

RESOLUTION NO. 1012

A RESOLUTION GRANTING A UTILITY EASEMENT TO MARIE I. BENNETT FOR INSTALLATION OF A WATERLINE.

WHEREAS, Marie I. Bennett owns certain parcels of property in the City of Troutdale and desires to place a waterline from a spring on one parcel to an irrigation system and a decorative waterfall to be constructed on another parcel, and

WHEREAS, the City of Troutdale owns parcels of land between the Bennett parcels across which the aforementioned waterline would be placed, and

WHEREAS, Marie I. Bennett, through her agent, has requested permission to place said waterline on the City's property, and

WHEREAS, City staff believe such permission can be granted without any adverse impact on the City.

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

The Mayor is authorized to grant a utility easement as attached to Marie I. Bennett to place a waterline across City property identified as Tax Lots 76 and 108, Section 25, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 9th DAY OF FEBRUARY, 1993.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Gene L. Bui, Mayor

Dated: February 9, 1993

ATTEST:



Valerie J. Raglione, CMC
City Recorder

UTILITY EASEMENT

The City of Troutdale, hereafter City, grants to Marie I. Bennett, hereafter Owner, an easement as described below for the sole purpose of installing, maintaining, and repairing an underground waterline from a spring located on owner's property (Tax Lot 34) across City property (Tax Lots 108 and 76) to a recreational vehicle park also on owner's property (Tax Lot 26).

Owner and City jointly agree that:

1. All costs associated with installing, maintaining, and repairing said waterline will be at Owner's expense.
2. Owner will, at her expense, return City property to its original condition upon completion of any installation, maintenance, repair, or removal work.
3. Owner will, at her expense, remove the waterline at any time upon demand by the City.
4. Owner will install said waterline in conformance with all applicable laws, regulations, and ordinances.
5. Owner will utilize said waterline only for the irrigation of vegetation on owner's property and for the operation of a decorative waterfall.
6. Owner will, at her expense, acquire necessary easements from other property owners which might be affected by the alignment of this waterline.
7. This easement is terminated if:
 - a) The waterline is not installed and associated restoration work completed within two years after the date this easement is signed by the City, or
 - b) The City exercises its right to demand removal of the waterline.

This utility easement is for property ten (10) feet wide located five (5) feet on each side of the centerline as described by the following waterline alignment description and is confined to property owned by the City of Troutdale, Tax Lots 76 and 108 of Section 25, T1N, R3E of WM, and further shown on Exhibit A.

This centerline's point of entry into Tax Lot 108 begins from west property line of Tax Lot 108, 5 feet south from common property line to railroad R.O.W. line and Tax Lot 108. It then extends easterly and parallel to north property line of Tax Lot 108, 5 feet south from same north property line to east property line of same lot, and most northwest property line of Tax Lot 76. Line then enters Tax Lot 76 extending 20 feet easterly and parallel to common property line to railroad R.O.W. and Tax Lot 76 at a distance of 5 feet from same. Centerline then turns in a southeasterly direction and parallel to most northwest property line of Tax Lot 76 for a horizontal distance of 316 feet. Thence due south and parallel to most south east property line of Tax Lot 76; to common property line to land owned by Multnomah County referenced as County Road Ordinance passed on October 21, 1948, and Tax Lot 76.

Date: 3-22-93

By: Marie J. Bennett
Owner

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

Personally appeared the above named Marie J. Bennett who, being first duly sworn, did acknowledge the foregoing instrument to be his/her voluntary act and deed.

BEFORE ME:

Marie C. Wirth
NOTARY PUBLIC FOR OREGON
Commission Expires: 1-9-94

(seal)

CERTIFICATE OF ACCEPTANCE

James D. Johnson, Recorder of the City of Troutdale, hereby certify that the foregoing agreement was accepted by the Common Council of the City of Troutdale on the 9 day of February, 1993, by Resolution No. 1012-R.

Dated this 9 day of February, 1993.

James D. Johnson
CITY RECORDER

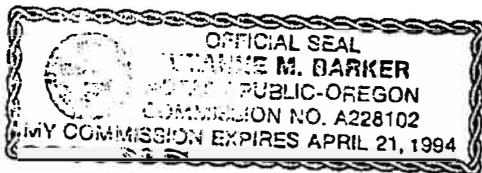
(seal)

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

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

BEFORE ME:

Suzanne M. Archer
NOTARY PUBLIC FOR OREGON
Commission Expires: 4-31-94



(seal)

UTILITY EASEMENT

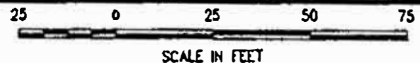
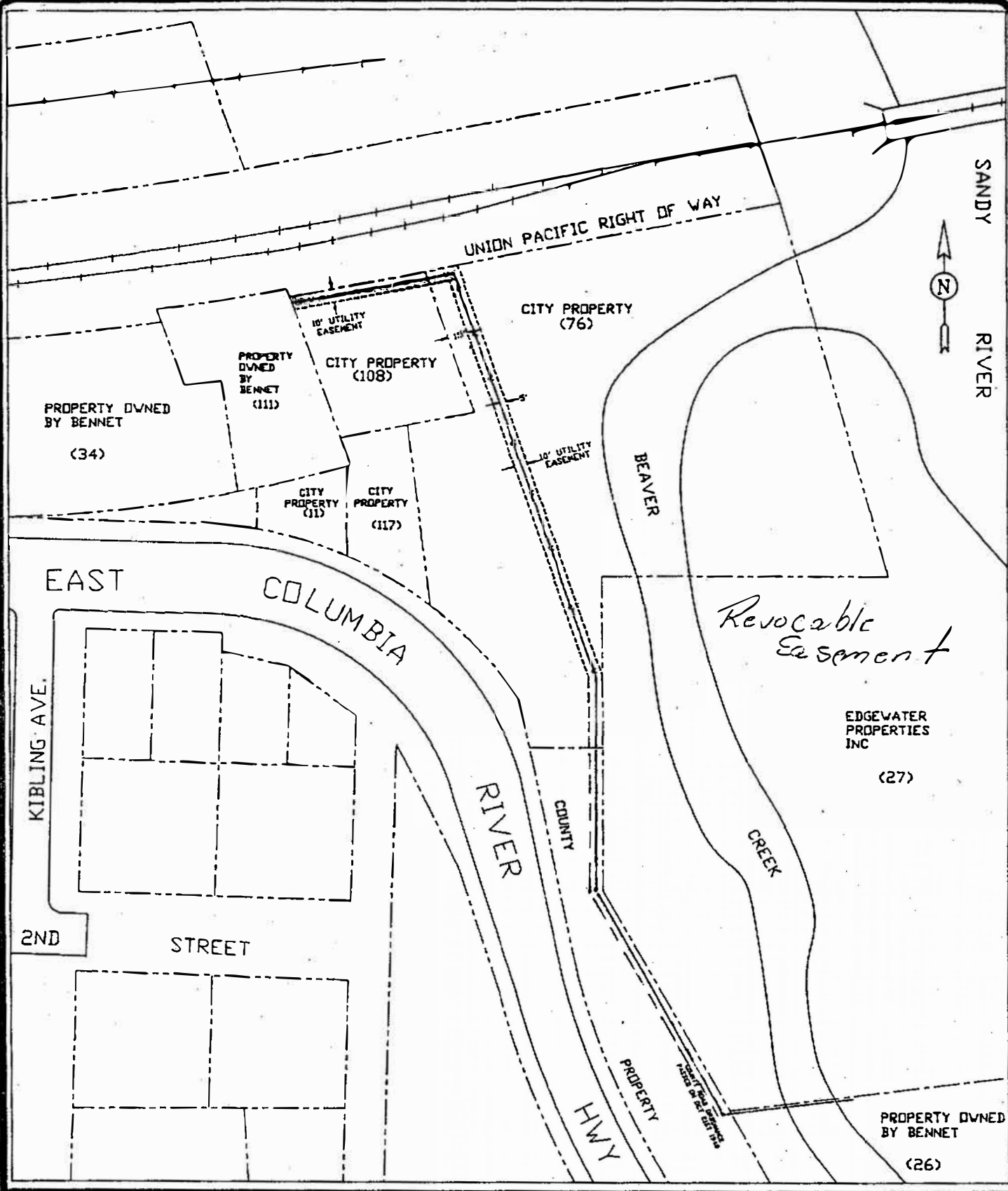
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SCALE IN FEET

FILE NAME: ESMTBNET
 TITLE BLOCK: T88-5X11
 EXTERNAL REFERENCES: TROUTBAS;
 PLOT DATE: 1-15-93
 BY: J.M.
 PREVIOUS REVISION DATE:



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE
 EXHIBIT "A"
UTILITY EASEMENT
 DEDICATED FROM CITY OF TROUTDALE TO MR. & MRS. BENNET
 MULTNOMAH COUNTY, OREGON
 JANUARY 1993