

A RESOLUTION ACCEPTING A WATERLINE EASEMENT COVERING A 20 FOOT STRIP BETWEEN NORTH GRAHAM ROAD AND VACATED GRAHAM ROAD SITUATED IN THE SOUTHWEST QUARTER, OF SECTION 23, T 1N, R 3E, WILLAMETTE MERIDIAN, COUNTY OF MULTNOMAH, STATE OF OREGON.

WHEREAS, The Port of Portland grants to the City of Troutdale a perpetual easement for the purpose of ingress and egress, when necessary, and the right to repair, maintain, inspect and operate a waterline within the easement area.

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

The City hereby accepts the utility easement ~~and~~ hereto and made part of this document.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 13TH DAY OF FEBRUARY, 1990.

YEAS 4

NAYS 0

ABSTAINED 0

Sam K. Cox

Sam K. Cox, Mayor

Date Signed: FEBRUARY 14, 1990

ATTEST:

Valerie J. Raglione

Valerie J. Raglione
City Recorder

PWB2:70

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

FEB 14 1990



In Book

On Page

BOOK **2280** PAGE **1039**

witness my hand and seal of office affixed.

Recorder of Conveyances

017517

WATER LINE EASEMENT

PORT OF PORTLAND, a port district of the State of Oregon (hereinafter the "Grantor"), for good and valuable consideration, does grant to 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 grant gives the Grantee the right to repair, maintain, inspect and operate a water line within the easement area. The easement shall terminate when no longer used for the purposes described herein.

The Grantor shall pay all costs for installation of such utility line. The plans and specifications for installation shall be approved by the Grantee. The Grantee shall pay for all costs to repair, maintain, inspect and operate said line after installation by the Grantee and acceptance by the Grantor, 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. Prior to any entry upon the easement area for the purposes specified herein, the Grantee shall provide reasonable notice to the Grantor, or its successors.

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 upon said easement right-of-way without the written consent of the Grantor and the City Engineer.

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 12th day of January, 1990.

THE PORT OF PORTLAND, Grantor

By

R. H. Wood

APPROVED AS TO LEGAL SUFFICIENCY

F. M. Phillips
Counsel for The Port of Portland

ACCEPTED, CONFIRMED, and AGREED this 15 day of February 1990.

THE CITY OF TROUTDALE, Grantee

By Sam K Coe

STATE OF OREGON)
) SS.
County of Multnomah)

On this 12th day of January, 1990, before me appeared Robert L. Woodell. who, being duly sworn, did say that he, Robert L. Woodell, is the Executive Director of the within named The Port of Portland, a municipal corporation, that the seal to the within instrument is the corporate seal of said municipal corporation, and that said instrument was signed and sealed by authority of its Board of Commissioners, and Robert L. Woodell acknowledged this to be the free act and deed of said municipal corporation.

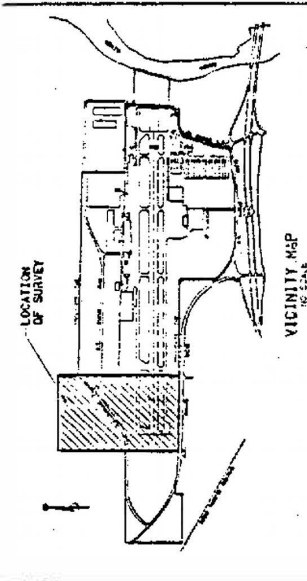
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this day and year first in this certificate written.

Shirley P. Sawangton
Notary Public for Oregon
My Commission Expires 3-7-90

EXHIBIT A

A parcel of land situated in the Southwest quarter, of Section 23, Township 1 North, Range 3 East, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

Commencing at the Southwest section of Section 23, Township 1 North, Range 3 East, Willamette Meridian; thence South $88^{\circ}40'00''$ East along the South line of Section 23, 1580.77 feet to a point; thence North $01^{\circ}15'43''$ East 12.79 feet to a point in the North right-of-way of N.W. Marine Drive (County Road No. 3385) and the centerline of vacated N.W. Sundial Road (County Road No. 1189) vacated by Troutdale City Ordinance No. 415-0; thence continuing North $01^{\circ}15'43''$ East along said centerline of vacated N.W. Sundial Road 1304.58 feet to a point in the South right-of-way of N.W. Graham Road (County Road No. 1380-A); thence South $89^{\circ}57'35''$ East along the South right-of-way line of said N.W. Graham Road, a distance of 10.00 feet to the TRUE POINT OF BEGINNING; thence South $01^{\circ}15'43''$ West, parallel to the centerline of said vacated N.W. Sundial Road, a distance of 265.14 feet to the centerline of vacated Graham Road; thence South $89^{\circ}57'35''$ East a distance of 20.00 feet; thence North $01^{\circ}15'43''$ East parallel to the centerline of said vacated N.W. Sundial Road, a distance of 265.14 feet to the South right-of-way line of N.W. Graham Road (County Road No. 1380-A); thence North $89^{\circ}57'35''$ West along said South right-of-way line, a distance of 20.00 feet to the true point of beginning.



PARCEL I
 20 ACRES
 B.L. 1000 AC FT.

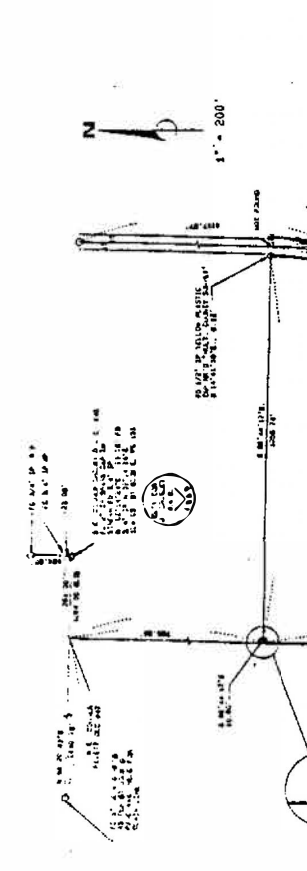
PARCEL II
 10 ACRES
 B.L. 500 AC FT.

PARCEL III
 10 ACRES
 B.L. 500 AC FT.

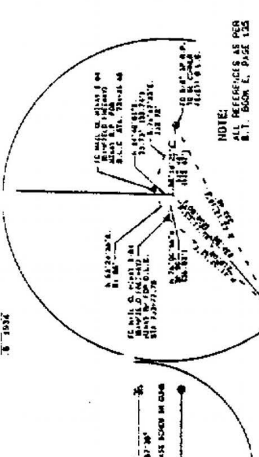
PARCEL I
 A parcel of land situated in the northern part of Section 23, Township 1 North, Range 3 East, containing 20 acres, more or less, as shown on the plat hereto annexed. The same is bounded on the north by the line of Section 23, on the east by the line of Section 24, on the south by the line of Section 22, and on the west by the line of Section 21. The survey was made by J. G. Smith, Surveyor, on the 15th day of June, 1887, and the same is shown on the plat hereto annexed. The survey was made in accordance with the provisions of the Act of the Legislature of the State of Oregon, passed at the regular session of 1886, and the same is shown on the plat hereto annexed. The survey was made in accordance with the provisions of the Act of the Legislature of the State of Oregon, passed at the regular session of 1886, and the same is shown on the plat hereto annexed.

PARCEL II
 A parcel of land situated in the northern part of Section 23, Township 1 North, Range 3 East, containing 10 acres, more or less, as shown on the plat hereto annexed. The same is bounded on the north by the line of Section 23, on the east by the line of Section 24, on the south by the line of Section 22, and on the west by the line of Section 21. The survey was made by J. G. Smith, Surveyor, on the 15th day of June, 1887, and the same is shown on the plat hereto annexed. The survey was made in accordance with the provisions of the Act of the Legislature of the State of Oregon, passed at the regular session of 1886, and the same is shown on the plat hereto annexed.

PARCEL III
 A parcel of land situated in the northern part of Section 23, Township 1 North, Range 3 East, containing 10 acres, more or less, as shown on the plat hereto annexed. The same is bounded on the north by the line of Section 23, on the east by the line of Section 24, on the south by the line of Section 22, and on the west by the line of Section 21. The survey was made by J. G. Smith, Surveyor, on the 15th day of June, 1887, and the same is shown on the plat hereto annexed. The survey was made in accordance with the provisions of the Act of the Legislature of the State of Oregon, passed at the regular session of 1886, and the same is shown on the plat hereto annexed.



NARRATIVE
 The purpose of this survey is to establish the boundaries of the parcels of land described in the foregoing sections of this plat, and to show the location of the easement area. The survey was made by J. G. Smith, Surveyor, on the 15th day of June, 1887, and the same is shown on the plat hereto annexed. The survey was made in accordance with the provisions of the Act of the Legislature of the State of Oregon, passed at the regular session of 1886, and the same is shown on the plat hereto annexed.



CURVE TABLE	NO. CONTROL	RADIUS	LENGTH	CHORD	CHORD BEARING
1	1	100.00	100.00	100.00	S 90° 00' 00" W
2	2	200.00	200.00	200.00	S 90° 00' 00" W
3	3	300.00	300.00	300.00	S 90° 00' 00" W
4	4	400.00	400.00	400.00	S 90° 00' 00" W
5	5	500.00	500.00	500.00	S 90° 00' 00" W
6	6	600.00	600.00	600.00	S 90° 00' 00" W
7	7	700.00	700.00	700.00	S 90° 00' 00" W
8	8	800.00	800.00	800.00	S 90° 00' 00" W
9	9	900.00	900.00	900.00	S 90° 00' 00" W
10	10	1000.00	1000.00	1000.00	S 90° 00' 00" W

CERTIFICATE
 I, J. G. Smith, Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey made by me on the 15th day of June, 1887, and that the same is shown on the plat hereto annexed. The survey was made in accordance with the provisions of the Act of the Legislature of the State of Oregon, passed at the regular session of 1886, and the same is shown on the plat hereto annexed.

PORT OF PORTLAND
 PORTLAND, OREGON

REFERENCES
 Plat 45 Portland Drainage
 Plat 46-50
 Plat 51-55
 Plat 56-60
 Plat 61-65
 Plat 66-70
 Plat 71-75
 Plat 76-80
 Plat 81-85
 Plat 86-90
 Plat 91-95
 Plat 96-100

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	1887	J. G. Smith	Original Survey
2	1888	J. G. Smith	Correction of Bearings
3	1889	J. G. Smith	Correction of Distances
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7	1893	J. G. Smith	Correction of Distances
8	1894	J. G. Smith	Correction of Bearings
9	1895	J. G. Smith	Correction of Distances
10	1896	J. G. Smith	Correction of Bearings
11	1897	J. G. Smith	Correction of Distances
12	1898	J. G. Smith	Correction of Bearings
13	1899	J. G. Smith	Correction of Distances
14	1900	J. G. Smith	Correction of Bearings
15	1901	J. G. Smith	Correction of Distances
16	1902	J. G. Smith	Correction of Bearings
17	1903	J. G. Smith	Correction of Distances
18	1904	J. G. Smith	Correction of Bearings
19	1905	J. G. Smith	Correction of Distances
20	1906	J. G. Smith	Correction of Bearings
21	1907	J. G. Smith	Correction of Distances
22	1908	J. G. Smith	Correction of Bearings
23	1909	J. G. Smith	Correction of Distances
24	1910	J. G. Smith	Correction of Bearings
25	1911	J. G. Smith	Correction of Distances
26	1912	J. G. Smith	Correction of Bearings
27	1913	J. G. Smith	Correction of Distances
28	1914	J. G. Smith	Correction of Bearings
29	1915	J. G. Smith	Correction of Distances
30	1916	J. G. Smith	Correction of Bearings
31	1917	J. G. Smith	Correction of Distances
32	1918	J. G. Smith	Correction of Bearings
33	1919	J. G. Smith	Correction of Distances
34	1920	J. G. Smith	Correction of Bearings
35	1921	J. G. Smith	Correction of Distances
36	1922	J. G. Smith	Correction of Bearings
37	1923	J. G. Smith	Correction of Distances
38	1924	J. G. Smith	Correction of Bearings
39	1925	J. G. Smith	Correction of Distances
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98	1984	J. G. Smith	Correction of Bearings
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100	1986	J. G. Smith	Correction of Bearings

PORTLAND TROUDALE AIRPORT
 SURVEY OF TAX LOTS 23 & 42, SW 1/4
 SEC 23, T. 1 N., R. 3 E., MELLANETTE MERIDIAN

Surveyed by: J. G. Smith
 Date: 1887

Plat No.: 1044

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