

RESOLUTION NO. 1323

A RESOLUTION ACCEPTING AN EASEMENT WEST 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 west 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.

*Ret: City of Troutdale
104 SE Kibling Ave
Troutdale OR 97100
2009*

YEAS: 4
NAYS: 0
ABSTAINED: 0

Paul Thalhofer
Paul Thalhofer, Mayor

4

Dated: 6-13-97

George Martinez
George Martinez, City Recorder

Adopted: 6-10-97

C:\RESOL97

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



97097984 12:04pm 06/30/97

001 60003830 06 02
A43 4 5.00 20.00 3.00 0.00 20.00 0.00

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 12.00' 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 being 6.00 feet on each side of the following described centerline:

Beginning at the southwest corner of Block 5, Troutdale 1st Addition, thence North 89° 55' 34" West along the north right-of-way line of Southeast Third Street a distance of 47.47 feet, thence North 00° 00' 41" West a distance of 50.00 feet to the TRUE POINT OF BEGINNING of this Description: thence North 00° 00' 41" West a distance of 50.00 feet to the TERMINUS POINT of this Description.

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:

5-28-97 / 5/29/97

Grantor:

Norman Larson

Frank A. Windust

Address:

1519 SE ELWOOD WAY

37938 SE RICKERT Rd.

Milwaukie, OR 97267

CONCRETE DR 97019

STATE OF OREGON)

)

) ss.

COUNTY OF MULTNOMAH)

Norman L. Larson and

Personally appeared the above named Frank A. Windust Jr., and acknowledged the foregoing instrument to be his/their voluntary act and deed.

BEFORE ME:

Marion Berg
Notary Public For Oregon
Commission Expires: 5-19-98



CERTIFICATE OF ACCEPTANCE

I, George Martinez Recorder of the City of Troutdale, hereby certify that the foregoing easement was accepted by the City Council of the City of Troutdale on the 17th day of June, 1997, by Resolution No. 1323.

Dated this 17th day of June, 1997.

George Martinez
City Recorder

(seal)

STATE OF OREGON)

)

) ss.

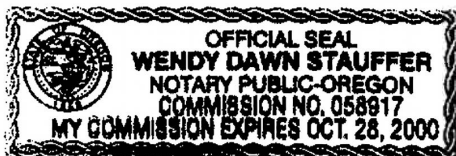
COUNTY OF MULTNOMAH)

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:

Wendy Dawn Stauffer
Notary Public For Oregon
Commission Expires: 10-28-2000

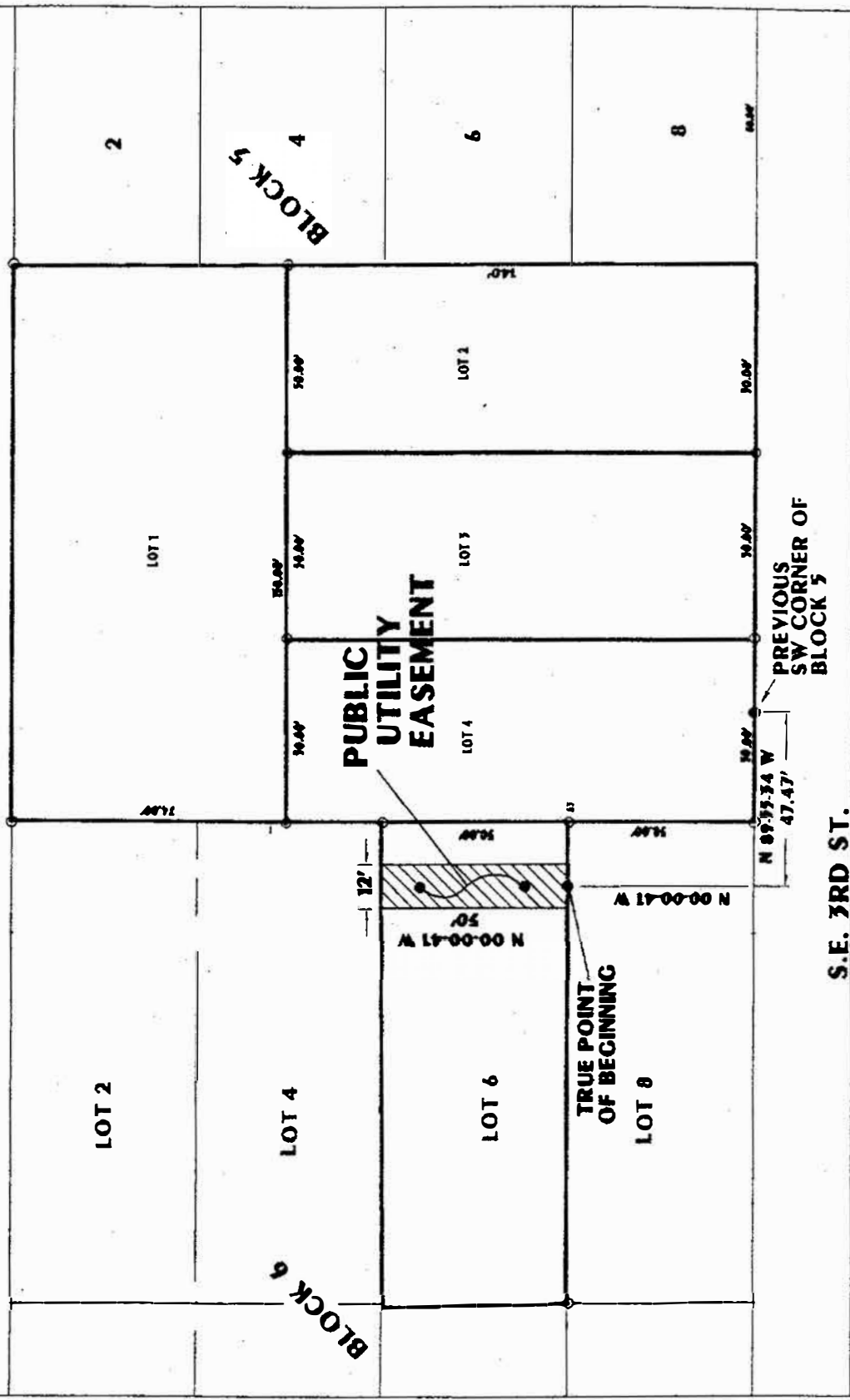
(seal)





S.E. 2ND ST.

S.E. KIBLING AVE.



PREVIOUS SW CORNER OF BLOCK 5

PUBLIC UTILITY EASEMENT

TRUE POINT OF BEGINNING

S.E. 3RD ST.

FILE NAME: TROUTBAS
 TITLE BLOCK: T88X11
 EXTERNAL REFERENCES: NONE
 PLOT DATE: 05-14-97
 BY: W.H.
 PREVIOUS REVISION DATE: NONE



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE
WINDUST'S UTILITY EASEMENT

MULTNOMAH COUNTY, OREGON
 MAY, 1997