

RESOLUTION NO. 1237

A RESOLUTION ACCEPTING A PUBLIC UTILITY & ACCESS EASEMENT FOR AN OFF-SITE SANITARY SEWER LINE FOR THE SEDONA PARK SUBDIVISION.

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 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 of Troutdale and Multnomah County, current property owner) 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 have reviewed the attached written description of this easement and found the language to be in compliance with City ordinances; and,

WHEREAS, the physical size of this easement was also found to be adequate for City staff to properly service this 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 public utility and access easement in the property owned by Multnomah County be accepted as a permanent, City-acquired easement, as is more specifically described on the attached legal description and graphically shown on the attached exhibit map.

YEAS: 5
NAYS: 0
ABSTAINED: 0

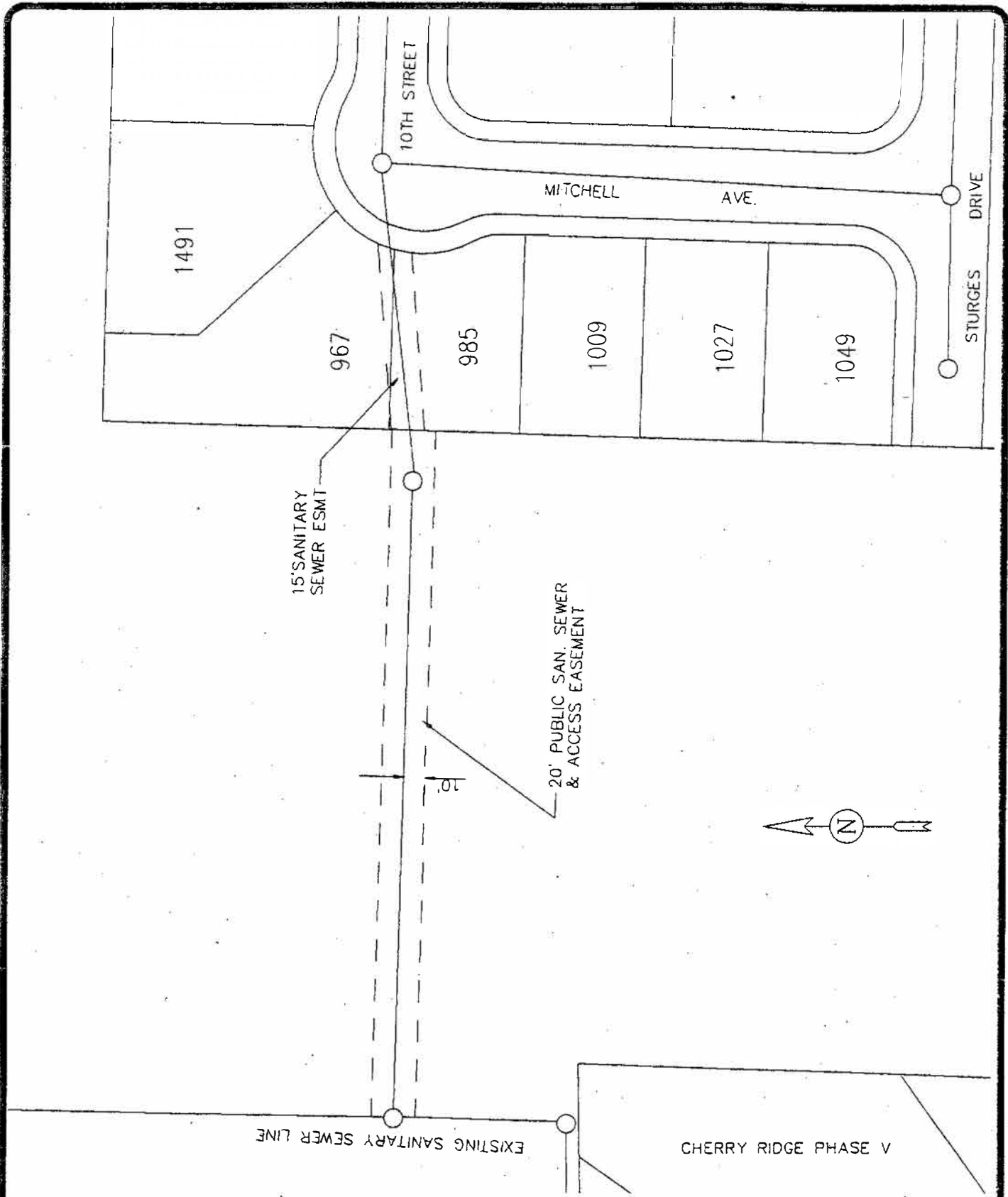

Paul Thaddeus, Mayor

Dated: 4-16-96


George Martinez, City Recorder

Adopted: 4-9-96

RETURN TO:
GEORGE MARTINEZ
CITY OF TROUTDALE
104 SE KIBLING AVE.
TROUTDALE, OR 97060



FILE NAME: SDNO_OFF
 TITLE BLOCK: T88X11
 EXTERNAL REFERENCES: NONE
 PLOT DATE: 04-01-96
 BY: J.M.
 PREVIOUS REVISION DATE: NONE



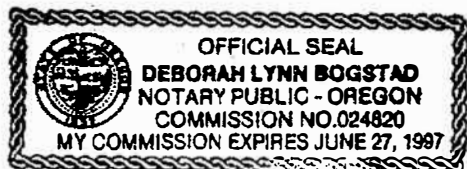
DEPARTMENT OF PUBLIC WORKS
 CITY OF TROUTDALE
**OFF-SITE SANITARY
 FROM SEDONA PARK**
 MULTNOMAH COUNTY, OREGON
 APRIL 1996

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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

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 (\$0.00), 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 attached hereto, together with a temporary easement upon the parcel of land situated in Multnomah County, Oregon and more particularly described in Exhibit B attached hereto, to be used for construction activities in connection with the original placement of such sewer or sewers upon the land described in said Exhibit A.

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*

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SOUTH ONE HALF OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON AND ALSO BEING A PORTION OF PARCEL "1" OF PARTITION PLAT NO. 1993-97, DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT ON THE EASTERLY LINE OF SAID PARCEL FROM WHICH THE SOUTH ONE QUARTER CORNER OF SAID SECTION 26 BEARS SOUTH 00° 14' 56" WEST 396.36 FEET; THENCE SOUTH 89° 54' 53" WEST 20.65 FEET; THENCE NORTH 00° 23' 01" EAST 10.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89° 54' 53" EAST 320.44 FEET; THENCE NORTH 00° 07' 41" EAST 20.00 FEET; THENCE SOUTH 89° 54' 53" WEST 320.35 FEET; THENCE SOUTH 00° 23' 01" WEST 20.00 FEET TO THE POINT OF BEGINNING.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE PLAT OF "COLUMBIA CREST ESTATES".

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the grant of PUBLIC) O R D E R
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 Multnomah County, Oregon, this 8th day of June, 1995.



BRUCE KRESSEL, County
Counsel for Multnomah
County, Oregon

By John L. Bubby
John L. Bubby, Chief Deputy

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, County Chair

CERTIFIED TRUE COPY OF THE
ORIGINAL ON FILE HEREIN

By Deborah L. Boasted
CLERK OF THE BOARD
MULTNOMAH COUNTY, OREGON

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EXHIBIT "B"

A 20.00 FOOT WIDE PARCEL OF LAND NORTHERLY OF AND ADJACENT TO THE NORTHERLY LINE OF FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF LAND LOCATED IN THE SOUTH ONE HALF OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON AND ALSO BEING A PORTION OF PARCEL "1" OF PARTITION PLAT NO. 1993-97, DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT ON THE EASTERLY LINE OF SAID PARCEL FROM WHICH THE SOUTH ONE QUARTER CORNER OF SAID SECTION 26 BEARS SOUTH 00° 14' 56" WEST 396.36 FEET; THENCE SOUTH 89° 54' 53" WEST 20.65 FEET; THENCE NORTH 00° 23' 01" EAST 10.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89° 54' 53" EAST 320.44 FEET; THENCE NORTH 00° 07' 41" EAST 20.00 FEET; THENCE SOUTH 89° 54' 53" WEST 320.35 FEET; THENCE SOUTH 00° 23' 01" WEST 20.00 FEET TO THE POINT OF BEGINNING.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE PLAT OF "COLUMBIA CREST ESTATES".



MULTNOMAH COUNTY OREGON

RECEIVED
5/22/96 05
RECORDING OFFICE
CITY OF TROUTDALE

DIVISION OF ASSESSMENT AND TAXATION
421 SW 6TH AVENUE #308
PORTLAND, OREGON 97205
RECORDING SECTION (503) 248-3034

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



35.00

96067986 12:41pm 05/06/96

003 40001661 04 03
B29 7 0.00 35.00 0.00 0.00

**THIS PAGE IS A PART OF THE OFFICIAL DOCUMENT
PLEASE DO NOT REMOVE**

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