

RESOLUTION NO. 1223

A RESOLUTION ACCEPTING A PERMANENT PUBLIC UTILITY AND ACCESS EASEMENT FROM ROD ANDERSON 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, Rod Andersen, 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,

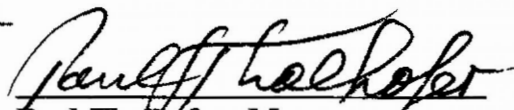
WHEREAS, City staff have reviewed the attached written description of this easement and found the language to be in compliance with the City's ordinances; and

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.

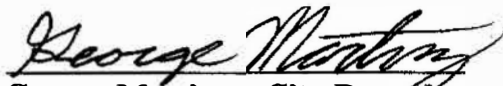
NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

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 map.

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

126

96 20688

PUBLIC UTILITY AND ACCESS EASEMENT

Name of GRANTOR(S): Rod Andersen
Address: 22330 N.W. Fisher Road, Banks, Oregon 97106

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 8th day of January A.D. 1996

BY Rod Andersen
(GRANTOR)

BY _____
(GRANTOR)

BY _____
(GRANTOR)

NOTARIZE DOCUMENT BELOW

STATE OF OREGON)
)SS
County of Washington)

Date January 8, 1996

Personally appeared the above-named GRANTOR(S) Rod Andersen and acknowledged the foregoing instrument to be his voluntary act and deed.



Sharyl K. Akwenuke
Notary Public for Oregon
My Commission expires 3/30/96

CERTIFICATE OF ACCEPTANCE

I, GEORGE MARTINEZ, Recorder of the City of Troutdale, hereby certify that the foregoing agreement was accepted by the Council of the City of Troutdale on the 23RD day of JANUARY, 1996, by Resolution No. 1223.

Dated this 24TH day of JANUARY, 1996.

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: 5-18-98



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 that certain tract described in Book 850, Page 654, as recorded April 12, 1972 in the Multnomah County Deed Records.

LESS any of those portions within the duly recorded plat of "Anton Ridge" as recorded in Plat Book 1210, Page 64 on January 26, 1979, Multnomah County Survey Records.

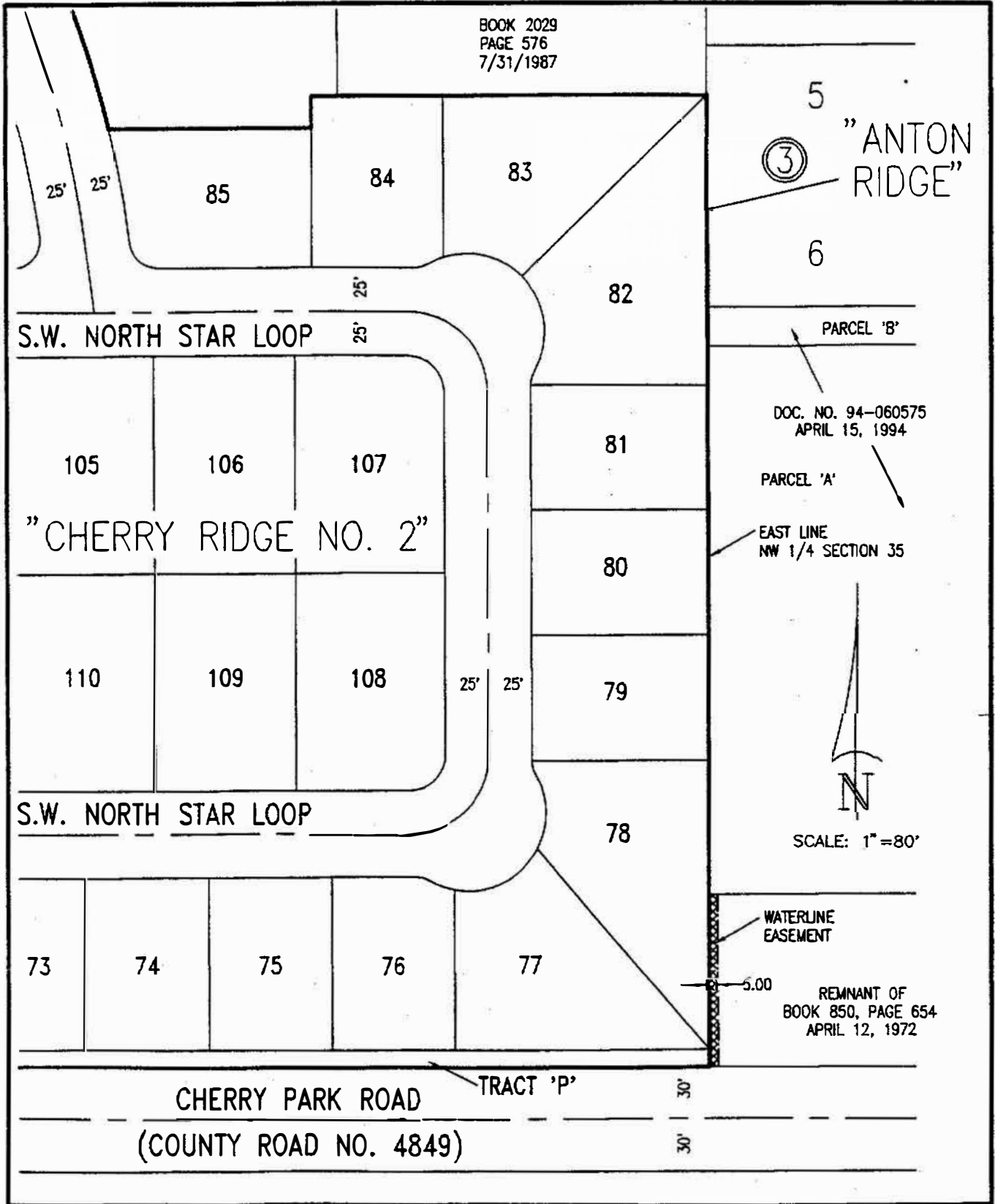
AND LESS any of those portions within Parcel "A" and Parcel "B" of that certain tract described in Document Number 94-060575 as recorded April 15, 1994 in the Multnomah County Deed Records.

AND LESS any of those portions within Cherry Park Road, County Road Number 4849.

Contains 500 square feet, more or less.

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BOOK 2029
PAGE 576
7/31/1987



5
③ "ANTON RIDGE"

6

PARCEL 'B'

DOC. NO. 94-060575
APRIL 15, 1994

PARCEL 'A'

EAST LINE
NW 1/4 SECTION 35



SCALE: 1" = 80'

WATERLINE
EASEMENT

5.00

REMNANT OF
BOOK 850, PAGE 654
APRIL 12, 1972

CHERRY PARK ROAD

TRACT 'P'

30'

(COUNTY ROAD NO. 4849)

30'

**OFFSITE PUBLIC UTILITY AND
ACCESS EASEMENT**

"CHERRY RIDGE NO. 2"

JANUARY 2, 1996

otak
incorporated

surveyors
engineers
planners

17355 S.W. BOONBES 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: 28
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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