

**RESOLUTION NO. 1222**

**A RESOLUTION ACCEPTING A PERMANENT PUBLIC UTILITY AND ACCESS EASEMENT FROM KAREN BURGER-KIMBER TO PROVIDE ACCESS TO A NEW 12-INCH WATER MAIN PROPOSED FOR CONSTRUCTION AS PART OF THE CHERRY RIDGE DEVELOPMENT PHASES IV & V.**

**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**, the legal owner of this property, Karen Burger-Kimber, 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 that this easement will remain in effect forever or until such time as the City sees the need to relinquish this easement; and,

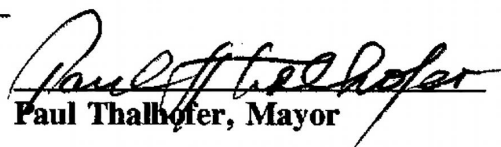
**WHEREAS**, City staff have reviewed the attached written description of this easement and found the language to be in compliance with the City's ordinances; and

**WHEREAS**, the physical size of this easement was also found to be adequate for City staff to properly service this publicly owned 12-inch water main which this permanent public utility and access easement encloses.

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

That this public utility and access easement, immediately on the east side of the Cherry Ridge Construction Phase IV, is hereby 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:** 1-25-96

  
**George Martinez, City Recorder**

**Adopted:** 1-23-96

RETURN TO:

**CITY OF TROUTDALE  
CITY RECORDER'S OFFICE  
104 S.E. KIBLING AVENUE  
TROUTDALE, OR 97060-2099**

*1 of 6*

**96 20799**

**PUBLIC UTILITY AND ACCESS EASEMENT**

Name of GRANTOR(S): Karen Burger-Kimber  
Address: 1675 S.W. Cherry Park Road, Troutdale, Oregon 97060

GRANTOR, owner of the property described herein, does hereby grant, convey and warrant unto the City of Troutdale, Troutdale, Oregon, GRANTEE, the right to lay down, construct and perpetually maintain a water line (or water lines) through, under and along the property described on Exhibit "A" attached hereto and by this reference incorporated herein. This grant of easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors, and assigns.

Any temporary easement granted hereby is automatically extinguished upon acceptance of the completed sewer in the adjacent permanent easement.

No structure shall be erected upon said easement without written consent of the GRANTEE.

The consideration for this grant is nonmonetary.

APPROVED

BY James E. Holloway  
Public Works Director

IN WITNESS WHEREOF, the GRANTOR named above hereunto set his hand and seal this 4 day of JANUARY A.D., 1996

BY Karen Burger-Kimber  
(GRANTOR)

BY \_\_\_\_\_  
(GRANTOR)

BY \_\_\_\_\_  
(GRANTOR)

**NOTARIZE DOCUMENT BELOW**

STATE OF OREGON )

)SS

Date JANUARY 4, 1996

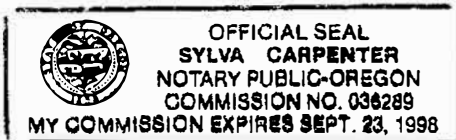
County of MULTNOMAH )

Personally appeared the above-named GRANTOR(S) KAREN BURGER-KIMBER

and acknowledged the foregoing instrument to be

her voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission expires 9-23-98





**EXHIBIT A**

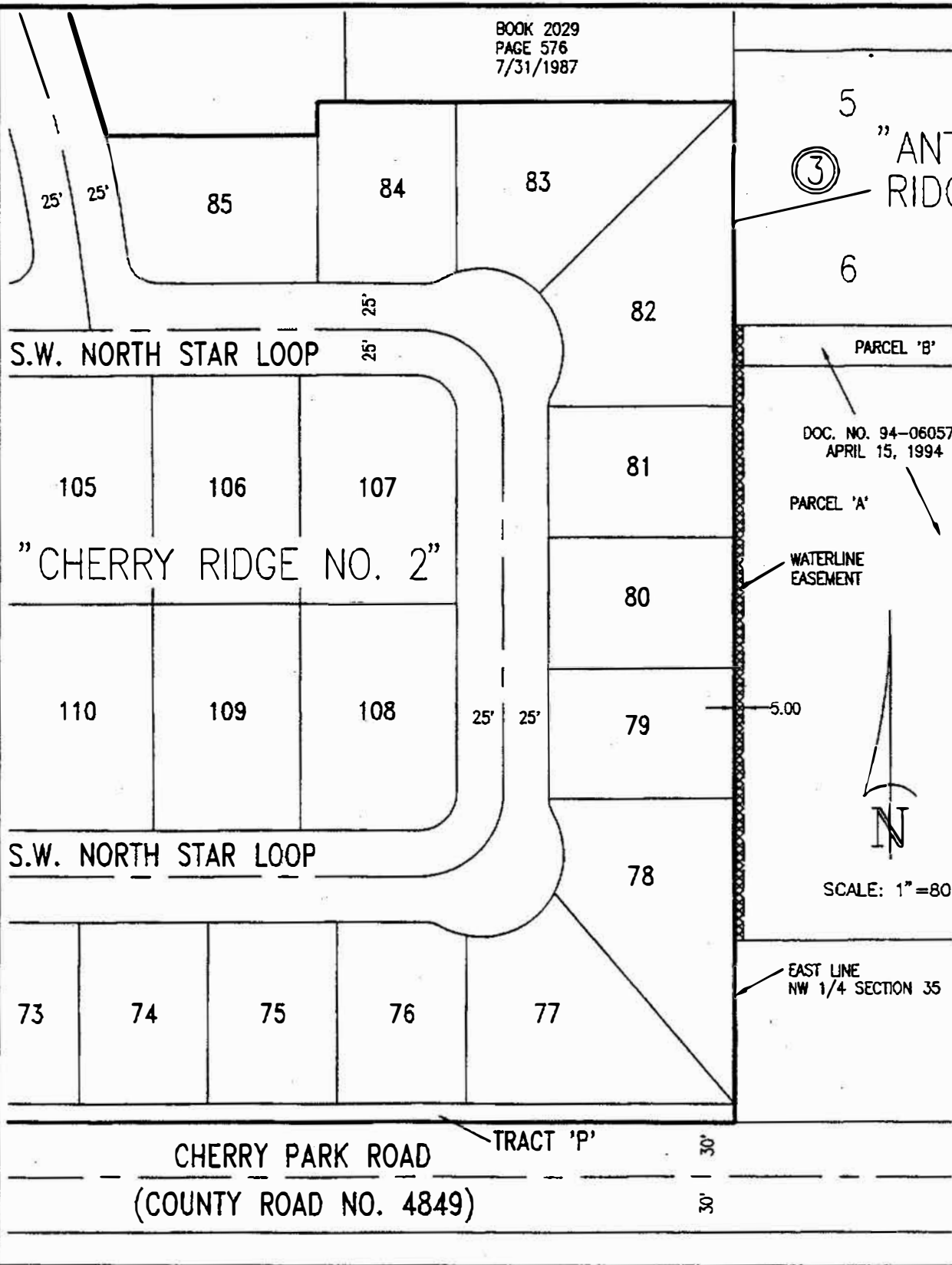
**PUBLIC UTILITY AND ACCESS EASEMENT  
DESCRIPTION  
January 2, 1996**

A tract of land in the northeast one-quarter of Section 35, T.1N., R.3E., W.M., City of Troutdale, Multnomah County, Oregon, to wit:

The westerly five feet of Parcels "A" and "B" as described in Document Number 94-060575, as recorded April 15, 1994 in the Multnomah County Deed Records.

Contains 1,575 square feet, more or less.

BOOK 2029  
PAGE 576  
7/31/1987



5  
"ANTON RIDGE"  
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PARCEL 'B'

DOC. NO. 94-060575  
APRIL 15, 1994

PARCEL 'A'

WATERLINE EASEMENT

5.00



SCALE: 1"=80'

EAST LINE  
NW 1/4 SECTION 35

CHERRY PARK ROAD

TRACT 'P'

(COUNTY ROAD NO. 4849)

**OFFSITE PUBLIC UTILITY AND  
ACCESS EASEMENT  
'CHERRY RIDGE NO. 2'**

**JANUARY 2, 1996** 5



surveyors  
engineers  
planners

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

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

96 FEB -9 PM 3:42

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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