

**RESOLUTION NO. 1097-94**

**A RESOLUTION ACCEPTING A PUBLIC UTILITY EASEMENT FROM BURNS BROTHERS INC. FOR A PRIVATE ROAD ACCESSED FROM NW FRONTAGE ROAD, SOUTH OF I-84.**

**WHEREAS**, Burns Bros. Inc., Grantor, has built a private road accessed from NW Frontage Road; and

**WHEREAS**, within this private road there are public underground utilities consisting of water, storm and sewer mains; and

**WHEREAS**, these utilities have been accepted as a fixed asset belonging to the City's system; and

**WHEREAS**, David Evans & Associates, a professional engineering firm hired by the Grantor, has prepared all legal documents and map exhibits and obtained the necessary signatures from the Grantor to make this document legal and binding by current Oregon laws; and

**WHEREAS**, the grantor offers this easement to the City at no cost to the City; and

**WHEREAS**, City staff has reviewed such documents and found them to be in accordance with City standards.

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

The City accepts the utility easement offered by Burns Bros. Inc. for a private road located in the northeast one-quarter of Section 26, Township 1 North, Range 3 East of the Willamette Meridian, City of Troutdale, Multnomah County, State of Oregon. Said strip is more particularly described in the easement which is attached hereto and made a part hereof.

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 26TH DAY OF APRIL, 1994.**

**YEAS: 5**

**NAYS: 0**

**ABSTAINED: 0**

  
**Paul Thalhofer, Mayor**

**DATED: 4-27-94**

After recording, please return this document to:

Valerie Raglione, CMC

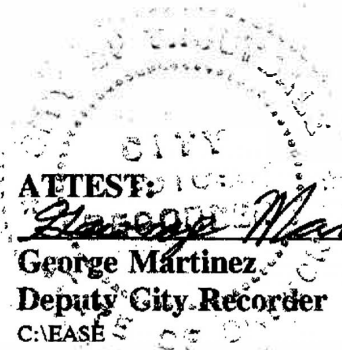
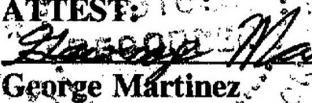
City Recorder

City of Troutdale

104 SE Kibling Ave.

Troutdale, OR 97060-2099

94-75595

  
**ATTEST:**  
  
**George Martinez**  
**Deputy City Recorder**  
C:\EASE

2

Grantor:

Burns Bros. Inc.  
516 SE Morrison, Ste. 1200  
Portland, OR 97214

Grantee:

City of Troutdale  
104 SE Kibling Street  
Troutdale, OR 97060-2099

After Recording Return To:

City of Troutdale  
104 SE Kibling Street  
Troutdale, OR 97060-2099

EASEMENT

For zero dollars and other good and valuable consideration, receipt of which is acknowledged, Burns Bros. Inc., Grantor, hereby grants and conveys to City of Troutdale, Grantee, a perpetual appurtenant nonexclusive easement for Access Purposes and Utility Purposes under, over, through and across certain land. The easement shall be located as described in attached Exhibit A. The map attached as Exhibit B is for illustration purposes only.

Subject to the following terms:

1. "Access purposes" include, but are not limited to, pedestrian and vehicular ingress and egress, parking, loading and unloading.
2. "Utility purposes" include, but are not limited to, the installation, repair or maintenance of any of the following, whether above or below grade: water, gas, sanitary sewer, storm drainage, electric or other utility lines, and cable television.
3. The rights, covenants and obligations contained herein shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors and assigns, lessees and mortgagees. Grantee's rights hereunder shall not lapse in the event Grantee does not exercise its rights.
4. This easement is not intended to create a right of access for the general public and shall not be construed to allow any access rights except for the City of Troutdale and its employees in the course of their duties.



## LEGAL DESCRIPTION

## 60-FOOT STRIP FOR INGRESS AND EGRESS

DEED

A 60.00-foot-wide strip of land located within Parcel 1 of a tract of land conveyed to Burns Bros. Inc. by deed recorded in Book 2108, Page 1690, Multnomah County Deed Records, in the Northeast one-quarter of Section 26, Township 1 North, Range 3 East of the Willamette Meridian, City of Troutdale, Multnomah County, State of Oregon, said strip being more particularly described as follows:

Commencing at a brass cap monument at the Northwest corner of the D.F. Buxton Donation Land Claim (D.L.C.); thence South  $0^{\circ}14'20''$  West along the West line of said D.L.C. a distance of 1,413.58 feet to a  $5/8''$  iron rod on the southerly right-of-way line of the Banfield Expressway (State Highway I-84); thence along said southerly right-of-way line South  $81^{\circ}40'15''$  West 32.92 feet to a  $5/8''$  iron rod being the Northwest corner of Parcel 1 as described in Partition Plat No. 1992-134, recorded in Multnomah County Survey Records and the TRUE POINT OF BEGINNING; thence continuing along said southerly right-of-way line South  $81^{\circ}40'15''$  West 60.71 feet; thence leaving said southerly right-of-way line South  $0^{\circ}25'09''$  West 275.71 feet; thence South  $89^{\circ}34'51''$  East 60.00 feet to a  $5/8''$  iron rod at the Southwest corner of said parcel 1; thence along the westerly line of said Parcel 1 North  $0^{\circ}25'09''$  East 284.94 feet to the TRUE POINT OF BEGINNING.

Said strip containing .386 acres, more or less.

Bearings of this description are based on Multnomah County Partition Plat No. 1992-134.

EXHIBIT MAP

EXHIBIT B

BURNS BROS. INC.

SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 26  
IN TOWNSHIP 1 NORTH AND RANGE 3 EAST OF THE WILLAMETTE MERIDIAN  
CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

SCALE: 1"=40'

DECEMBER 14, 1993



DAVID EVANS AND ASSOCIATES, INC.  
2620 S.W. CORBETT AVENUE  
PORTLAND, OREGON 97201  
(503) 223-6663

N.W. CORNER D.F. BUXTON D.L.C.

S 0° 14' 20" W  
1413.58

FRONTAGE ROAD

S 81° 40' 15" W  
60.71

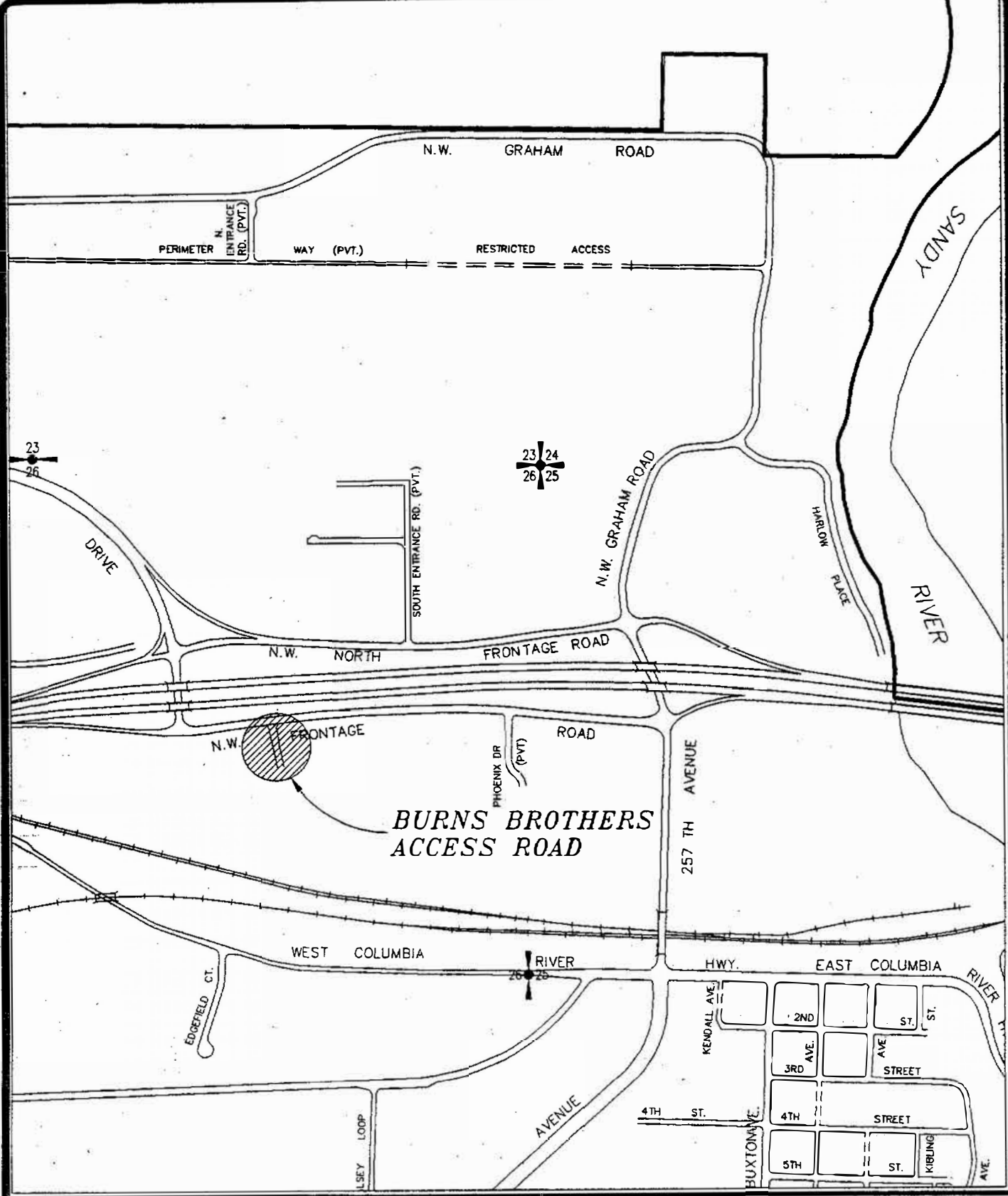
T.P.O.B.

S 81° 40' 15" W  
32.92

S 0° 25' 09" W 215.71

N 0° 25' 09" E 284.94

S 29° 34' 5" E



FILE NAME: BURNS  
 TITLE BLOCK: TBSX11  
 EXTERNAL REFERENCES: NONE  
 PLOT DATE: 04-14-94  
 BY: J.M.  
 PREVIOUS REVISION DATE: 10-18-93



DEPARTMENT OF PUBLIC WORKS  
 CITY OF TROUTDALE  
**BURNS BROTHERS**  
**ACCESS ROAD**  
 MULTNOMAH COUNTY, OREGON  
 APRIL 1994