

**RESOLUTION NO. 1125**

**A RESOLUTION ACCEPTING A PUBLIC UTILITY AND ACCESS EASEMENT FROM THE OLD SWEETBRIAR FARM HOMEOWNERS ASSOCIATION**

**WHEREAS**, GSL Properties is constructing Phase II-B of Sweetbriar Meadows Subdivision; and

**WHEREAS**, this utility easement is needed to construct an 8-inch sanitary sewer main; and

**WHEREAS**, this sanitary sewer main is needed to provide services to residents of the Sweetbriar Meadows Phase II-B Subdivision; and

**WHEREAS**, this easement was obtained by GSL Properties from the Old Sweetbriar Farm Homeowners Association for use by the City; and

**WHEREAS**, there are no costs to the City for the acquisition of this permanent utility easement.

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

The City does hereby accept a non-exclusive public utility easement (see attached exhibits) described as follows:

A strip of land in the northeast one-quarter of Section 1, T.1S., R.3E., W.M., City of Troutdale, Multnomah County, Oregon. Said strip being 15.00 feet in width, lying 7.50 feet on each side of the following described centerline:

Commencing at the northwest corner of Lot 15, Block 29 of the Plat of "Old Sweetbriar Farm Replat Block 15 - Blocks 15 through 29"; thence southwesterly along the southerly line of Pelton Avenue, tracing the arc of a curve right (the radius point of which bears N. 44°53'39"W., 525.00 feet) through a central angle of 1°57'28", 17.94 feet (chord bears S.46°19'38"W., 17.94 feet) to the Point of Beginning of the centerline of the aforescribed 15.00 foot strip; thence tracing said centerline the following courses and distances, S.38°28'36"E., 160.71 feet; thence S.81°56'05"E., 53.53 feet to a point on the southeasterly line of said Plat of "Old Sweetbriar Farm" and the Terminus of the herein described strip.

*Ret.*



104 SE KIBLING STREET  
TROUTDALE, OR 97060-2099

*1 of 6*

**94 164593**

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
TROUTDALE THIS 27TH DAY OF SEPTEMBER, 1994.

YEAS: 5  
NAYS: 0  
ABSTAINED: 0

  
Paul Thalhofer, Mayor

Dated: 9-29-94

ATTEST:

  
George Martinez  
City Recorder

C:\RESOL

OLD SWEETBRIAR FARM HOMEOWNERS ASSOCIATION

By: Tom Lueder

Title: President

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

Personally appeared on this 9 day of Sept, 1994, the above named Tom Lueder, and acknowledged the foregoing instrument to be his/their voluntary act and deed.

BEFORE ME:



Marjorie G. Schmunk  
NOTARY PUBLIC FOR OREGON  
Commission Expires: 9-9-94

CERTIFICATE OF ACCEPTANCE

I, George Martinez, 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 27<sup>th</sup> day of September, 1994, by Resolution No. 1125.

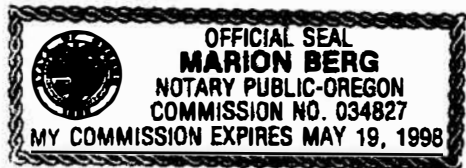
Dated this 30<sup>th</sup> day of September, 1994.

George Martinez  
CITY RECORDER

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

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

BEFORE ME:



Marion Berg  
NOTARY PUBLIC FOR OREGON  
Commission Expires: 5-19-98

(seal)

## **PUBLIC UTILITY AND ACCESS EASEMENT AGREEMENT**

The Old Sweetbriar Farm Homeowners Association (Grantor) in consideration for the promises contained herein and other good and valuable consideration conveys to the CITY OF TROUTDALE a municipal corporation of the State of Oregon, its successors and assigns (Grantee) a permanent easement for the purposes of maintaining, repairing, altering or reconstructing of public utilities and necessary appurtenances thereto, laid over, upon or beneath the surface of the ground including the right of ingress and egress, when necessary for the purposes mentioned above on, over, under and across the real property located in the County of Multnomah and State of Oregon, as described:

A strip of land in the northeast one-quarter of Section 1, T.1S., R.3E., W.M., City of Troutdale, Multnomah County, Oregon. Said strip being 15.00 feet in width, lying 7.50 feet on each side of the following described centerline:

Commencing at the northwest corner of Lot 15, Block 29 of the Plat of "Old Sweetbriar Farm Replat Block 15 - Blocks 15 through 29"; thence southwesterly along the southerly line of Pelton Avenue, tracing the arc of a curve right (the radius point of which bears N. 44°53'39"W., 525.00 feet) through a central angle of 1°57'28", 17.94 feet (chord bears S.46°19'38"W., 17.94 feet) to the Point of Beginning of the centerline of the aforescribed 15.00 foot strip; thence tracing said centerline the following courses and distances, S.38°28'36"E., 160.71 feet; thence S.81°56'05"E., 53.53 feet to a point on the southeasterly line of said Plat of "Old Sweetbriar Farm" and the Terminus of the herein described strip.

This easement will be granted contingent upon the following conditions:

Upon completion of construction of all necessary underground utilities within the above described easement, all disturbed existing landscaped areas shall be returned to their original condition or better. This will include, but is not limited to, existing trees, shrubs, ground covers and lawn areas.

During the installation of these utilities, an arborist must be on site to ensure that damage to the root system of existing nearby trees is prevented.

Upon completion of the installation of underground utilities, the City of Troutdale, in coordination with an authorized Home Owners Association representative, will visually inspect this affected area to ensure proper replacement of all removed or damaged plantings.



SCALE 1" = 50'

OLD SWEETBRIAR FARM  
REPLAT BLOCK 15

PELTON AVENUE

13

14

15

29

1

17

2

S 38° 28' 36" E  
160.71'

7.5'

7.5'

53.53'

S 81° 56' 05" E

TRACT  
OWNED BY THE  
OLD SWEETBRIAR FARMS  
HOME OWNERS  
ASSOCIATION.

SWEETBRIAR  
MEADOWS  
PHASE II-B

FILE NAME: SBF\_EASE  
TITLE BLOCK: TBBX11  
EXTERNAL REFERENCES: NONE  
PLOT DATE: 09-06-94  
BY: J.M.  
PREVIOUS REVISION DATE: NONE



DEPARTMENT OF PUBLIC WORKS  
CITY OF TROUTDALE  
PUBLIC UTILITY AND  
ACCESS EASEMENT  
MULTNOMAH COUNTY, OREGON  
SEPTEMBER 1994

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RECORD COPY

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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

94 NOV -4 AM 9: 53

RECORDING SECTION  
MULTNOMAH CO. OREGON

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witness my hand and seal of office affixed.

Recorder of Conveyances

*C Swick*

Deputy

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