

RESOLUTION NO. 1204

A RESOLUTION ACCEPTING THE DEDICATION OF A PERMANENT STORM DRAINAGE EASEMENT WITHIN LOT 10, BLOCK 5, IN THE SWEETBRIAR MEADOWS PHASE III SUBDIVISION.

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

WHEREAS, the property owner of this site fully 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 & current owner) that this easement will remain in effect forever or until such time in which the City sees the need to relinquish this easement; and

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

WHEREAS, this storm drainage easement shall not be encroached upon by any type of structure since this would inevitably result in a blockage of the pre-existing natural water stream, thus creating a flooding problem to residents and vacant land upstream from this point, more specifically described on the attached legal description.

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

That this storm drainage easement within Lot 10, Block 5, inside the Sweetbriar Meadows Phase III Subdivision, more specifically described on the attached legal description and graphically shown on the attached exhibit map, be accepted by the City.

YEAS: 5
NAYS: 0
ABSTAINED: 0


Paul Thalhofer, Mayor

Dated: 9-27-95


George Martinez, City Recorder

Adopted: 9-26-95

C:\SEP95

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

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PUBLIC STORM DRAINAGE EASEMENT

By this instrument Concept Construction Inc. Sandra Emrick (Grantor) in consideration of the sum of \$10,000 and other good and valuable consideration in hand given it by the City of Troutdale, Oregon, a municipal corporation (Grantee) does hereby grant, bargain, sell, and convey to Grantee its successors and assigns, a perpetual easement and right-of-way for the purpose of construction, maintenance, repair, and reconstruction of storm drainage facilities and supporting structures over, across, in, and through the real property owned by Grantor located in the County of Multnomah and the State of Oregon and more particularly described as follows:

See Exhibit "A" Attached

Grantor understands and agrees for itself, its successors and assigns not to cause or allow the construction or maintenance of any building or other structure in nor upon the area conveyed without the prior written consent of Grantee, which may be granted or allowed in Grantee's sole discretion. Grantor understands and agrees that Grantee may cause the summary removal of any such building or structure so placed without Grantee's consent and that Grantor shall make no claim for and shall hold Grantee harmless from any claim by a third person for damage to or destruction of the property so removed.

Grantor further agrees for itself, its heirs, successors, and assigns that any activities or improvements on Grantor's land adjacent hereto which may degrade or effect storm drainage ditches, facilities or water quality are subject to the review and approval of the City of Troutdale or its assigns.

Grantee shall have the right at any time hereafter to enter upon the area conveyed and shall have the right of reasonable access over any property owned by Grantor adjacent to the area conveyed, for the purpose of construction, maintenance, repair, and reconstruction of any and all storm drainage facilities supporting structures in or on the area conveyed and the right to remove any structure or vegetation necessary or convenient to accomplish same.

Grantee agrees to replace and restore as nearly as practical the surface of the soil of the property conveyed within a reasonable time after completing any task for which it enters upon same.

If Grantor is a corporation, by the signature of its authorized agent it signifies that the agent has been authorized by its Board of Directors to make this conveyance on behalf of the corporation.

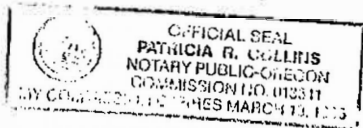
The parties acknowledge that this instrument will be recorded with the deed of records of Multnomah County, Oregon.

By: Sandra Emrick for Grantor (Print name below)

Title: Sandra L. Emrick
President

Acknowledged before me this 24th day of July 19 95

Patricia R. Cole
Notary Public for Oregon
My commission expires: _____



ACCEPTED BY:

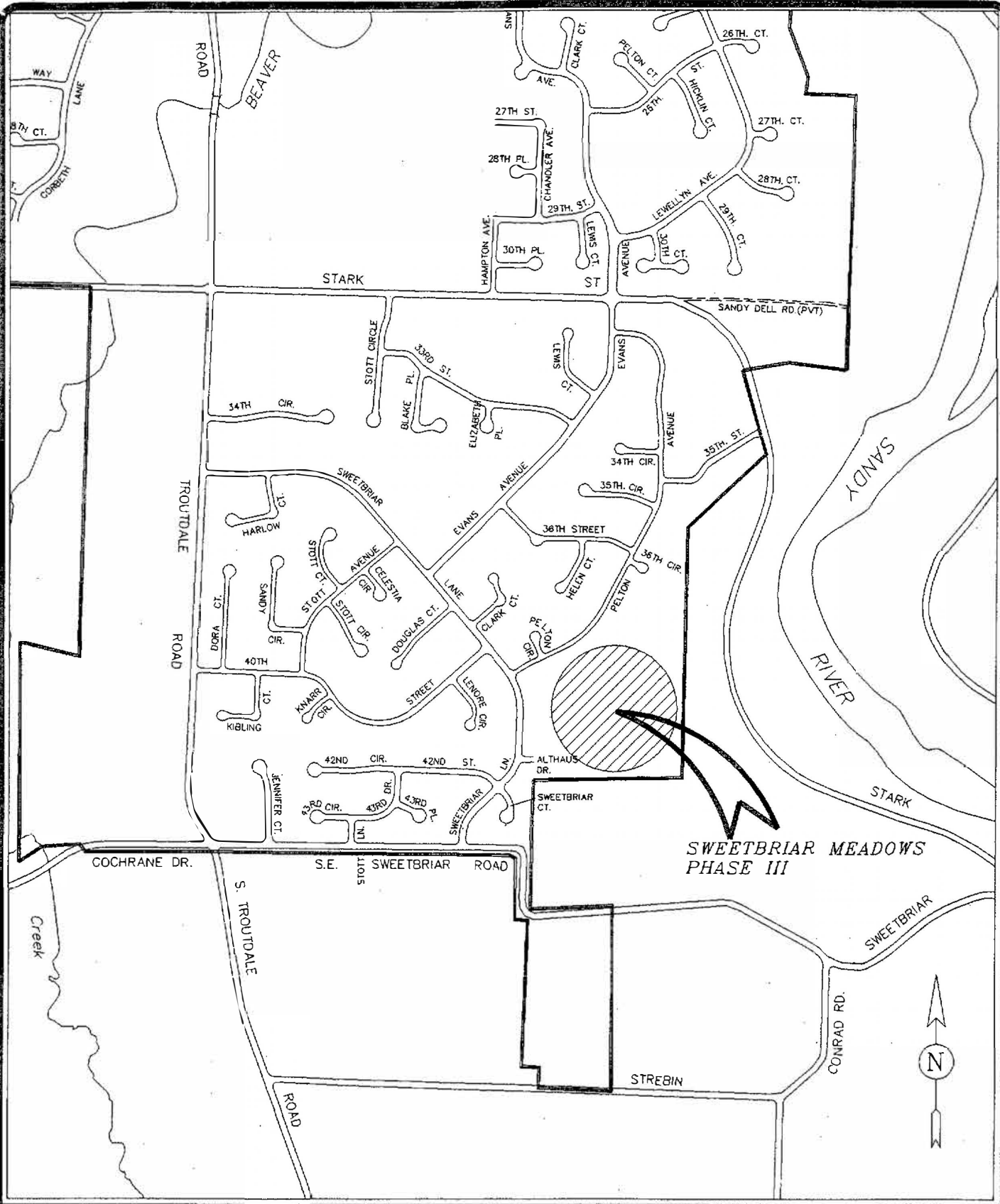
By: George M. [Signature] for Grantee

Title: City Recorder

Acknowledged before me this 16th day of October 19 95

Marion Berg
Notary Public for Oregon
My commission expires: 5-19-98





SWEETBRIAR MEADOWS
PHASE III

FILE NAME: SWTBM_2A
 TITLE BLOCK: 1B8X11
 EXTERNAL REFERENCES: NONE
 PLOT DATE: 08-31-95
 BY: J.M.
 PREVIOUS REVISION DATE: 12-28-94



DEPARTMENT OF PUBLIC WORKS
 CITY OF TROUTDALE
 SWEETBRIAR MEADOWS
 PHASE III
 MULTNOMAH COUNTY, OREGON
 SEPTEMBER 1995

EXHIBIT "A"

**ADDITIONAL STORM DRAINAGE EASEMENT
LOT 10, BLOCK 5, "SWEETBRIER MEADOWS NO. 3"**

DESCRIPTION

April 28, 1995

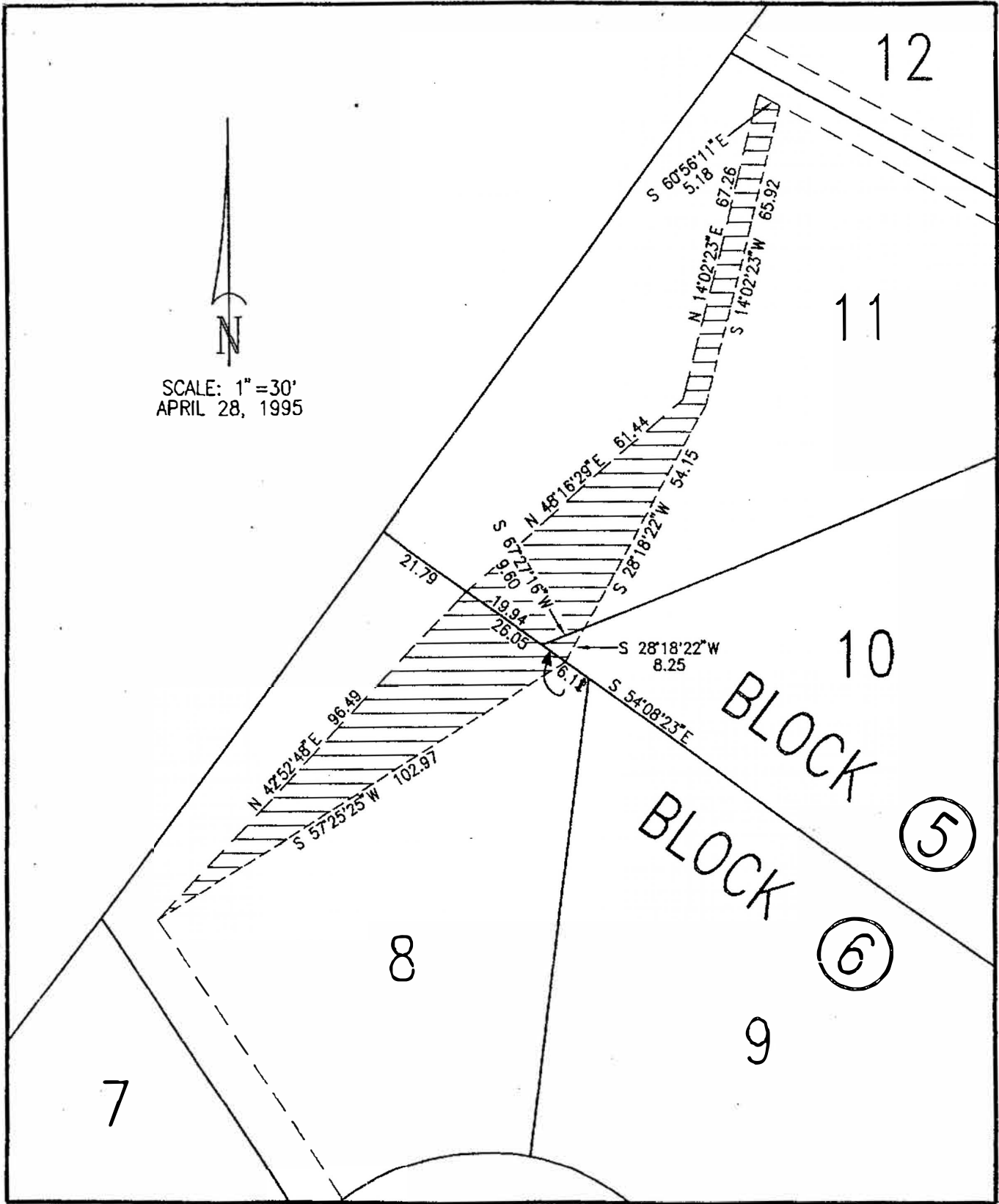
A portion of Lot 10, Block 5, "Sweetbrier Meadows No. 3", to wit:

Beginning at the most westerly corner of said Lot 10; thence S.54°08'23"E. along the southwesterly line of said Lot 10, 6.11 feet; thence N.28°18'22"E., 8.25 feet to the northwesterly line of said Lot 10; thence S.67°27'16"W., 9.60 feet to the Point of Beginning.

Contains 25 square feet, more or less.



SCALE: 1" = 30'
APRIL 28, 1995



STORM DRAINAGE EASEMENT
LOTS 10,11, BLOCK 5
LOT 8, BLOCK 6
'SWEETBRIER MEADOWS NO. 3'

otak
incorporated

surveyors
engineers
planners

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

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#3125

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: 59

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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