

**RESOLUTION NO. 1273**

**A RESOLUTION ACCEPTING A SIDEWALK EASEMENT IN CHERRY RIDGE PLAT PHASE III FROM CHERRY RIDGE LIMITED PARTNERSHIP**

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

**WHEREAS**, Cherry Ridge Limited Partnership, the property owner of this land, agrees to dedicate this sidewalk 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 until such time as the City may relinquish it; and

**WHEREAS**, City staff 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 sidewalk easement was found to be adequate to construct such sidewalk.

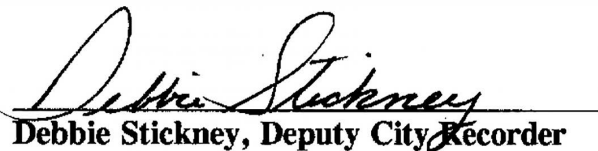
**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE**

That a sidewalk easement granted to the City by Cherry Ridge Limited Partnership in Cherry Ridge Plat Phase III, as further described in the attached easement which is made a part hereof, is accepted.

**YEAS:** 6  
**NAYS:** 0  
**ABSTAINED:** 0

  
Paul Thalhofer, Mayor

Dated: 8-28-96

  
Debbie Stickney, Deputy City Recorder

Adopted: 8-27-96

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

C:\PWAUG96\CHRYRESO

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

 28.00

96162084 1:03pm 10/25/96

009 30000337 03 09  
A49 5 0.00 25.00 3.00 0.00 0.00

# SIDEWALK EASEMENT AGREEMENT

Cherry Ridge Limited Partnership, A Washington Limited Partnership, (Grantor) in consideration for the promises contained herein and other good and valuable consideration does hereby grant, assign and set over to the CITY OF TROUTDALE, a municipal corporation of this State of Oregon, its successors and assigns (Grantee) a permanent easement for purposes of maintaining, repairing, altering or reconstruction of the sidewalk including the right of ingress and egress, when necessary for the purposes mentioned above on, over, under and across the real property located in the county of Multnomah and State of Oregon, described as shown on Exhibit "A" attached hereto:

Date: 8-16-96

Grantor: [Signature]

Address: 2700 N.E. ANDERSON - D-22

VANCOUVER WA 98441  
by: POLYGON NORTHWEST CO., A WA General Partnership  
by: BRENTVIEW, INC., It's General Partner  
by: DAVE GUTSCHMIDT  
IT'S ASSISTANT VICE PRESIDENT  
) ss.

STATE OF OREGON

COUNTY OF MULTNOMAH )

Personally appeared Dave Gutschmidt, who, being duly sworn, stated and acknowledged the foregoing instrument was executed on behalf of Cherry Ridge Limited partnership, a Washington Limited Partnership for the purposes stated therein; that the seal, if any, affixed to the instrument is the corporate seal of the corporation; and that he/she/they signed the instrument with proper authority and as the voluntary act of the corporation.

Connie E. Rogers  
NOTARY PUBLIC FOR OREGON

Commission Expires: 1-19-00

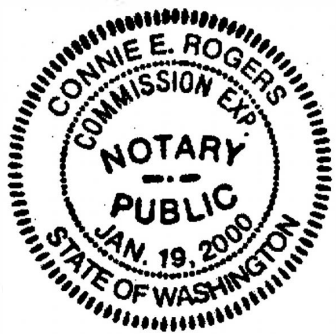


EXHIBIT "A"

**SIDEWALK EASEMENT  
CHERRY RIDGE NO. 3  
LEGAL DESCRIPTION  
May 7, 1996**

A strip of land, 4.00 feet wide, in the northwest one-quarter of Section 35, T.1N., R.3E., W.M., City of Troutdale, Multnomah County, Oregon, the westerly line of said strip being more particularly described as follows:

Beginning at a 5/8" iron rod with a yellow, plastic cap inscribed "Otak, Inc.", said point being the most westerly corner of Lot 150, "Cherry Ridge No. 3", a duly recorded plat in Multnomah County, and on the easterly line of N.W. Napoleon Place at the southerly end of Curve No. 9 as shown on said plat; thence tracing said easterly line along the following courses: northeasterly along the arc of a 16.00 foot radius curve right (the radius point of which bears N.68°28'09"E.) through a central angle of 101°02'32", 28.22 feet (chord bears N.28°59'25"E., 24.70 feet) to a 5/8" iron rod with a yellow, plastic cap inscribed "Otak, Inc." and the point of curve left of a 50.00 foot radius curve; thence along the arc of said curve left through a central angle of 214°51'35", 187.49 feet (chord bears N.27°55'06"W., 95.41 feet) to a 5/8" iron rod with a yellow, plastic cap inscribed "Otak, Inc." and the point of curve right of a 16.00 foot radius curve; thence along the arc of said curve right through a central angle of 101°02'32", 28.22 feet (chord bears N.84°49'38"W., 24.70 feet) to a 5/8" iron rod with a yellow, plastic cap inscribed "Otak, Inc." at the northerly end of Curve No. 7 as shown on said plat, and the terminus of this strip.

# CERTIFICATE OF ACCEPTANCE

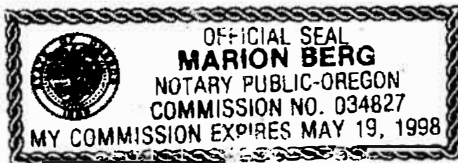
I, George Martinez, Recorder of the City of Troutdale, hereby certify that the foregoing agreement was accepted by the City Council of the City of Troutdale on the 27<sup>th</sup> day of August, 1996, by Resolution No. 1273.

Dated this 19<sup>th</sup> day of September, 1996.

George Martinez  
CITY RECORDER

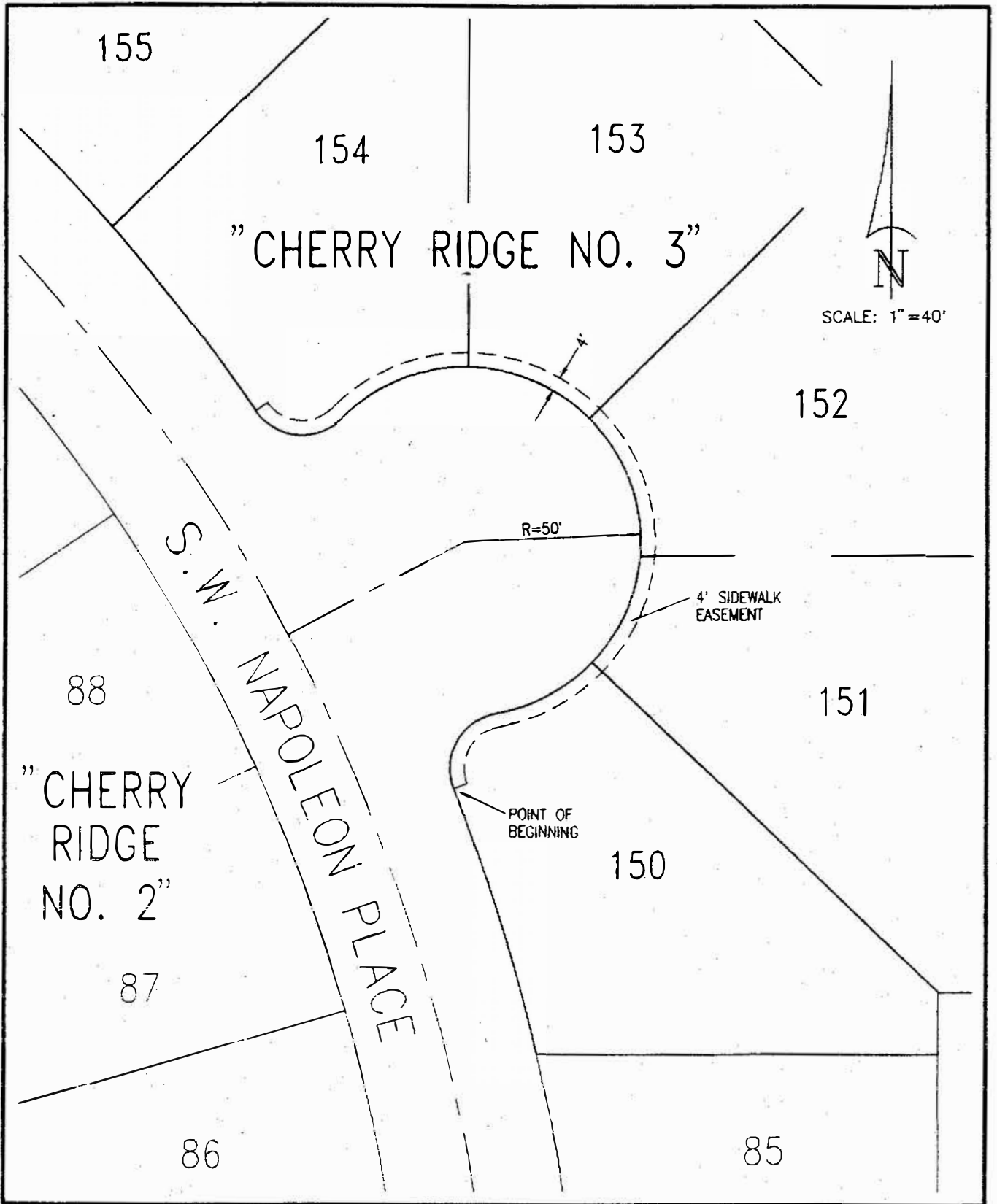
STATE OF OREGON            )  
  ) ss.  
COUNTY OF MULTNOMAH    )

Personally appeared the above named George Martinez, and acknowledged the foregoing instrument to be the voluntary act and deed of the **CITY OF TROUTDALE**.



Marion Berg  
NOTARY PUBLIC FOR OREGON

Commission Expires: 5-19-98



**SIDEWALK EASEMENT**  
**"CHERRY RIDGE NO. 3"**  
**MAY 7, 1996**

**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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