

RESOLUTION NO. 1053

**A RESOLUTION GRANTING A POWER LINE EASEMENT TO  
PORTLAND GENERAL ELECTRIC FOR THE  
UNDERGROUNDING OF UTILITIES NEAR SANDEE  
PALISADES**

WHEREAS, Multnomah County is improving a portion of S.E. Stark Street from Troutdale Road to a point east of Evans Avenue; and

WHEREAS, the project calls for Portland General Electric to underground the overhead utilities in compliance with Troutdale Municipal Code 13.40.010; and

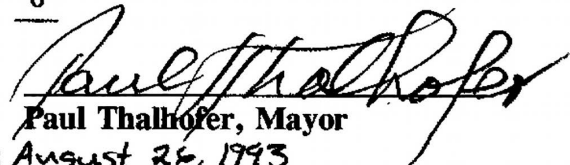
WHEREAS, Portland General Electric requires an easement to allow it to place the utility lines on property belonging to the City.

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

The Mayor is authorized to grant a power line easement to Portland General Electric for a portion of Tract "C", Sandee Palisades, as shown on the "Power Line Easement" which is attached hereto and made a part hereof, such easement to be modified to include, under the section entitled "TERMS, CONDITIONS, AND COVENANTS", a prohibition on PGE destroying, removing, damaging or harming any tree having a trunk over six inches in diameter.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 24th  
DAY OF AUGUST, 1993.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

  
Paul Thalhofer, Mayor

DATED: August 26, 1993

ATTEST:

  
George Martinez  
Deputy City Recorder

In consideration of the receipt of one and no/100 dollars (\$1.00), CITY OF TROUTDALE

("Grantors") hereby convey to PORTLAND GENERAL ELECTRIC COMPANY ("PGE"), an Oregon corporation, a perpetual easement over, under, upon and across the following described property (the "Property"), situated in Multnomah County, State of Oregon, being a strip of land 10 feet in width, extending 5 feet on each side of a center line, more particularly described as follows:

See attached Exhibit "A".

**TERMS, CONDITIONS, AND COVENANTS**

1. This easement shall be for the right to enter upon the Property and to erect, maintain, repair, rebuild, operate and patrol electric power lines and appurtenant signal or communication lines, and all uses directly or indirectly necessary thereto. Such uses shall include the necessary erection of poles, towers, wires, cables, guys, supports and appurtenances and the protection thereof from fire and other hazards. Such uses shall also include keeping the Property free from structures, equipment, trees, vines, brush and any and all other obstructions of any kind.
2. PGE shall have the present right to top, limb or fell trees located on land owned by Grantors adjacent to the Property if PGE determines that such trees represent a danger to the use of this easement.
3. Grantors shall have the right to use the Property for all purposes not inconsistent with the uses and purposes of this easement, except Grantors shall not build or erect any structure or improvement upon, over or under the Property without the prior written consent of PGE.
4. The Grantors warrant that they have marketable title to the Property and that PGE may peaceably enjoy the rights and benefits of this easement.
5. If PGE shall fail to use this easement for a continuous period of five years after the installation of electric power lines, then this easement shall terminate and all rights granted hereunder shall revert to the Grantors.
6. As used herein, the singular shall include the plural and vice versa.
7. This easement inures to the benefit of and binds the parties hereto, their heirs, devisees, administrators, executors, successors and assigns.
8. PGE SHALL NOT DESTROY, DAMAGE, NOR REMOVE ANY TREE HAVING A TRUNK OVER SIX IN. IN DIAM. IN WITNESS WHEREOF, the Grantors have executed this easement this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

x *Paul Thalhofer* \_\_\_\_\_ (SEAL)  
 Grantor

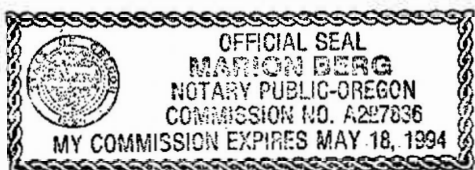
\_\_\_\_\_ (SEAL)  
 Grantor

\_\_\_\_\_ (SEAL)  
 Grantor

\_\_\_\_\_ (SEAL)  
 Grantor

STATE OF OREGON )  
 County of Multnomah ) ss.

On August 27, 1993, the above-named Paul Thalhofer and \_\_\_\_\_ personally appeared before me and acknowledged the foregoing instrument to be their voluntary act and deed.



*Marion Berg*  
 Notary Public for Oregon  
 My Commission Expires: 5-18-94

After Recording Return To: Portland General Electric Company  
 Attn Property Services  
 121 SW Salmon St, 3WTCPL02  
 Portland OR 97204

Exhibit "A".

Situated in the Southeast quarter of Section 36, Township 1 North, Range 3 East, and the Northeast quarter of Section 1, Township 1 South, Range 3 East, Willamette Meridian;

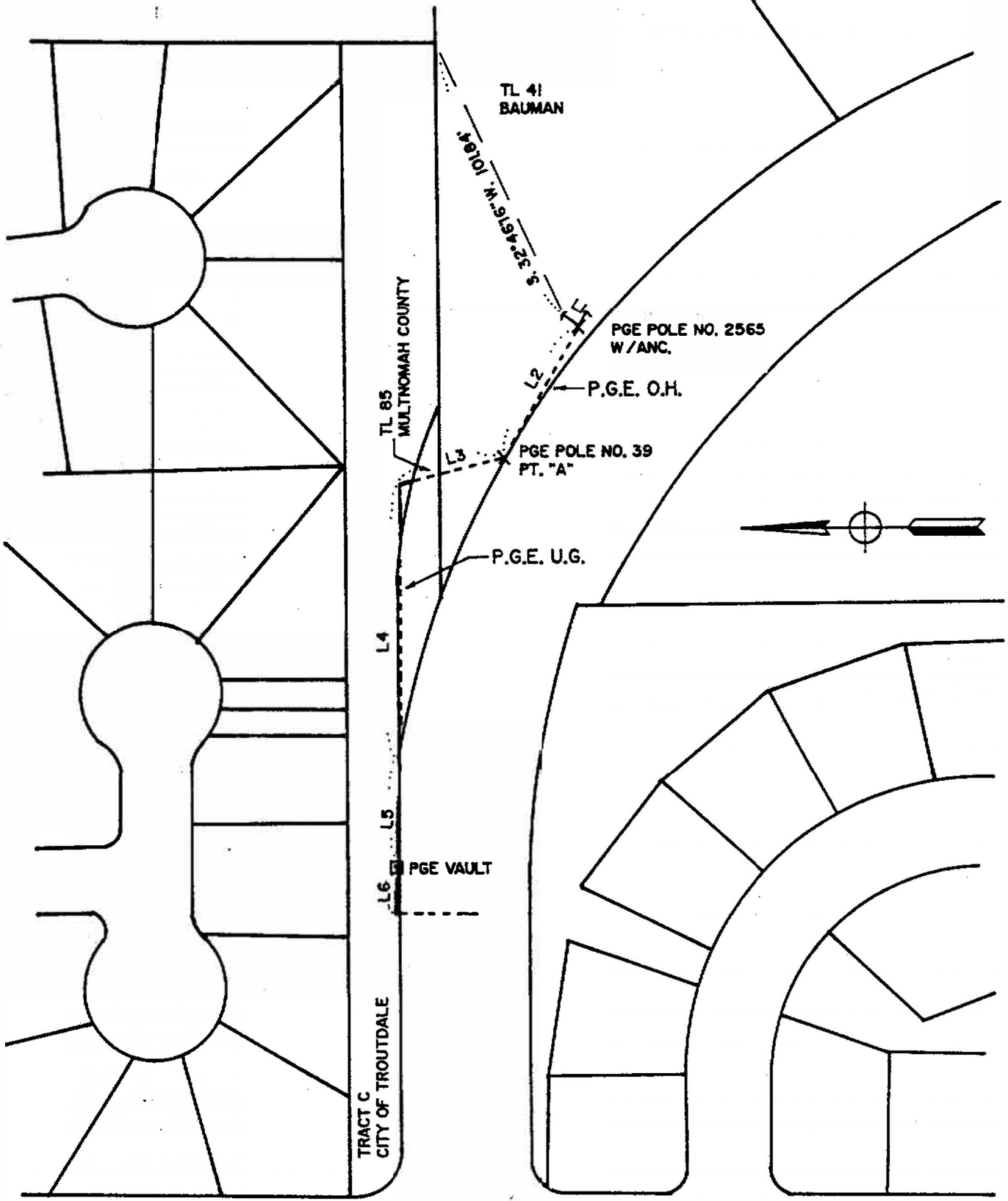
Beginning at a point which bears South  $32^{\circ}46'16''$  West 101.84 feet from the Southeast corner of SANDEE PALISADES, a duly recorded plat of said County; thence along said centerline South  $34^{\circ}51'05''$  West 18.00 feet; thence North  $59^{\circ}26'21''$  West 106.69 feet to point "A" and the terminus of said centerline.

Together with a strip of land 6 feet in width, extending 3 feet on each side of a centerline beginning at said point "A"; thence along said centerline North  $13^{\circ}41'36''$  West 76.40 feet; thence North  $89^{\circ}42'19''$  West 187.72 feet; thence North  $86^{\circ}56'05''$  West 84.17 feet; thence North  $88^{\circ}24'23''$  West 32.64 feet to the terminus of said centerline.

Excepting therefrom those portions lying outside of the grantors interest.

The above described centerlines are shown on P.G.E. Drawing E-8617, attached hereto which by reference thereto is made a part hereof.

# SANDEE PALISADES



S.E. EVANS AVE.

S.E. STARK ST.

L1	S. 34° 51' 05" W.	18.00'
L2	N. 59° 26' 21" W.	106.69'
L3	N. 13° 41' 36" W.	76.40'
L4	N. 89° 42' 19" W.	187.72'
L5	N. 86° 56' 05" W.	84.17'
L6	N. 88° 24' 23" W.	32.64'

REVISED 7/22/93 R.L.B.

<b>PORTLAND GENERAL ELECTRIC CO.</b>		
PORTLAND, OREGON		
To Accompany Power Line Easement Bauman et al.		
S.E. 1/4 Sec. 36, T.1N., R.3E., W.M., Mult. Co., Or.		
N.E. 1/4 Sec. 17, S. R. 3E., W.M., Mult. Co., Or.		
SCALE	1"=100'	DATE 7/08/93
DRAWN BY	TRACED BY	CHECKED
R.L.B.		
APPROVED		
64243	DRG. NO.	E-8617