

RESOLUTION NO. 887

A RESOLUTION ACCEPTING A PUBLIC UTILITY AND ACCESS EASEMENT FOR PUBLIC FACILITIES NECESSARY TO SERVE PROPERTIES ALONG FRONTAGE ROAD AND VICINITY.

WHEREAS, such property is needed for the purposes of maintaining, repairing, altering and installing utilities and improvements including pipes and conduits for water, sanitary sewer and storm sewer and necessary appurtenances thereto, laid over, upon or beneath the surface of the ground and for all other utility purposes, including facilities for the conveyance of electricity, telephone, cable television, natural gas and other utilities including the right of ingress and egress for emergency vehicle and utility maintenance and repair purposes only, when necessary on, over, under and across the real property located in the County of Multnomah and State of Oregon.

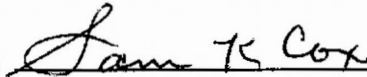
NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL FOR THE CITY OF TROUTDALE THAT:

The City does hereby accept a non-exclusive easement described as follows:

Beginning at a point on the northerly line of that tract of land conveyed to Flying J Inc., by deed recorded in Book 2052, Page 1263, Records for Multnomah County, Oregon, which point bears South 00°23'50" West 1348.30 feet and North 86°25'51" West 117.29 feet from the Northwest corner of said Section 25, said beginning point also being on the southerly right-of-way line of the Eastbound off-ramp of Interstate Highway 80 North; thence southwesterly along the arc of a 24.50 foot radius curve to the left (the chord of which bears South 5°30'00" West 4.36 feet) a distance of 4.36 feet; thence South 0°23'50" West 23.42 feet; thence South 4°12'41" West 45.10 feet; thence South 0°23'50" West 116.08 feet; thence southeasterly along the arc of a 132.50 foot radius curve to the left (the chord of which bears South 28°12'15" East 126.86 feet) a distance of 132.29; thence South 33°11'40" West 35.00 feet; thence northwesterly along the arc of a 167.50 foot radius curve to the right (the chord of which bears North 28°12'15" West 160.37 feet) a distance of 167.23 feet; thence North 0°23'50" East 116.08 feet; thence North 3°25'01" West 45.10 feet; thence North 0°23'50" East 28.41 feet; thence northerly along the arc of a 24.50 foot radius curve to the left (the chord of which bears North 1°32'01" West 1.65 feet) a distance of 1.65 feet to a point on the southerly right-of-way line of said Interstate Highway; thence South 86°25'51" East along said right-of-way line, 41.51 feet to the point of beginning.

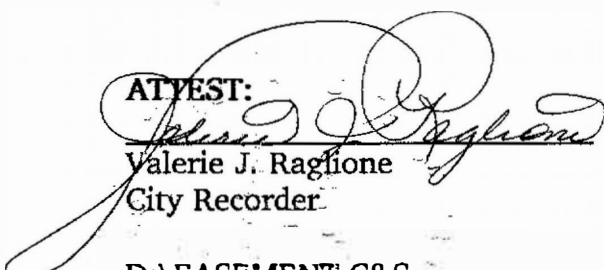
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 26TH DAY OF MARCH, 1991.

YEAS 5
NAYS 0
ABSTAINED 0



Sam K. Cox, Mayor
Date Signed: 2/27/91

ATTEST:



Valerie J. Ragnione
City Recorder

D:\EASEMENT.C&S

DECLARATION OF DEED RESTRICTIONS

Re-recorded to add Exhibit "B"

THIS AGREEMENT, made and entered into this 15th day of January, ~~1990~~¹⁹⁹¹

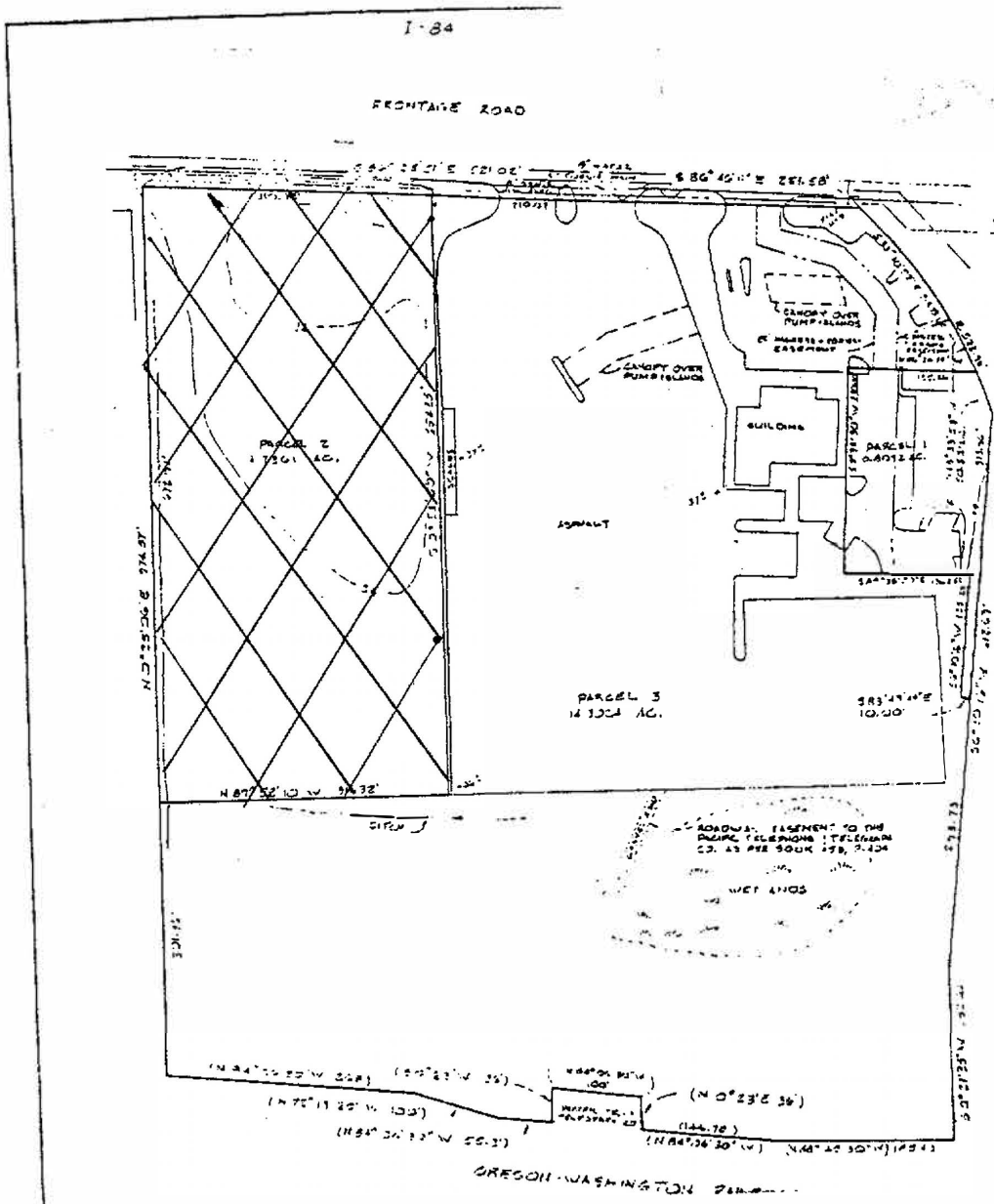
WHEREAS, the undersigned are the lessees and/or owners of the following parcel(s):
Portion of Tax Lot 166-Section 25, Township 1 North, Range 3 East, Willamette Meridian, and

WHEREAS, the undersigned as lessees/owners of said tract and in exchange for approval by the City of Troutdale of lessee/owner's development of this lot wishes to burden said tract in Section 25, Township 1 North, Range 3 East, Willamette Meridian with a restriction requiring lessee or future lessees or owners of all or a part thereof to participate in the construction of curbs, sidewalks, street improvements, storm sewer system improvements, street lighting and other public improvements benefiting that portion owned or leased by the undersigned.

WHEREAS, the undersigned desire to develop a restaurant facility before said improvements are constructed or reconstructed to City standards;

NOW, THEREFORE, the undersigned hereby agree and stipulate as follows:

1. That the undersigned and all future lessees or owners of the tract of land above-described and as shown on the attached Exhibit "A" shall be obliged to participate in said improvements initiated by a petition of owners of the land, or by the Common Council of the City of Troutdale and such future owners shall also be obligated to pay their proper share for the development and improvement of said improvements.
2. This obligation shall be binding, whether the improvement is initiated by a petition of the owners, lessees of the land abutting said street, or the Common Council of the City of Troutdale.
3. That this entire agreement constitutes a mutual covenant running with the land, and successive future owners or lessees shall be bound to it as if original signers hereto.



840

Would you please conform the enclosed document for me and return it to:

Valerie J. Raglione
 City Recorder
 City of Troutdale
 104 SE Kibling Street
 Troutdale, OR 97060

STATE OF OREGON
 Multnomah County

SS.
 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

91 FEB 18 AM 9:43

RECORDING SECTION
 MULTNOMAH CO. OREGON

In Book **BOOK 2385** PAGE **97** On Page

witness my hand and seal of office a ffiled.
 Recorder of Conveyances

M Burns
 Deputy

A parcel of land situated in the Northwest one quarter of Section 25 and Northeast one quarter of Section 26, Township 1 North, Range 3 East of the Willamette Meridian in the City of Troutdale, County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at a point on the Northerly line of that tract of land conveyed to Flying J Inc, by Deed recorded in Book 2052, page 1263, Records for Multnomah County, Oregon, which point bears South 00°23'50" West 1,348.30 feet and South 86°25'51" East 17.03 feet from the Northwest corner of said Section 25, said beginning point also being on the Southerly right of way line of the Eastbound off-ramp of Interstate Highway 80 North; thence South 00°23'50" West parallel with the West line of Section 25, a distance of 654.25 feet; thence North 89°52'10" West 311.32 feet to a point on the West line of said Flying J tract; thence North 00°28'06" East along said West line, 672.91 feet to the Northwest corner thereof; thence South 86°25'51" East along the Northerly line of said Flying J tract, 310.95 feet to the point of beginning.

EXCEPTING THEREFROM that property described in Deed to the City of Troutdale by Deed recorded April 29, 1988 in Book 2099, page 388.

025892

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

91 MAR 29 PM 3:23

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book On Page
BOOK 2398 PAGE 1454

witness my hand and seal of office affixed.

Recorder of Conveyances

M. R. ...

Deputy

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Know all men by these presents that for and in consideration of the mutual covenants herein contained, together with other good and valuable consideration receipt of which is hereby acknowledged, C & S Properties ("Grantor") hereby grants unto the City of Troutdale ("Grantee") a non-exclusive easement over, across, upon and under that property situated in the City of Troutdale, County of Multnomah, State of Oregon, described as follows:

Beginning at a point on the northerly line of that tract of land conveyed to Flying J Inc., by deed recorded in Book 2052, Page 1263, Records for Multnomah County, Oregon, which point bears South 00°23'50" West 1348.30 feet and North 86°25'51" West 117.29 feet from the Northwest corner of said Section 25, said beginning point also being on the southerly right-of-way line of the Eastbound off-ramp of Interstate Highway 80 North; thence southwesterly along the arc of a 24.50 foot radius curve to the left (the chord of which bears South 5°30'00" West 4.36 feet) a distance of 4.36 feet; thence South 0°23'50" West 23.42 feet; thence South 4°12'41" West 45.10 feet; thence South 0°23'50" West 116.08 feet; thence southeasterly along the arc of a 132.50 foot radius curve to the left (the chord of which bears South 28°12'15" East 126.86 feet) a distance of 132.29 feet; thence South 33°11'40" West 35.00 feet; thence northwesterly along the arc of a 167.50 foot radius curve to the right (the chord of which bears North 28°12'15" West 160.37 feet) a distance of 167.23 feet; thence North 0°23'50" East 116.08 feet; thence North 3°25'01" West 45.10 feet; thence North 0°23'50" East 28.41 feet; thence northerly along the arc of a 24.50 foot radius curve to the left (the chord of which bears North 1°32'01" West 1.65 feet) a distance of 1.65 feet to a point on the southerly right-of-way line of said Interstate Highway; thence South 86°25'51" East along said right-of-way line, 41.51 feet to the point of beginning.

Said easement shall be for ingress, egress and access over the described easement area for emergency vehicle and utility maintenance and repair purposes only.

Grantee shall be responsible for any damage to the easement area and improvements thereon arising from Grantee's exercise of the rights and privileges herein granted, and shall promptly repair any such damage at its sole cost and expense.

The rights, obligations, covenants and conditions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this instrument effective the 15th day of March, 1991.

GRANTOR: C & S PROPERTIES

By: [Signature]

Title: Partner

Date: 3-18-91

GRANTEE: THE CITY OF TROUTDALE

By: [Signature]
SAM K. COX

Title: MAYOR, CITY OF TROUTDALE

Date: FEBRUARY 27, 1991

ATTACHED TO RESOLUTION #887 adopted 2/26/91.



[Signature]
City Recorder

STATE OF OREGON)
) SS.
County of MARION)

BOOK 2398 PAGE 1453

Personally appeared the above named BOB L. SMITH who, being first duly sworn, did say that he is a partner of C. & S. Properties, a partnership, and that this instrument was signed on behalf of said partnership and said BOB L. SMITH acknowledged said instrument to be his voluntary act and deed.

Before me: 

Notary Public for Oregon
My Commission Expires: 2-23-93



025891

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

91 MAR 29 PM 3:23

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book On Page

BOOK 2398 PAGE 1453

Witness my hand and seal of office affixed.

Recorder of Conveyances



Deputy

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Valerie J. Raglione
City Recorder
City of Troutdale
104 SE Kibling Street
Troutdale, OR 97060