

1 **RESOLUTION NO.** 1405

2
3 **A RESOLUTION ACCEPTING A PEDESTRIAN ACCESS EASEMENT**
4 **ACROSS REYNOLDS SCHOOL DISTRICT PROPERTY**
5

6
7 **WHEREAS**, on May 15, 1996 the Troutdale Planning Commission approved a conditional use
8 permit for Reynolds School District No. 7 to construct a new middle school at 2801 SW Lucas
9 Avenue; and,
10

11 **WHEREAS**, one of the conditions of the permit was that the school district construct a pedestrian
12 pathway across the middle school site between SW Sundial Avenue and NE 38th Drive and that
13 this pedestrian pathway be built within a public easement granted to the City of Troutdale by the
14 school district; and,
15

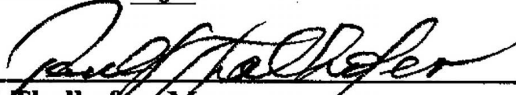
16 **WHEREAS**, in fulfillment of the conditions of its conditional use permit the school district has
17 constructed a pedestrian pathway between SW Sundial Avenue and NE 38th Drive and has
18 submitted a legal description of the pedestrian access easement which the City has found to be
19 accurate; and,
20

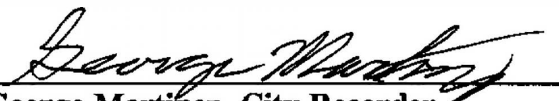
21 **WHEREAS**, the City wishes to accept the pedestrian access easement to ensure public use and
22 enjoyment of this pedestrian connection between two public owned sidewalks within public rights-
23 of-way;
24

25 **NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
26 **TROUTDALE THAT:**
27

28 The easement for a public walking/running path granted by Reynolds School District No. 7 is
29 hereby accepted by the City of Troutdale, the Mayor is authorized to sign said easement and the
30 City Recorder is directed to record the easement with Multnomah County Deed Records Office.
31

32 **YEA:** 6
33 **NAY:** 0
34 **ABSTAIN:** 0
35

36 
37 _____
38 Paul Thalhoffer, Mayor
39 Dated: 9-11-98
40

41 
42 _____
43 George Martinez, City Recorder
44 Adopted: 9-8-98

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

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



53.00

98178671 11:49am 10/05/98

009 60008918 06 11
A49 6 0.00 30.00 3.00 20.00 0.00

6

GRANTOR:
REYNOLDS SCHOOL DISTRICT NO. 7
1204 N.E. 201st Ave.
Fairview, OR 97024

GRANTEE:
CITY OF TROUTDALE
104 S.E. Kibling Ave.
Troutdale, Oregon 97060

After Recording Return to:
CITY OF TROUTDALE
104 S.E. Kibling Ave.
Troutdale, Oregon 97060

Tax Statements:
No change from existing notices

**AGREEMENT GRANTING EASEMENT
FOR
PUBLIC WALKING/RUNNING PATH**

THIS AGREEMENT is by and between REYNOLDS SCHOOL DISTRICT NO. 7, MULTNOMAH COUNTY, a public school district duly organized under the laws of the STATE OF OREGON (hereinafter called "DISTRICT"), and the CITY OF TROUTDALE, a municipal corporation duly organized under the laws of the STATE OF OREGON (hereinafter called "CITY"), for the sole purpose of establishing a pedestrian access easement between S.W. Sundial Avenue and N.E. 38th Drive across property owned by DISTRICT effective upon the date upon which the last party to execute this agreement does so, to wit:

DISTRICT hereby grants to CITY, and CITY hereby accepts, an easement 10.00 feet wide, generally located,

Upon a tract of land located in the Southwest One-quarter of Section 35, Township 1 North, Range 3 East of the Willamette Meridian, City of Troutdale, Multnomah County, State of Oregon, and within the William C. Mitchell Donation Land Claim,

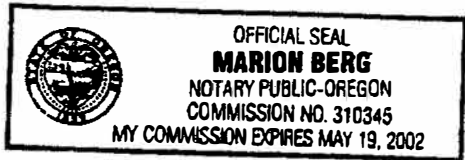
being more particularly described by a survey and legal description prepared by KENT W. COX AND ASSOCIATED, INC., which description is attached as Exhibit 1 to this Easement and is incorporated herein as if fully and completely set forth in this document.

CITY shall not allow access thereto by motorized vehicles, except as may be otherwise agreed by the parties in writing.

STATE OF OREGON)
) ss.
County of Multnomah)

Personally appeared the above-named Paul Thalkofer who
being duly sworn, did say that he is the Mayor (office) of CITY
OF TROUTDALE, a municipal corporation of the STATE OR OREGON, and that the
seal affixed to the foregoing instrument is the corporate seal of said municipal
corporation and that said instrument is signed and sealed on behalf of said
corporation by authority of its board of directors; and acknowledged the foregoing
instrument to be its voluntary act and deed.

BEFORE ME this 28th day of September, 1998.



Marion Berg
NOTARY PUBLIC for Oregon
My Commission expires: 5-19-2002

ENGINEERING
PLANNING
SURVEYING
LAND DEVELOPMENT

KENT W. COX and ASSOCIATES, INC.

Consulting Engineers — Land Surveyors

204 N.E. KELLY AVENUE
GRESHAM, OREGON 97030
(503) 667-4484
FAX (503) 666-8634



Registrations:
Oregon
Idaho
Washington

Affiliations:
American Society of Civil Engineers
Professional Land Surveyors of Oregon
American Congress of Surveying and Mapping

**10.00 FOOT WIDE PUBLIC
ACCESS AND SIDEWALK EASEMENT
FILE NO. 96 041
JULY 24, 1996**

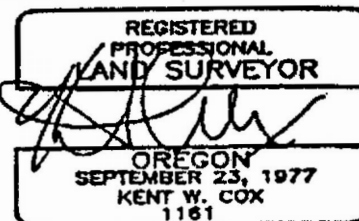
A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, STATE OF OREGON, AND WITHIN THE WILLIAM C. MITCHELL DONATION LAND CLAIM AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF THE WILLIAM C. MITCHELL DONATION LAND CLAIM THAT IS 891.00 FEET SOUTH $88^{\circ}12'16''$ EAST OF THE NORTHWEST CORNER THEREOF, SAID POINT BEING MARKED BY A BRASS SCREW SET IN CONCRETE, SAID POINT FURTHER BEING AN ANGLE POINT ALONG THE EAST LINE OF THE DULY RECORDED SUBDIVISION OF "GORGE VIEW"; THENCE SOUTH $00^{\circ}10'22''$ WEST ALONG THE SAID EAST LINE A DISTANCE OF 47.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH $89^{\circ}49'38''$ EAST A DISTANCE OF 13.03 FEET TO A POINT OF NON-TANGENCY; THENCE 74.15 FEET NORTHEASTERLY ALONG THE ARC OF A 98.50 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $43^{\circ}07'48''$ (LONG CHORD BEARS NORTH $70^{\circ}13'20''$ EAST A DISTANCE OF 72.41 FEET) TO A POINT THAT IS 20.00 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES TO, THE SAID NORTH LINE OF THE WILLIAM MITCHELL DONATION LAND CLAIM, SAID LINE ALSO BEING THE SOUTH LINE OF THE DULY RECORDED SUBDIVISION OF "TETON RIDGE"; THENCE SOUTH $88^{\circ}12'46''$ EAST PARALLEL WITH THE SAID NORTH LINE OF THE WILLIAM MITCHELL DONATION LAND CLAIM A DISTANCE OF 453.19 FEET TO A POINT OF NON-TANGENCY; THENCE 10.10 FEET SOUTHERLY ALONG THE ARC OF A 71.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $8^{\circ}09'01''$ (LONG CHORD BEARS SOUTH $05^{\circ}55'18''$ EAST A DISTANCE OF 10.09 FEET) TO A POINT OF NON-TANGENCY, SAID POINT BEING 30.00 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES TO, THE SAID NORTH LINE OF THE WILLIAM C. MITCHELL DONATION LAND CLAIM; THENCE NORTH $88^{\circ}12'46''$ WEST PARALLEL WITH SAID NORTH LINE A DISTANCE OF 456.54 FEET TO A POINT OF TANGENCY; THENCE 80.55 FEET SOUTHWESTERLY ALONG THE ARC OF A 88.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF $52^{\circ}08'48''$ (LONG CHORD BEARS SOUTH $65^{\circ}42'50''$ WEST A DISTANCE OF 77.80 FEET) TO A POINT THAT IS 10.00 FEET EAST OF, WHEN MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF SAID "GORGE VIEW" SUBDIVISION; THENCE SOUTH $00^{\circ}10'22''$ WEST, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 62.50 FEET; THENCE NORTH $89^{\circ}49'38''$ WEST A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST LINE OF SAID "GORGE VIEW" SUBDIVISION; THENCE NORTH $00^{\circ}10'22''$ EAST ALONG SAID EAST LINE A DISTANCE OF 80.00 FEET TO THE ABOVE REFERENCED TRUE POINT OF BEGINNING, CONTAINING 6,155 SQ. FT. MORE OR LESS. THE BASIS FOR BEARINGS AND DISTANCES FOR THIS DESCRIPTION ARE BASED UPON BOUNDARY SURVEY NUMBER 49405 ON FILE IN THE MULTNOMAH COUNTY SURVEYOR'S OFFICE.

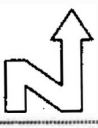
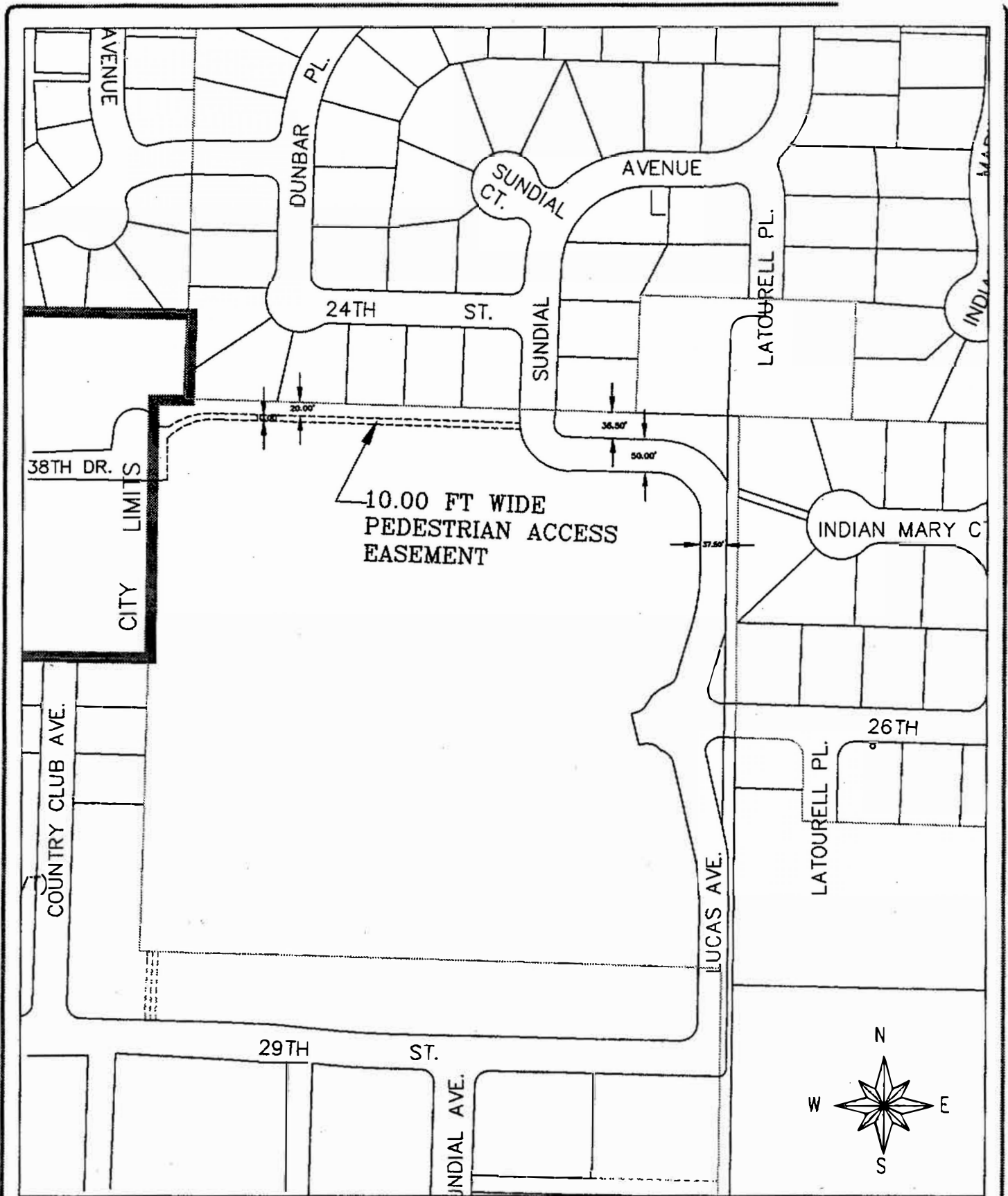
Exhibit 1

to

Easement for Walking/Running Path
from Reynolds School District to City of Troutdale



RENEWS: 12/31/97



ONE INCH = ONE HUNDRED FEET
 MEASUREMENTS SHOWN BASED ON OREGON
 STATE PLANE COORDINATE SYSTEM



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE
Exhibit Map
Walt Morey Middle School
 (Public Access Easement)
 AUGUST 1998