

RESOLUTION NO. 1270

A RESOLUTION ACCEPTING A STORM DRAINAGE EASEMENT FOR THE PROTECTION AND MAINTENANCE OF A NATURAL DRAINAGE WAY IN LOT 11 OF THE SWEETBRIAR MEADOWS PLAT PHASE III.

WHEREAS, a natural way drainage course, a stream, has existed for some time through Lot 11 of the Sweetbriar Meadows Plat Phase III subdivision; and

WHEREAS, during the extreme storm events of February 1996, said stream altered its natural storm water drainage way; and

WHEREAS, the new natural drainage course involves an enlarged area of said Lot 11; and

WHEREAS, an easement is needed in said Lot 11 for the protection and maintenance of this natural storm water drainage way; and

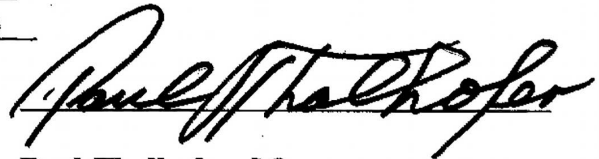
WHEREAS, owner of said Lot 11 has fully and unreservedly agreed to grant this easement as detailed on the attached legal description at no cost to the City; and

WHEREAS, the appropriate legal documents and descriptions have been prepared and are herewith attached.

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


That this public storm drainage easement, in Lot 11 of the Sweetbriar Meadows Plat Phase III subdivision, is accepted as a permanent City-acquired easement, as is more specifically described on the attached legal description and graphically shown on the attached vicinity map.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Paul Thalhofer, Mayor

Dated: 8-22-96


George Martinez, City Recorder

Adopted: 8-13-96

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



MULTNOMAH COUNTY OREGON

DIVISION OF ASSESSMENT AND TAXATION
421 SW 6TH AVENUE #308
PORTLAND, OREGON 97204
RECORDING SECTION (503) 248-3034

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



25.00

96162428 3:40pm 10/25/96

003 50003448 05 04
E79 7 0.00 25.00 0.00 0.00

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

1017

EXHIBIT "A"

ADDITIONAL STORM DRAINAGE EASEMENT
LOT 11, BLOCK 5, "SWEETBRIER MEADOWS NO. 3"
DESCRIPTION
April 28, 1995

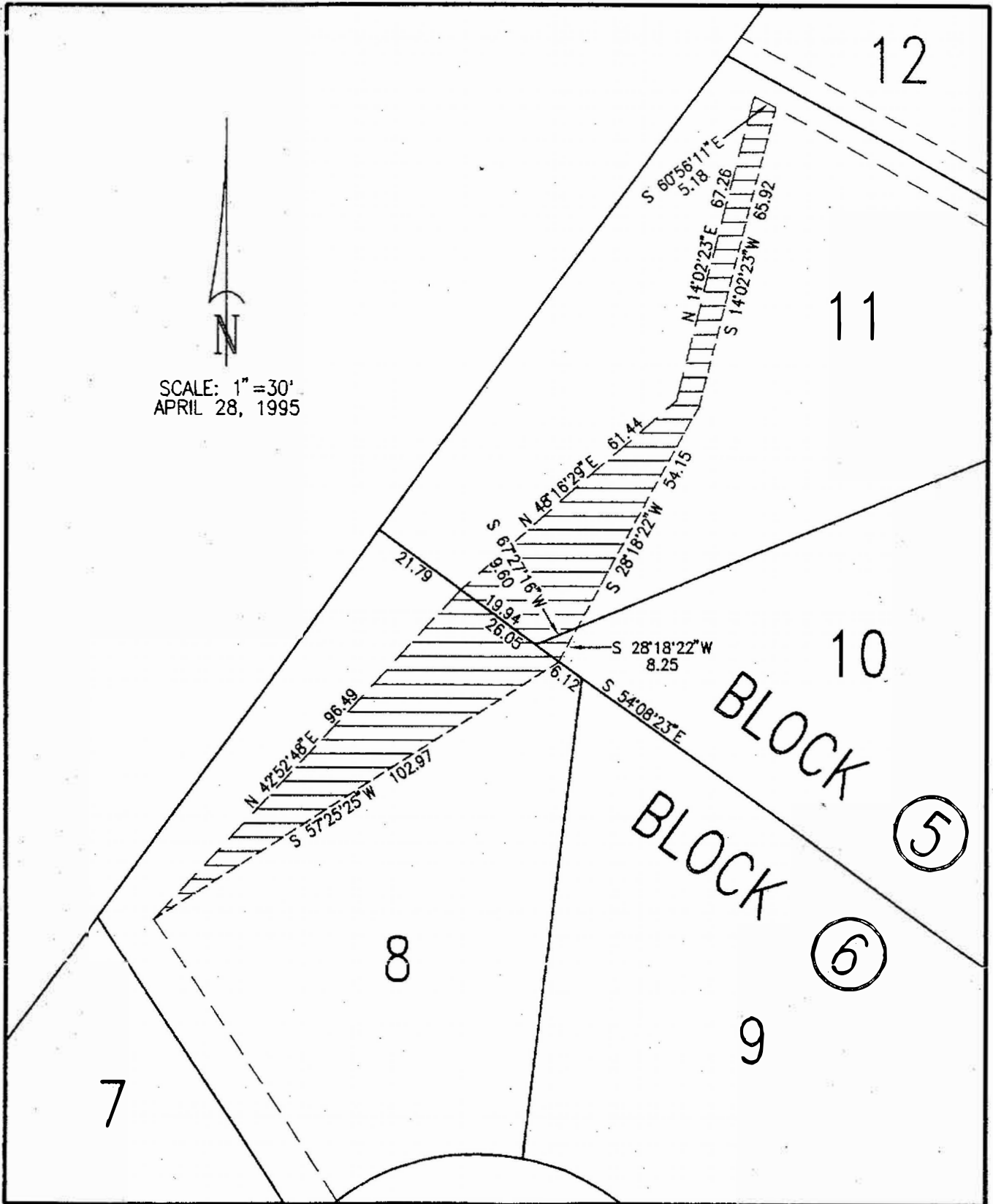
A portion of Lot 11, Block 5, "Sweetbrier Meadows No. 3", to wit:

Beginning at the most westerly corner of Lot 10, Block 5, "Sweetbrier Meadows No. 3"; thence N.67°27'16"W. along the northwesterly line of said Lot 10, 9.60 feet; thence N.28°18'22"E., 54.15 feet; thence N.14°02'23"E., 65.92 feet to the southerly line of that 10-foot wide storm drainage easement along the northeasterly line of said Lot 10 as shown on the duly recorded plat of "Sweetbrier Meadows No. 3"; thence N.60°56'11"W. along said southerly line, 5.18 feet to the southeasterly line of that storm drainage easement as shown on said plat; thence tracing said southeasterly line along the following courses: S.14°02'23"W., 67.26 feet; thence S.48°16'29"W., 61.44 feet to the southwesterly line of said Lot 11; thence S.54°08'23"E. along said southwesterly line, 19.94 feet to the Point of Beginning.

Contains 800 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'

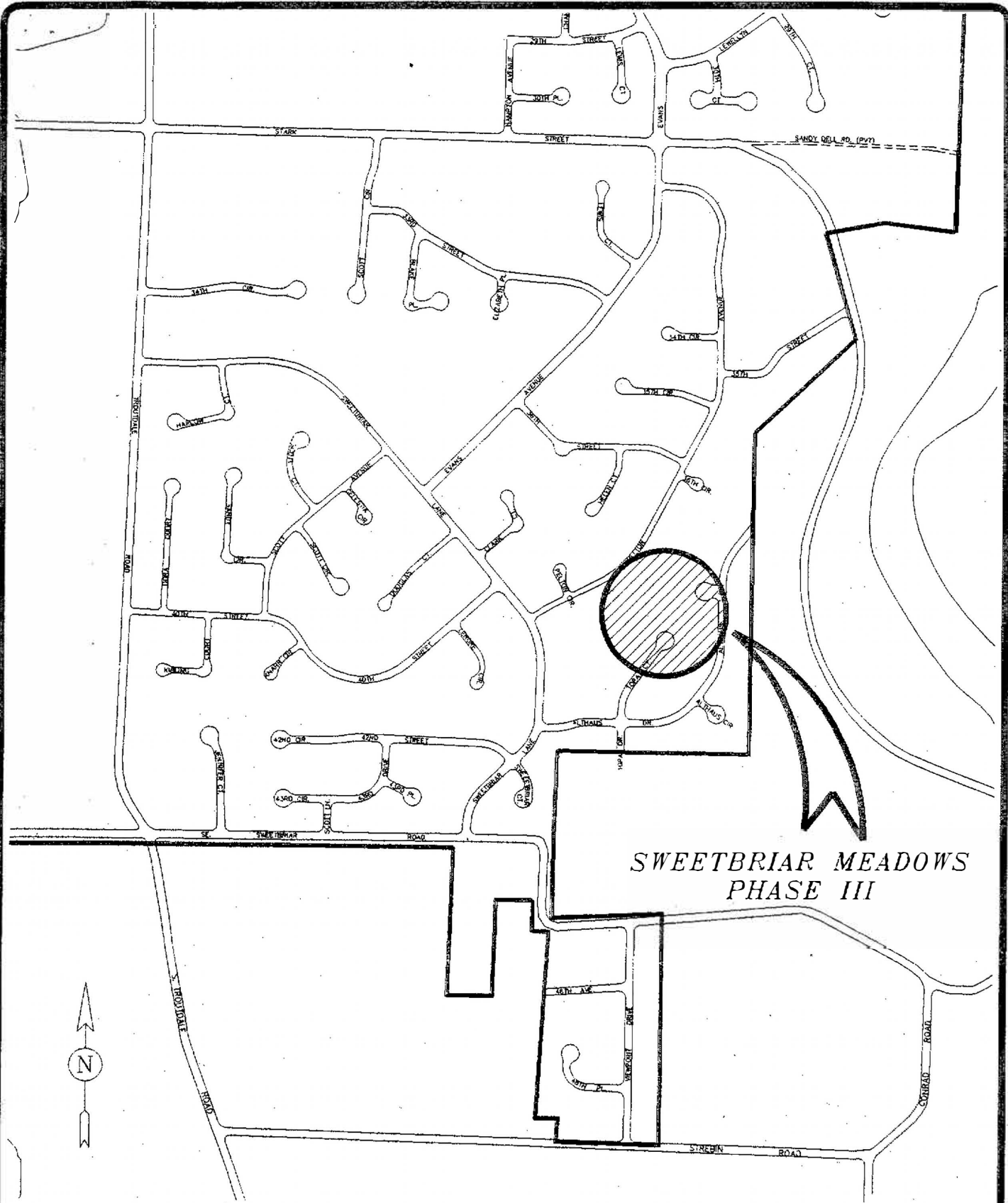
otak
incorporated

surveyors
engineers
planners

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

4 3

#3125



**SWEETBRIAR MEADOWS
PHASE III**



FILE NAME: SWTB_MDW
 TITLE BLOCK: TB8X11
 EXTERNAL REFERENCES: NONE
 PLOT DATE: 08-14-96
 BY: J.M.
 PREVIOUS REVISION DATE: NONE



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE
EASEMENT AQUISITION
LOT 11
 MULTNOMAH COUNTY, OREGON
 AUGUST 1996

6

PUBLIC STORM DRAINAGE EASEMENT

By this instrument Clifford E. Hedden and Jay H. Hering
(Grantor) in consideration of the sum of \$0.00 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: Clifford E. Hedden for Grantor (Print name below)

Clifford E. Hedden

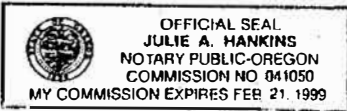
Title: Jay H. Hering

Acknowledged before me this 5th day

of May 19 95

Julie A. Hankins

Notary Public for Oregon
My commission expires: 2/21/99



ACCEPTED BY:

By: _____ for Grantee

Title: _____

Acknowledged before me this _____ day
Of _____ 19 _____

Notary Public for Oregon
My commission expires:

AFTER RECORDING RETURN TO:
CLIFFORD HEDDEN
31604 SW BLUFF ROAD
GILLHAM, OR 97080

95-55324

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10/4

RECORDED BY OREGON TITLE AS AN ACCOMMODATION ONLY NO LIABILITY IS ACCEPTED FOR THE CORRECTNESS OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

OREGON TITLE INS. CO. 450704942