

RESOLUTION NO. 1026-R

A RESOLUTION TO ACCEPT AN EASEMENT FROM DAVID R. BENNETT FOR CONSTRUCTION AND MAINTENANCE OF THE SANDY RIVER EMERGENCY BANK PROTECTION PROJECT.

WHEREAS, the west bank of the Sandy River just south of Interstate 84 has been eroding badly, and

WHEREAS, such erosion endangers the outfall line of the City's sewage treatment plant, and

WHEREAS, the City requested assistance from the U.S. Army Corps of Engineers as authorized by Resolution 876 dated February 12, 1991, and

WHEREAS, the Corps of Engineers has responded to the City's request, and the two agencies entered into a Local Cooperation Agreement on March 5, 1993, as authorized by Resolution 1010 dated January 26, 1993, and

WHEREAS, under the terms of the Local Cooperation Agreement, the City must pay at least twenty-five percent of the cost of the necessary repairs, including all costs of obtaining land, easements, and rights-of-way, and

WHEREAS, one parcel of property for which access is needed to accomplish this project is owned by Mr. David R. Bennett, and

WHEREAS, Mr. Bennett is expected to convey an easement in substantially the form as shown on the attached "Channel Improvement Easement".

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

The City of Troutdale does accept the Channel Improvement Easement conveyed to the City by David R. Bennett.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 27TH DAY OF APRIL, 1993.

Return to:
City of Troutdale
104 SE Kibling St
Troutdale OR 97060

YEAS: 5
NAYS: 0
ABSTAINED: 0

Paul Thalhofer
Paul Thalhofer, Mayor
Dated: April 27, 1993

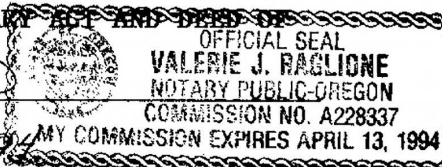
ATTEST:

Valerie J. Raglione
Valerie J. Raglione, CMC
City Recorder

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PERSONALLY APPEARED BEFORE THE ABOVE NAMED PAUL THALHOFER AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF THE CITY OF TROUTDALE.

Valerie J. Raglione
NOTARY PUBLIC FOR OREGON
COMMISSION EXPIRES: 4/13/94



CHANNEL IMPROVEMENT EASEMENT

For and in consideration of the sum of Three Thousand Seven Hundred Dollars (\$3,700), David R. Bennett, the owner of the property described in Schedule A below, conveys to the City of Troutdale, a municipal corporation of the State of Oregon, its successors and assigns, a perpetual and assignable right and easement to construct, operate, and maintain channel improvement works on, over and across the land described in Schedule A for the purposes as authorized, including the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, buildings, improvements and/or other obstructions therefrom; to excavate, dredge, cut away, and remove any or all of said land and to place thereon dredge or spoil material; and for such other purposes as may be required in connection with said work of improvement; reserving, however, to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easements hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Schedule A

A tract of land located in Section 25, Township 1 North, Range 3 East of the Willamette Meridian, Multnomah County, Oregon and being more particularly described as follows:

Beginning at a point which bears N 89°59'35" E, 29.43 feet from the southwest corner of Parcel II as conveyed to the City of Troutdale by Deed dated November 26, 1986, in Book 1958, Page 1232 of the Multnomah County Deed Records said point also on the south line of said Parcel II;

Thence S 44°15'06" E, 121.82 feet to a point;

Thence N 45°15'51" E, 105.72 feet to a point on the low waterline of the Sandy River;

Thence N 59°33'42" W along the low waterline to a point that bears N 89°59'35" E, 167.68 feet from the southwest corner of said Parcel II;

Thence leaving the low waterline S 89°59'35" W, 138.25 feet to the point of beginning;

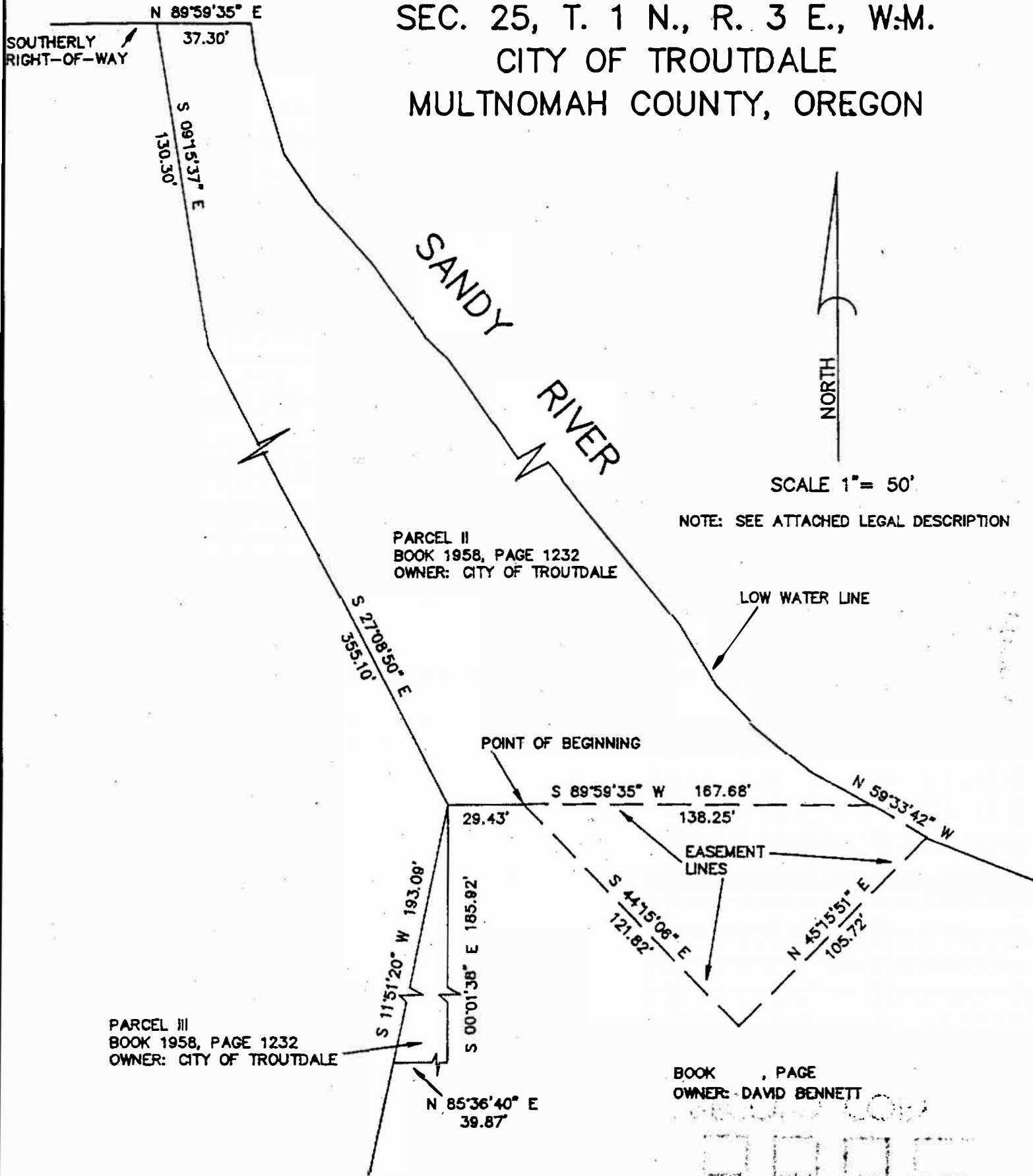
Consisting of 7,329 square feet more or less.

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CHANNEL IMPROVEMENT EASEMENT

1 - 84

LOCATED IN THE N.W. 1/4
SEC. 25, T. 1 N., R. 3 E., W.M.
CITY OF TROUTDALE
MULTNOMAH COUNTY, OREGON



NOTE: SEE ATTACHED LEGAL DESCRIPTION

PARCEL III
BOOK 1958, PAGE 1232
OWNER: CITY OF TROUTDALE

PARCEL II
BOOK 1958, PAGE 1232
OWNER: CITY OF TROUTDALE

BOOK , PAGE
OWNER: DAVID BENNETT

