

**RESOLUTION NO. 1322**

**A RESOLUTION ACCEPTING AN EASEMENT EAST OF THE CENTERLINE OF VACATED SE KIBLING AVENUE IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN AS GRANTED TO THE CITY BY FRANK A. WINDUST AND NORMAN L. LARSON**

**WHEREAS**, in 1973, the City vacated that portion of SE Kibling Avenue between SE 2nd Street and SE 3rd Street; and

**WHEREAS**, during the vacation process, the City did not retain easements for that portion of vacated right-of-way containing City utility lines; and

**WHEREAS**, in 1986, the City attempted to correct this oversight by having such easements prepared and signed; and

**WHEREAS**, those easements prepared in 1986 were not signed by the correct property owners and have now been relinquished by Quitclaim Deed; and

**WHEREAS**, the City still desires to have an easement to allow access to, and maintenance of, the utility lines.

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

That the City accepts the easement, attached hereto and made a part hereof, for property east of the centerline of vacated SE Kibling Avenue in the southwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian as granted by Frank A. Windust and Norman L. Larson.

<b>YEAS:</b>	<u>4</u>
<b>NAYS:</b>	<u>0</u>
<b>ABSTAINED:</b>	<u>0</u>

  
Paul Thalhofer, Mayor

Dated: 6-13-97

  
George Martinez, City Recorder

Adopted: 6-10-97

# UTILITY EASEMENT

We, Frank A. Windust and Norman L. Larson, hereinafter called "Grantor", convey to the CITY OF TROUTDALE, hereinafter called "Grantee", its successors and assigns, for public use and benefit, a perpetual, non-exclusive easement upon the following described property for the uses set forth herein:

A 16.00' strip of land located in the southwest quarter of Section 25, Township 1 North, Range 3 East of the Willamette Meridian, in Multnomah County, City of Troutdale, State of Oregon, more particularly described as follows:

The most western 16 feet of Lot 1 and Lot 4 of the Riverview Place Plat, a duly recorded plat in the County of Multnomah County, Oregon.

The terms of this utility easement are as follows:

1. The consideration given for this easement is zero dollars.
2. Grantor acknowledges that no building or structure shall be erected on this easement.
3. Grantee, its agents, independent contractors, and franchised utility companies shall use the easement for the purpose of entering upon and constructing, maintaining, and operating the public or other utilities in, on, and over the above described tract of land.
4. Grantee agrees to indemnify and defend the Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement property. Grantee assumes all risk arising out of its use of the easement property and Grantor shall have no liability to Grantee or others for any condition existing thereon.
5. This easement is granted subject to all prior easements or encumbrances of record.
6. The Grantor warrants that (s)he is the sole owner of the easement property, and that there are no mortgages or encumbrances thereon.

Date:

7/24/97

Grantor:

Frank A. Windust

Norman L. Larson

Address:

37938 SE RICKERT Rd.  
CORBETT, OR 97019

15154 SE Elcamino Way  
Milwaukie OR 97267

AFTER RECORDING

MAIL TO:  
- DEPT. OF PUBLIC WORKS  
CITY OF TROUTDALE  
CITY HALL  
TROUTDALE OR 97060

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

13.00  
97139249 08:00am 09/12/97  
009 20011364 02 12  
A49 2 0.00 10.00 3.00 0.00 0.00



S.E. 2ND ST.

S.E. KIBLING AVE.

PUBLIC  
UTILITY  
EASEMENT

2

4

6

8

BLOCK 5

LOT 1

LOT 2

LOT 3

LOT 4

RIVERVIEW PLACE

16'

74.00'

150.00'

50.00'

50.00'

50.00'

140'

50.00'

50.00'

50.00'

LOT 2

LOT 4

130.00'

LOT 6

LOT 8

S.E. 3RD ST.

BLOCK 6



DEPARTMENT OF PUBLIC WORKS

CITY OF TROUTDALE

WINDUST'S UTILITY EASEMENT

MULTNOMAH COUNTY, OREGON

MAY, 1997

FILE NAME: TROUTBAS  
TITLE BLOCK: T88X11  
EXTERNAL REFERENCES: NONE  
PLOT DATE: 05-21-97  
BY: W.H.  
PREVIOUS REVISION DATE: NONE