

1  
RESOLUTION NO. 1127

2 A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM  
3 SWIFT TRANSPORTATION COMPANY, INC. ON TAX LOT  
4 53, SECTION 23, T1N, R 3E, WM.

5 WHEREAS, Swift Transportation Company, Inc. has developed an industrial site on Tax Lot  
6 53, Section 23, T1N, R3E, Willamette Meridian; and

7 WHEREAS, this tract of land is on the eastern edge of a storm water drainage ditch which  
8 serves the industrial property north of Marine Drive; and

9 WHEREAS, the Sandy Drainage District and the City of Troutdale need access to this drainage  
10 ditch to maintain, inspect and operate this drainage system; and

11 WHEREAS, Swift Transportation Company, Inc. has granted an easement for this purpose to  
12 the City at no cost to the City.

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

15 The City hereby accepts from Swift Transportation Company, Inc. a utility easement, more  
16 particularly described as the westerly 35' of Tax Lot 53, Section 23, T1N, R3E, W.M.

17 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
18 TROUTDALE THIS 11TH DAY OF OCTOBER, 1994.

19 Tax Lot 53 Described in YEAS: 6  
20 Book 2741 Page 1122 NAYS: 0  
21 (1993) ABSTAINED: 0

22   
23 Paul Thalhofer, Mayor  
24

DATED: OCTOBER 12, 1994

25 ATTEST:  
26   
27 George Martinez  
28 City Recorder

Ret: City of Troutdale  
104 SE Kibling  
Troutdale OR  
97060

10/6

95 78862

## GRANT OF UTILITY EASEMENT

SWIFT TRANSPORTATION COMPANY, INC., a corporation organized under the laws of the State of Arizona with principal offices located at 5601 West Mohave Avenue, Phoenix, AZ 85043, (hereinafter the "Grantor"), for good and valuable consideration, does grant to the CITY OF TROUTDALE, a municipal corporation of the State of Oregon (hereinafter the "Grantee"), a perpetual easement for the purposes outlined and on the areas fully described below and as shown on Exhibit "A", attached hereto and incorporated by reference herein.

**Legal Description: Westerly 35' of Tax Lot 53 Section 23, T1N R3E WM**

The Grant of Easement gives the Grantee the right of ingress and egress to repair, maintain, inspect and operate a drainage system on the western boundary of the easement area.

The Grantee shall pay for all costs to repair, maintain, inspect and operate said ditch, which includes the cost of restoring any landscaping to its condition and size prior to such repair, maintenance, inspection and operation, as well as replacing any pavement or other improvement affected by the repair, maintenance and operation. Prior to any entry upon the easement area for purposes specified herein, the Grantee shall provide reasonable notice to the Grantor, or its successors.

The Grantee shall fully indemnify, save harmless, and defend the Grantor, its officers, agents and employees, from and against all claims and actions and all expenses incidental to the investigation and defense thereof, based upon or arising out of any and all damages or injuries to the Grantor or persons or their property, caused by Grantee's negligent repair, maintenance, inspection or operation of utilities pursuant to this paragraph.

In the event any lot is created from existing land, the Owner of the newly created lot shall possess an undivided interest in the Grant of Easement and shall participate and be equally bound as Grantor of the Easement.



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 12<sup>th</sup> day of October, 1994, by Resolution No. 1127.

Dated this 27<sup>th</sup> day of October, 1994.

George Martinez  
CITY RECORDER

(seal)

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



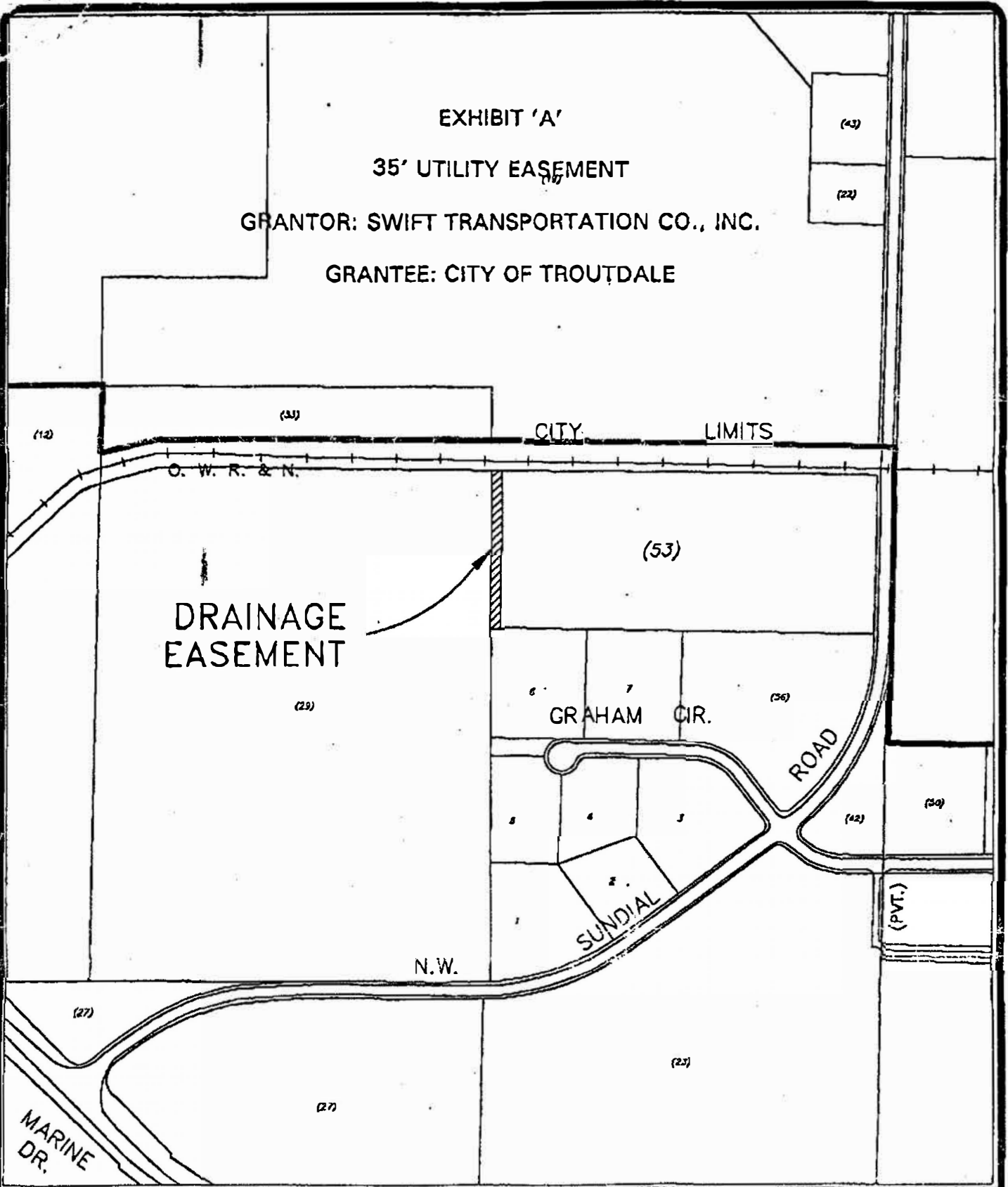
(seal)

EXHIBIT 'A'

35' UTILITY EASEMENT

GRANTOR: SWIFT TRANSPORTATION CO., INC.

GRANTEE: CITY OF TROUTDALE



DEPARTMENT OF COMMUNITY DEVELOPMENT  
**CITY OF TROUTDALE**  
**DRAINAGE EASEMENT**

MULTNOMAH COUNTY, OREGON  
 AUGUST 1994

FILE NAME: DRN. EASE  
 TITLE BLOCK: TBBX11  
 EXTERNAL REFERENCES: NONE  
 PLOT DATE: 08-29-94  
 BY: J.M.  
 PREVIOUS REVISION DATE: NONE