's Office.

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STORM DRAIN EASEMENT DESCRIPTION
CITY OF TROUTDALE TO THE CITY OF TROUTDALE

PROJECT NO. 89 088
November 13, 1989

A 20.00 foot wide strip of land, being 10.00 feet on each side of the following described centerline and within the northwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, said centerline being further described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North 00°17'09" East along the west line of said tract, a distance of 24.02 feet to the TRUE POINT OF BEGINNING OF SAID CENTERLINE; thence South 89°20'09" East, a distance of 291.52 feet; thence North 11°51'07" East, a distance of 225.69 feet to the TERMINUS POINT OF SAID CENTERLINE. The exterior lines of said easement shall extend or contract as necessary to intercept adjacent property lines.

The above description and elements therein are based upon Property Survey No. 47700 on file in the Multnomah County Surveyor's Office.

008201

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

90 JAN 29 AM 10: 15

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book BOOK 2272 PAGE 461

witness my hand and seal of office affixed
Recorder of Conveyances

M. Butna
Deputy

253

UTILITY EASEMENT

MARIE BENNETT (hereinafter the "Grantor"), for good and valuable consideration, does grant to the CITY OF TROUTDALE, a municipal corporation of the State of Oregon (hereinafter the "Grantee"), a perpetual easement for the purposes outlined and on the areas fully described in Exhibit "A" and Exhibit "B", attached hereto and incorporated by reference herein.

The above Grantor gives Grantee the right to repair, maintain, inspect and operate miscellaneous general public utilities (Exhibit "A") and a storm sewerline (Exhibit "B") within the easement area. The easement shall terminate when no longer used for the purposes described herein.

The Grantee shall pay for all costs to repair, maintain, inspect and operate said public utilities, which includes the cost of restoring any landscaping to its condition and size prior to such repair, maintenance, inspection and operation, as well as replacing any sidewalks, pavement, curbs, driveways, signs, irrigation systems, or other improvement affected by the repair, maintenance, inspection and operation.

The 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 persons or their property, caused by the Grantee's negligent repair, maintenance, inspection or operation of utilities pursuant to this paragraph.

It is understood and agreed that no structure shall be erected nor shall plant material be placed which may damage or affect the operation of the utilities, nor shall any facilities be constructed in, on or over said easement, without the written consent of the Grantor and the City Public Works Director.

This instrument does not grant or convey to the Grantee any title to the surface of the soil or land described herein. This easement shall be a covenant running with the land and shall inure to the benefit of and bind the successors of the Grantor and the Grantee.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 17 day of November, 1989.

Marie Bennett
MARIE BENNETT

State of Oregon)
County of Multnomah) ss:

On the 17 day of December, 1989, personally appeared before me the above named MARIE BENNETT who did execute the foregoing in my presence and acknowledged the same to be her voluntary act and deed.

Dated this 17 day of December, 1989.

Patricia J. Ford
Notary Public for Oregon

My Commission Expires: 10-5-91

ACCEPTED, CONFIRMED, and AGREED this 13 day of December, 1989.

THE CITY OF TROUTDALE, Grantee

By Sam K Cox
Sam K. Cox, Mayor

State of Oregon)
County of Multnomah) ss:

On the 13 day of December, 1989, personally appeared before me the above named SAM K. COX who did execute the foregoing in my presence and acknowledged the same to be his voluntary act and deed.

Dated this 13 day of December, 1989.

James B. Rayburn
Notary Public for Oregon

My Commission Expires: 4/3/90

PW79:52

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EXHIBIT "A"

GENERAL UTILITY EASEMENT DESCRIPTION
COLUMBIA CROSSING TO THE CITY OF TROUTDALE

PROJECT NO. 89 088
November 13, 1989

A 35.00 foot wide by 40.00 foot long strip of land located within the northwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian, County of Multnomah, State of Oregon, and being further described as follows:

Commencing at the southwest corner of that tract of land described in Book 745 at Page 580, Recorded August 10, 1970 in the Multnomah County Recorder's Office, said corner also being on the north line of the Oregon-Washington Railroad and Navigation Company right-of-way; thence North $00^{\circ}17'09''$ East along the west line of said tract, a distance of 328.00 feet to the TRUE POINT OF BEGINNING of this Description; thence South $89^{\circ}43'47''$ West, a distance of 40.00 feet; thence North $00^{\circ}17'09''$ East, a distance of 35.00 feet; thence North $89^{\circ}43'47''$ East, a distance of 40.00 feet to the said west line; thence South $00^{\circ}17'09''$ West along said west line, a distance of 35.00 feet to the above referenced TRUE POINT OF BEGINNING of this Description.

The above description and elements therein are based upon Property Survey No. 47700 on file in the Multnomah County Surveyor's Office.