

RESOLUTION NO. 1409

**A RESOLUTION ACCEPTING A PERMANENT UTILITY EASEMENT FROM GREGORY MACDOWALL AT THE INTERSECTION OF SE 3<sup>RD</sup> STREET AND SE SANDY AVENUE**

WHEREAS, the City is in the process of constructing pedestrian and storm drainage improvements along SE Sandy Avenue between SE 3<sup>rd</sup> Street and SE 8<sup>th</sup> Street; and

WHEREAS, these improvements include the construction of a retaining wall at the corner of SE 3<sup>rd</sup> Street and SE Sandy Avenue; and

WHEREAS, construction and maintenance of this retaining wall will require access onto property currently owned by Gregory Mac Dowall; and

WHEREAS, Gregory Mac Dowall has agreed, for the benefit of the public, to grant the City a permanent utility easement.

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

That this permanent utility easement, as is more particularly described on the attached legal description and is graphically shown on the exhibit maps, be accepted by the City of Troutdale.

YEAS:	<u>7</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>

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



98178674 11:49am 10/05/98

009 60008918 06 11  
A49 5 0.00 25.00 3.00 0.00 20.00

Paul Thalhofer, Mayor

Dated: 9-25-98

George Martinez, City Recorder

Adopted: 9-22-98

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

# Utility Easement

I, GREGORY J MAC DOWALL 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 land described in Exhibit A, attached, for the uses set forth herein.

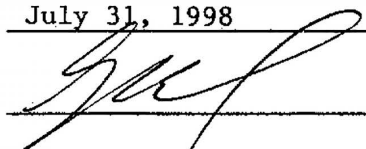
The terms of this utility easement are as follows:

1. The consideration given for this easement is zero dollars. No other consideration is expressed or implied.
2. Grantor acknowledges that no building or structure will be erected on this easement.
3. Grantee, its agents, and its independent contractors shall use the easement for the purpose of entering upon and constructing, maintaining, and operating public 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.
5. This easement is granted subject to all prior easements or encumbrances of record.
6. The Grantor warrants that he is the sole owner of the easement property.

Date:

July 31, 1998

Grantor



Address:

9540 SE Wooded Hills Ct.

Portland, OR 97236

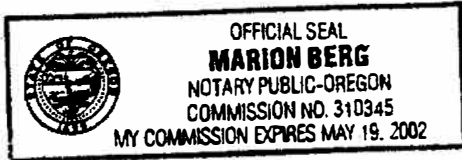
*A* Loose Certificate Attached

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

Personally appeared the <sup>below</sup> above named George Martinez, and acknowledged the foregoing instrument to be his their voluntary act and deed.

BEFORE ME:

Marion Berg  
Notary Public For Oregon  
Commission Expires: 5-19-2002



(seal)

CERTIFICATE OF ACCEPTANCE

I, George Martin, 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 22<sup>nd</sup> day of September, 1998, by Resolution No. 1409.

Dated this 28<sup>th</sup> day of September, 1998.

City Recorder

George Martin

(seal)

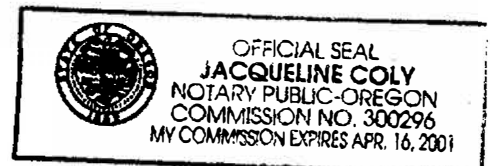
STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

Personally appeared the above named Gregory J. MacDonnell, and acknowledged the foregoing instrument to be the voluntary act and deed of the CITY OF TROUTDALE.

BEFORE ME:

Jacqueline Coley  
Notary Public For Oregon  
Commission Expires: April 16, 2001

(seal)



*Loose Certificate attached to Utility Easement*

**EXHIBIT A**



**HAGEDORN, INC.**

1924 Broadway, Suite B • Vancouver, WA 98663  
(360) 696-4428 • (503) 283-6778 • FAX (360) 694-8934

June 29, 1998

**LEGAL DESCRIPTION  
FOR  
THE CITY OF TROUTDALE**

**EASEMENT ADJACENT TO SANDY STREET ADDITIONAL RIGHT-OF-WAY  
AT S.E. 3<sup>RD</sup> STREET:**

A tract of land in the Southwest quarter of Section 25, Township 1 North, Range 3 East, Willamette Meridian, City of Troutdale, Multnomah County, Oregon described as follows:

BEGINNING at the Southwest corner of Block 12, "Troutdale Addition"; thence South 89° 41' 01" East, along the South line thereof, 80.00 feet; thence North 0° 20' 40" East, parallel with the West line of Block 12, for a distance of 200.00 feet to the North line of Block 12; thence South 89° 37' 28" East, along said North line, 78.68 feet to the TRUE POINT OF BEGINNING; thence, continuing along said North line, South 89° 37' 28" East, 9.64 feet; thence leaving said North line, along the arc of a 58.50 foot radius curve to the right, (the radial bearing of which is South 29° 15' 23" West) through a central angle of 46° 58' 21", for an arc distance of 47.96 feet, (the chord of which bears South 37° 15' 26" East, 46.63 feet); thence along the arc of a 383.50 foot radius curve to the right, through a central angle of 00° 20' 12", for an arc distance of 2.25 feet, (the chord of which bears South 13° 37' 16" East, 2.25 feet), to the West right-of-way line of Southeast Sandy Street; thence South 06° 20' 29" East, along said West right-of-way line, 23.16 feet, to an angle point therein; thence South 00° 21' 02" West, along said right-of-way line, 5.39 feet to the Southeast corner of the "MacDowall tract" as described in Multnomah County Record of Deeds under recording number 97147411; thence, leaving said right-of-way line, North 89° 37' 28" West, along the South line of the "MacDowall tract", for a distance of 0.92 feet; thence, leaving the South line of the "MacDowall tract" and along the arc of a 379.50 foot radius curve to the left (the radial bearing of which is South 80° 47' 45" West), through a central angle of 04° 34' 01", for an arc distance of 30.25 feet, (the chord of which bears North 11° 29' 20" West, 30.24 feet); thence, along the arc of a 54.50 foot radius curve to the left, through a central angle of 55° 53' 12", for an arc distance of 53.16 feet, (the chord of which bears North 41° 42' 52" West, 51.08 feet), to the TRUE POINT OF BEGINNING.

LD-1998\TROUTDALE-2.bj

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

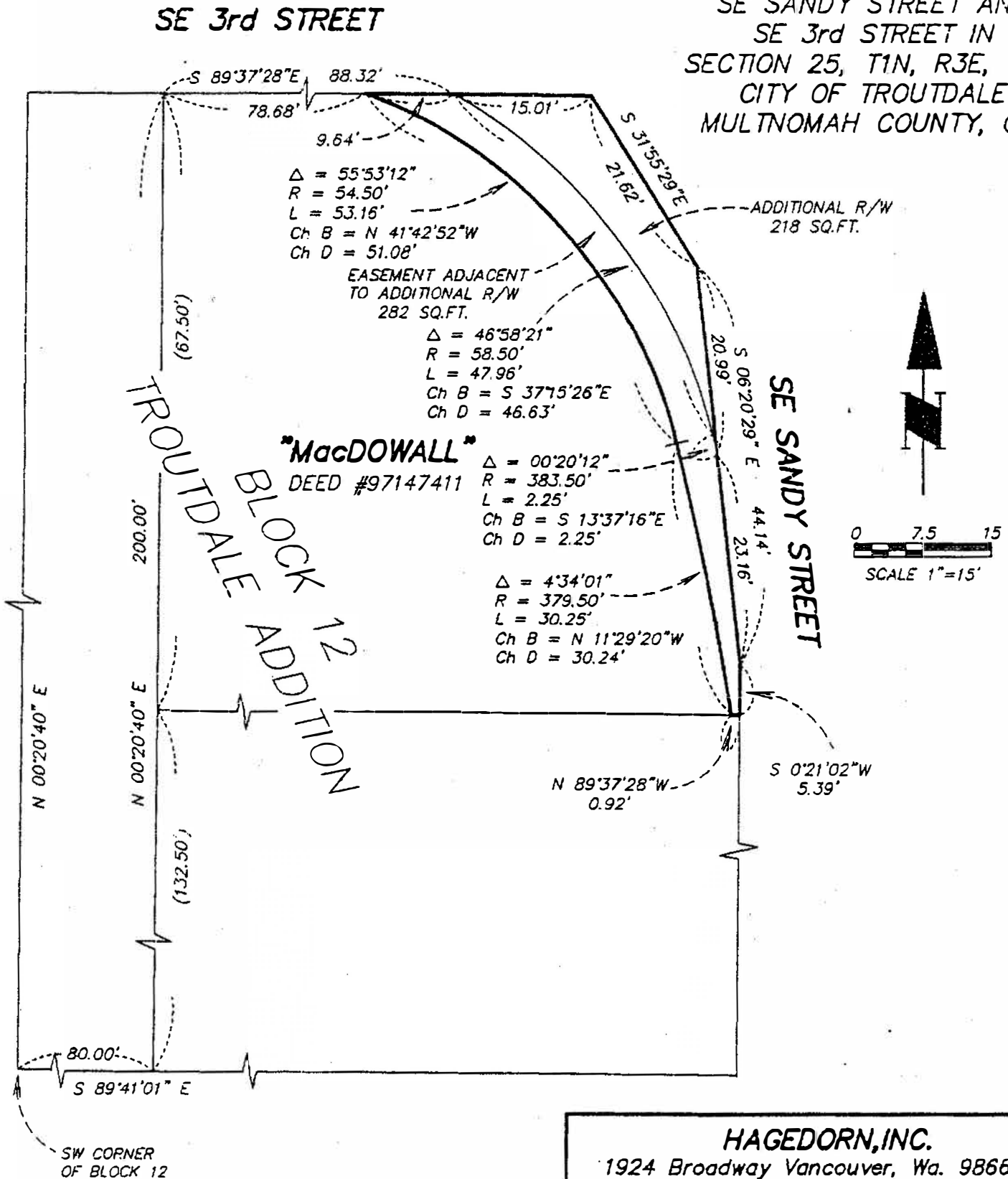
*Charles E. Whitten* 7-6-98

OREGON  
JULY 14, 1972  
CHARLES E. WHITTEN  
978

EXPIRES 6-30-2000

**EXHIBIT A**

SKETCH SHOWING  
 ADDITIONAL RIGHT-OF-WAY  
 AND  
 ADJACENT EASEMENT  
 AT  
 SE SANDY STREET AND  
 SE 3rd STREET IN  
 SECTION 25, T1N, R3E, W.M.  
 CITY OF TROUTDALE  
 MULTNOMAH COUNTY, OR.



**HAGEDORN, INC.**  
 1924 Broadway Vancouver, Wa. 98663  
 Ph: (360) 696-4428 (503) 283-6778  
 SCALE: 1"=15' JOB No.: 97-283 DRAWN BY: CC  
 DATE: 7/1/98 CALC. BY: BCJ CHECKED BY: