

RESOLUTION NO. 1189

A RESOLUTION ACCEPTING A PERMANENT PUBLIC UTILITY & ACCESS EASEMENT FROM MULTNOMAH COUNTY FOR THE CHERRY RIDGE OFF-SITE SANITARY SEWER IMPROVEMENTS.

WHEREAS, it was found that this permanent public utility and access easement was necessary to meet the demands of public health, safety and welfare; and

WHEREAS, Multnomah County, the property owner of this site, agrees to dedicate this easement to the City of Troutdale at no cost to the City; and

WHEREAS, it is understood between both parties (City and County) that this easement will remain in effect until such time in which the City sees the need to relinquish this easement; and

WHEREAS, City staff reviewed the attached written description of this easement and found the language to be in compliance with City ordinance; and

WHEREAS, the physical size of this easement and access road were found to be acceptable for City staff to adequately service the public utility which this permanent public utility and access easement encloses.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

That this permanent public utility and access easement, extending from the most northern part of Cherry Ridge Subdivision Phase V to the pre-existing sanitary sewer along Halsey Street, be accepted as a permanent, City-acquired easement, more specifically described on the attached legal description, and graphically shown on the attached exhibit maps.

YEAS: 5
NAYS: 0
ABSTAINED: 0


Paul Thalhofer, Mayor

Dated: JULY 25, 1995


George Martinez, City Recorder

Adopted: 7-25-95

PLEASE RETURN TO:
GEORGE MARTINEZ, CITY RECORDER
CITY OF TROUTDALE
104 SE KIBLING
TROUTDALE, OR 97060

95 157883

~~95-129025~~

1 of 15
~~1 of 8~~

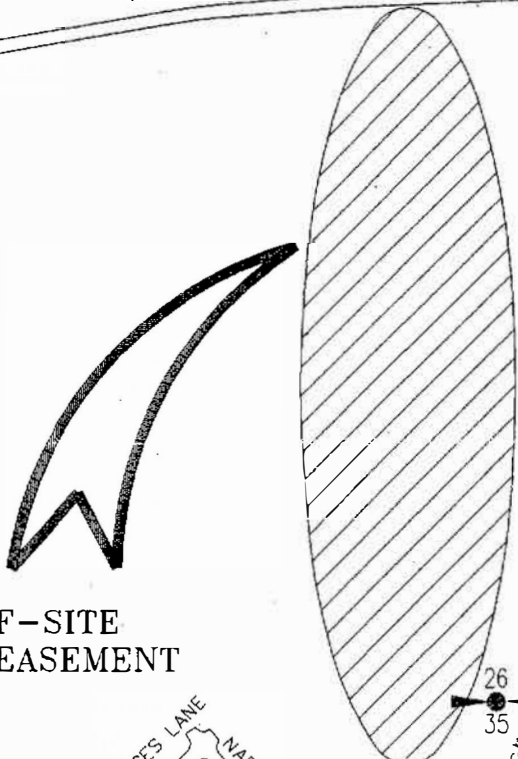
CTIC 142634

244 J.H.

EDGEFIELD

STREET

HALSEY



OFF-SITE EASEMENT

257 TH. AVENUE

STURGES DR. AVE.

RIVERVIEW

26
35

STURGES LANE
NAPOLIAN

MC GINNIS AVE.
MCGINNIS

MITCHELL CT.

12TH CT.

EDGEFIELD

12TH ST.

13TH DR.

13TH PLACE

WRIGHT CT.
WRIGHT PL.

HEWITT

PLACE
NORTH STAR LOOP

METEOR PLACE

NORTH STAR WAY

ROAD

STURGES LANE

PARK

WAY

CHERRY

STELLA

CERISE WAY

18TH WAY



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE
CHERRY RIDGE OFF-SITE
SANITARY SEWER EASEMENT
(UTILITY & ACCESS)
MULTNOMAH COUNTY, OREGON
JULY 1995

FILE NAME: CHRY_OFF
TITLE BLOCK: TBBX11
EXTERNAL REFERENCES: NONE
PLOT DATE: 07-17-95
BY: J.M.
PREVIOUS REVISION DATE: NONE

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the grant of PUBLIC) ORDER
UTILITY EASEMENTS on County Land in)
Sections 26 and 35, T1N, R3E, W.M.,) # 95-134
Multnomah County, Oregon.)

It appearing that construction of a sanitary sewer line is necessary to serve residential and other facilities existing and to be constructed upon land owned by Multnomah County, land being sold by Multnomah County and land adjacent to such County land commonly referred to as the Multnomah County Farm; and

It appearing that said sewers will be constructed by GSL Homes, Inc. and Benchmark Development, which have purchased and are purchasing land from Multnomah County located within the Multnomah County Farm; and

It appearing that said sewers will become a portion of the sanitary sewer system of the City of Troutdale, Oregon and that they will be maintained by the City of Troutdale; and

It appearing that the grant of easements to the City of Troutdale for such sewers will benefit the present and future uses of County land and will benefit the citizens of Multnomah County and the City of Troutdale:

IT IS HEREBY ORDERED that Multnomah County execute the PUBLIC UTILITY EASEMENTS before the Board this date and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Done at _____, 8th day of _____, June _____, 1995.



_____, County
Counsel for Multnomah
County, Oregon

By John L. Dubay, Chief Deputy

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Beverly Stein, County Chair

CERTIFIED TRUE COPY OF THE
ORIGINAL ON FILE HEREIN

By Rebecca C. Boasted
CLERK OF THE BOARD
MULTNOMAH COUNTY, OREGON

PUBLIC UTILITY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a political subdivision of the State of Oregon, in consideration of the sum of One and no/100 Dollars (\$1.00), and other good and valuable consideration, to it paid by the City of Troutdale, a municipal corporation of the State of Oregon, does hereby grant unto said City of Troutdale, the right to access, to lay down, construct, operate, and perpetually maintain a sewer or sewers through, under, and upon a parcel of land situated in Multnomah County, Oregon and more particularly described in Exhibit A and as shown on Exhibit Map B attached hereto.

IT IS UNDERSTOOD and agreed that all public utility easements dedicated to the public are exclusive easements. No other utilities, private or public, facilities, or other easements are to be located within the boundaries of public easements without prior written consent of the City of Troutdale.

IT IS UNDERSTOOD and agreed that public utility easements include the right of access for construction, inspection, maintenance, or other utility activities, associated with the public utility.

IT IS UNDERSTOOD and agreed that no building construction, material storage, grade reduction, or tree planting shall be permitted within public easements, without the prior written consent of the City of Troutdale.

THIS INSTRUMENT does not grant or convey to the City of Troutdale any right or title to the surface of the soil along the route of said easement except for the purpose of right of access, laying down, inspecting, restoring, and replacing utilities.

IN WITNESS WHEREOF, Multnomah County, pursuant to the lawful authority given to the undersigned by its Commission has caused these presents to be signed by its Chair, this 8th day of June, 1995.



MULTNOMAH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON

By Beverly Stein
Beverly Stein, County Chair

REVIEWED:

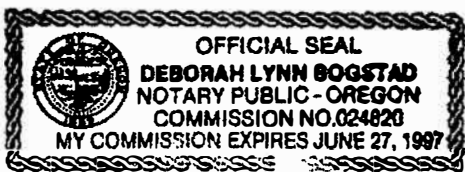
LAURENCE KRESSEL, COUNTY COUNSEL FOR MULTNOMAH COUNTY, OREGON

By Laurence Kessel

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 8th day of June, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

**EXHIBIT A
LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT**

October 20, 1994

A strip of land 20.00 feet in width situated in the SW 1/4 of Section 26 and the NW 1/4 of Section 35, T.1N., R.3E., W.M., City of Troutdale, Multnomah County, Oregon, lying 10.00 feet on each side of the following described centerline:

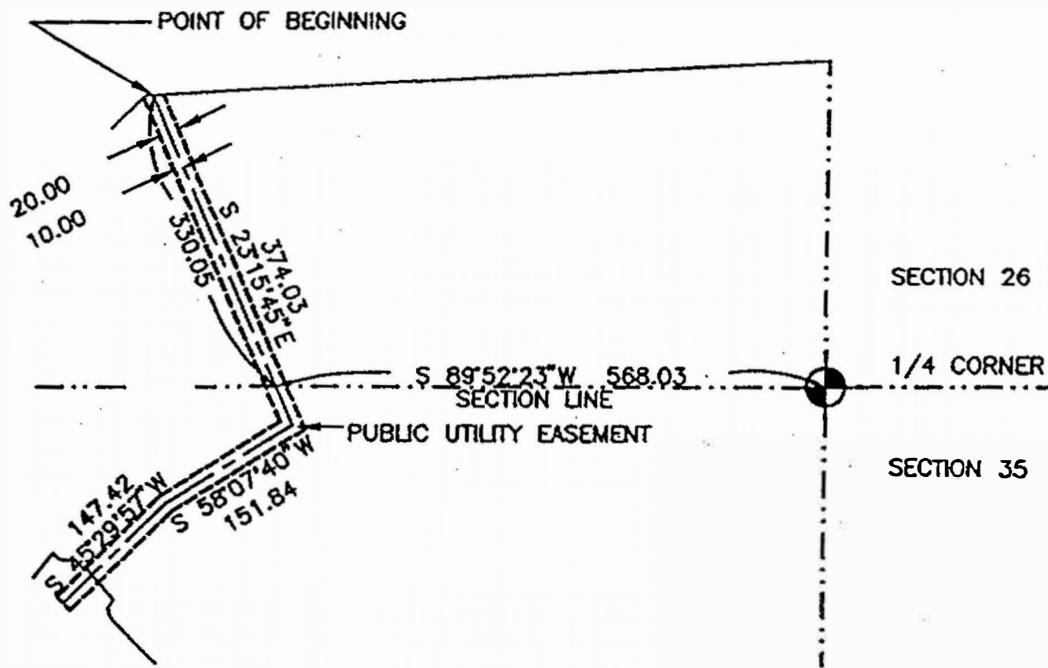
Commencing at the one-quarter comon to said Sections 26 and 35; thence along the line common to said Sections S.89°52'23"W., 568.03 feet; thence N.23°15'45"W., 330.05 feet to the TRUE POINT OF BEGINNING of the herein described strip; thence S.23°15'45"E., 374.03 feet; thence S.58°07'40"W., 151.84 feet; thence S.45°29'57"W., 147.42 feet to the point of ending of the herein described strip.

End of description.

EXHIBIT B



SCALE 1" = 200'



PLAT OF DESCRIPTION

PUBLIC UTILITY EASEMENT

IN THE SW 1/4 SEC. 26 AND NW 1/4 SEC. 35 T1N,R3E, W.M.

CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

otak
incorporated

surveyors
engineers
planners

17355 S.W. BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
(503)635-3618 FAX (503)635-5395

8

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

95 OCT 19 AM 11:20

RECORDING SECTION
MULTNOMAH CO. OREGON

Vol / Page

95 129025

witness my hand and seal of office affixed.

Recorder of Conveyances

C Swick

Deputy

95
32

PUBLIC UTILITY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a political subdivision of the State of Oregon, in consideration of the sum of One and no/100 Dollars (\$1.00), and other good and valuable consideration, to it paid by the City of Troutdale, a municipal corporation of the State of Oregon, does hereby grant unto said City of Troutdale, the right to access, to lay down, construct, operate, and perpetually maintain a sewer or sewers through, under, and upon a parcel of land situated in Multnomah County, Oregon and more particularly described in Exhibit A and as shown on Exhibit Maps B and C attached hereto.

IT IS UNDERSTOOD and agreed that all public utility easements dedicated to the public are exclusive easements. No other utilities, private or public, facilities, or other easements are to be located within the boundaries of public easements without prior written consent of the City of Troutdale.

IT IS UNDERSTOOD and agreed that public utility easements include the right of access for construction, inspection, maintenance, or other utility activities, associated with the public utility.

IT IS UNDERSTOOD and agreed that no building construction, material storage, grade reduction, or tree planting shall be permitted within public easements, without the prior written consent of the City of Troutdale.

THIS INSTRUMENT does not grant or convey to the City of Troutdale any right or title to the surface of the soil along the route of said easement except for the purpose of right of access, laying down, inspecting, restoring, and replacing utilities.

IN WITNESS WHEREOF, Multnomah County, pursuant to the lawful authority given to the undersigned by its Commission has caused these presents to be signed by its Chair, this 8th day of June, 1995.



MULTNOMAH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON

By Beverly Stein
Beverly Stein, County Chair

REVIEWED:

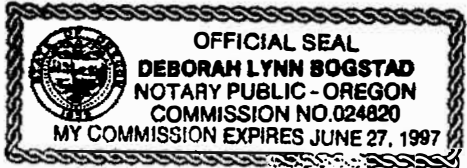
LAURENCE KRESSEL, COUNTY COUNSEL FOR MULTNOMAH COUNTY, OREGON

By John L. D. [Signature]

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 8th day of June, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

EXHIBIT A
LEGAL DESCRIPTION
PUBLIC UTILITY AND ACCESS ROAD EASEMENT
October 20, 1994

A parcel of land in the South 1/2 of Section 26 and the Northwest 1/4 of Section 35, Township 1 North, Range 3 East, Willamette Meridian, City of Troutdale, Multnomah County, Oregon, said parcel being a portion of "Parcel 1" of that certain Partition Plat filed as number 1993-97, Multnomah County Plat Records, more particularly described as follows:

Beginning at a point on the southerly right of way line of Halsey Street, a 100 foot wide street, which bears S.86°26'06"W., 723.22 feet from the northwesterly corner of "Parcel 2" as said parcel is shown on said Partition Plat No. 1993-97; thence S.00°35'27"E., 172.63 feet to a point herein described as "Point A"; thence S.45°35'27"E., 15.56 feet; thence N.89°24'33"E., 28.00 feet; thence S.00°35'27"E., 23.00 feet; thence S.89°24'33"W., 28.00 feet; thence S.44°24'33"W., 15.56 feet; thence S.00°35'27"E., 197.50 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle of 90°00'00", an arc distance of 47.12 feet, (said arc being subtended by a chord which bears S.45°35'27"E., 42.43 feet) to a point herein described as "Point B"; thence N.89°24'33"E., 227.74 feet; thence S.00°17'40"W., 27.46 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle of 89°22'31", an arc distance of 46.80 feet (said arc being subtended by a chord which bears S.44°23'35"E., 42.19 feet); thence S.89°04'51"E., 103.08 feet; thence S.00°08'21"W., 594.08 feet; thence N.88°30'57"W., 100.28 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle of 91°09'43" an arc distance of 47.73 feet (said arc being subtended by a chord which bears S.45°54'12"W., 42.85 feet); thence S.00°19'20"W., 394.20 to a point on the northerly line of the proposed Cherry Ridge Subdivision, Phase V; thence along said northerly line S.87°00'07"W., 687.91 feet; thence S.45°29'57"E., 2.40 feet; thence N.23°15'45"W., 17.77 feet to a point herein described as "Point C"; thence N.87°00'07"E., 24.00 feet; thence N.42°00'07"E., 15.56 feet; thence N.02°59'53"W., 28.00 feet; thence N.87°00'07"E., 23.00 feet; thence S.02°59'53"E., 28.00 feet; thence S.47°59'53"E., 15.56 feet; thence N.87°00'07"E., 584.41 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle of 86°40'47" an arc distance of 45.39 feet (said arc being subtended by a chord which bears N.43°39'44"E., 41.18 feet); thence N.00°19'20"E., 397.57 feet to a point herein described as "Point D"; thence S.88°30'57"E., 100.13 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle of 91°20'42", an arc distance of 47.83 feet (said arc being subtended by a chord which bears N.45°48'42"E., 42.92 feet); thence N.00°08'21"E., 503.62 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle of 89°13'12" an arc distance of 46.72 feet (said arc being subtended by a chord which bears N.44°28'15"W., 42.14 feet); thence N.89°04'51"W., 103.21 feet; thence N.00°17'40"E., 26.28 feet; thence along the arc of a 30.00 foot radius curve left, through a central angle 90°53'07", an arc distance of 47.59 feet (said arc being subtended by a chord

which bears N.45°08'53"W., 42.75 feet); thence S.89°24'33"W., 227.04 feet; thence N.00°35'27"W., 459.35 feet to a point on the southerly right of way line of said Halsey Street; thence along said southerly right of way line N.86°26'06"E., 15.02 feet to the point of beginning.

Also including a 10.00 foot wide strip of land for slope easement lying northerly and adjacent to the following described line: Beginning at the above-described "Point A"; thence S.45°35'27"E., 15.56 feet; thence N.89°24'33"E., 28.00 feet to the point of ending of the herein described strip. The northerly line of this 10.00 foot wide strip shall be extended northwesterly to intersect with the easterly line of the above-described 15.00 foot wide public utility easement.

Also including a 10.00 foot wide strip of land for slope easement lying northerly of and adjacent to the following described line: Beginning at the above described "Point B" thence N.89°24'33"E., 162.74 feet to the point of ending of the herein described slope easement. The northerly line of this 10.00 foot wide strip shall be extended westerly to intersect with the easterly line of the above described 15.00 foot wide public utility easement.

Also including a 10.00 foot wide strip of land for slope easement lying northerly, westerly and easterly of and adjacent to the following described line: Beginning at the above described "Point C" thence N.87°00'07"E., 35.00 feet; thence N.02°59'53"W., 39.00 feet; thence N.87°00'07"E., 23.00 feet; thence S.02°59'53"E., 39.00 feet; thence N.87°00'07"E., 595.41 feet to the point of ending of the herein described strip. The northerly line of this slope easement to be extended easterly to intersect with the westerly line of the above described 15.00 foot wide public utility easement.

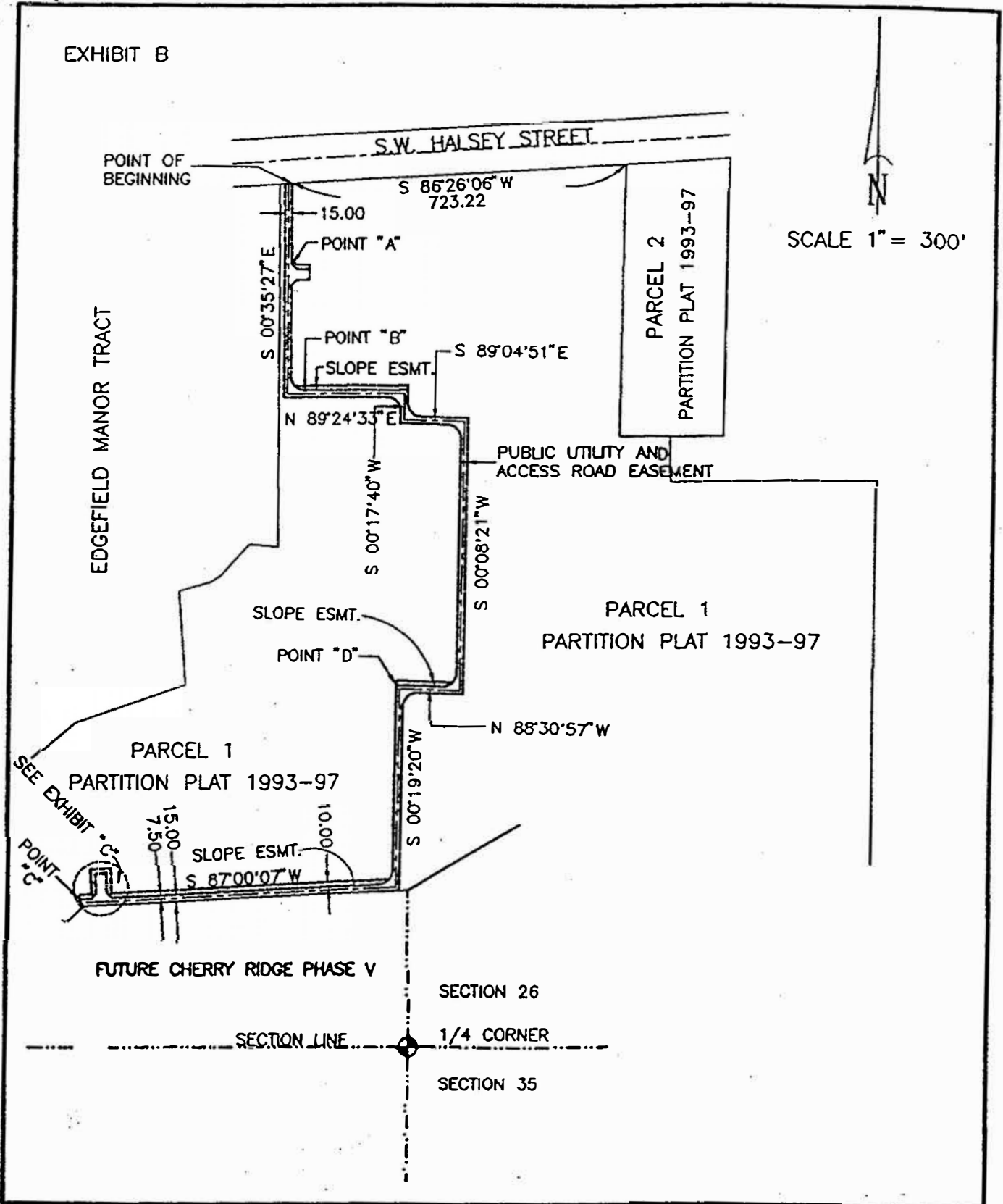
Also including a 10.00 foot wide strip of land for slope easement lying northerly of and adjacent to the following described line: Beginning at the above described "Point D" thence S.88°30'57"E., 100.13 feet to the point of ending of the herein described slope easement. The northerly line of this 10.00 foot wide shall be extended easterly to intersect with the westerly line of the above described 15.00 foot wide public utility easement.

End of description

EXHIBIT B



SCALE 1" = 300'



PLAT OF DESCRIPTION

PUBLIC UTILITY AND ACCESS ROAD EASEMENT

IN THE S 1/2 SEC. 26 AND NW 1/4 SEC. 35 T1N,R3E, W.M.
CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

otak
Incorporated

surveyors
engineers
planners

17355 S.W. BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
(503)635-3818 FAX (503)635-5395

MAINTENANCE TRUCK TURN-A-ROUND

N.T.S.

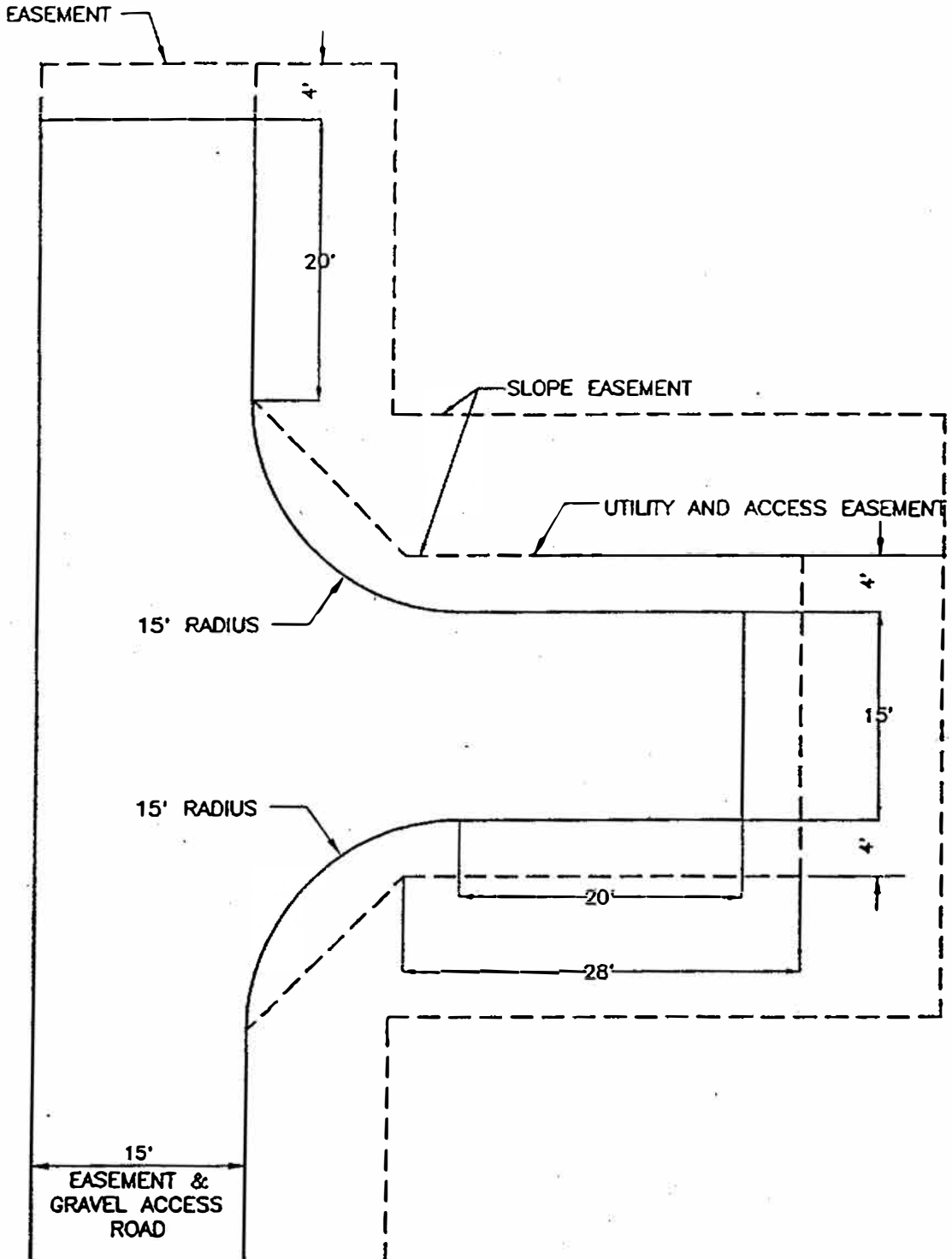


EXHIBIT C

otak
Incorporated

surveyors
engineers
planners

17355 S.W. BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
(503)635-3618 FAX (503)635-5395

Rerecord

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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

95 DEC 21 AM 10: 06

RECORDING SECTION
MULTNOMAH CO. OREGON

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witness my hand and seal of office affixed.

Recorder of Conveyances

C Swick

Deputy

902