

**RESOLUTION NO. 1452**

**A RESOLUTION ACCEPTING A PERMANENT UTILITY EASEMENT  
FROM THEODORE AND JUDY BAXTER AT 26701 SE STARK STREET**

**THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

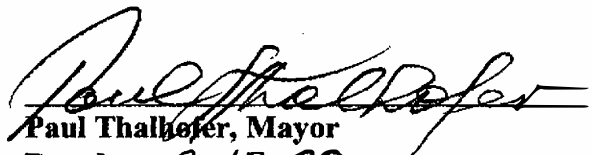
1. The City has entered into an intergovernmental agreement with the United States Geological Survey for the installation and operation of a stream flow gauging station on Beaver Creek.
2. The preferred location for the gauging station requires placing the installation on private property at 26701 SE Stark Street, a parcel owned by Theodore and Judy Baxter.
3. Theodore and Judy Baxter have granted a permanent utility easement for placement, operation and maintenance of, and access to, a stream flow gauging station.
4. The necessary legal descriptions and documentation have been prepared and the property owner has signed said documents.

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

That the City accepts the grant of this permanent utility easement at 26701 SE Stark Street, more specifically described in Exhibit A attached.

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

  
\_\_\_\_\_  
Debbie Stickney, City Recorder

  
Paul Thalhofer, Mayor  
Dated: 9-17-99

Adopted: 9-14-99



28.00

99179268 10:37am 09/23/99

009 30013648 03 18  
A49 5 0.00 25.00 3.00 0.00 0.00

# PUBLIC UTILITY EASEMENT

## RECITALS

**WHEREAS, Theodore and Judy Baxter (GRANTOR)** is the owner of land contained within this PUBLIC UTILITY EASEMENT, said land being located at 26701-26725 SE Stark Street; and

**WHEREAS, the City of Troutdale (GRANTEE)** is a municipal corporation in the State of Oregon which owns and operates public utilities.

## EASEMENT GRANTED

**NOW THEREFORE,** for consideration received, GRANTOR hereby grants to GRANTEE and GRANTEE hereby accepts from GRANTOR a permanent non-exclusive easement for the area described below so that GRANTEE may construct, install, operate, maintain, repair, replace, and/or modify a stream flow gauging station.

The Terms of this Permanent Utility Easement are as follows:

1. This easement is conveyed in exchange for the sum of zero dollars and other good and valuable consideration.
2. Grantor acknowledges that no building or structure shall be erected on this easement.
3. Grantee, its agents, and assigns shall use the easement for the purpose of entering upon and constructing, maintaining, and operating a stream flow gauging station in, on, and over the tract of land described below.
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 tract.
5. This easement is granted subject to all prior easements or encumbrances of record.
6. The Grantor warrants that they are the sole owner(s) of the land described below.

This PUBLIC UTILITY EASEMENT shall run with the land and be binding upon successor owners of the easement property.

After recording, please return to:  
Debbie Stickney, City Recorder  
City of Troutdale  
104 SE Kibling Ave.  
Troutdale, OR 97060

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# EASEMENT DESCRIBED

ENGINEERING  
PLANNING  
SURVEYING  
LAND DEVELOPMENT

Registration:  
Oregon  
Idaho  
Washington

KENT W. COX and ASSOCIATES, INC.  
Consulting Engineers — Land Surveyors

204 N.E. KELLY AVENUE  
GRESHAM, OREGON 97030-7544  
(503) 667-4464  
FAX (503) 665-9834



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

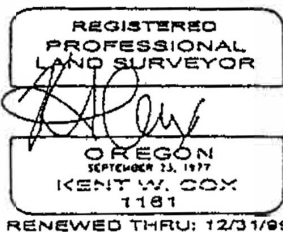
Proposed 5.00 Foot Wide  
Private Utility and Access Easement  
To the City of Troutdale  
99-031Ea May 26, 1999

Two strips of land located in southwest one-quarter of Section 36, Township 1 North, Range 3 East, of the Willamette Meridian, City of Troutdale, Multnomah County, Oregon, said tract of land being more particularly described as follows:

A strip of land 5.00 feet in width and being 2.50 feet in width on both sides of the following described centerline: Commencing at the south one-quarter corner of said section 36, said corner being marked by a ¾ inch iron pipe in a monument box; thence due west along the south line of said section 36 and along the centerline of S.E. Stark Street, county road no. 924-60, a distance of 1004.15 feet to the intersection with the centerline of Troutdale Road, county road no. 533-50, said intersection being marked by a ¾ inch iron pipe in a monument box; thence north 01°06'00" west, along the centerline of said Troutdale Road a distance of 40.01 feet; thence due west a distance of 40.01 feet to the intersection of the westerly right-of-way line of said Troutdale Road and the northerly right-of-way line of said S.E. Stark Street; thence due west along the said northerly right-of-way line a distance of 304.83 feet to the True Point of Beginning of said centerline; thence along said centerline the following courses; north 01°38'52" west a distance of 19.55; thence north 22°09'01" west a distance of 27.15 feet; thence north 74°57'02" west a distance of 95.45 feet; thence north 25°23'12" west a distance of 86.59 feet; thence north 89°03'51" west a distance of 46.44; thence south 49°31'49" west a distance 35.88 feet; thence south 70°10'29" west a distance of 26.19 feet; thence south 41°58'03" west a distance of 21.94 feet; thence south 61°53'44" west a distance of 23.21 feet to a point herein referred to as Point "J"; thence south 03°28'56" east a distance of 65.26 feet to the Terminus Point of this centerline description.

Together with a 8.00 foot wide private utility easement being 4.00 feet in width on both sides of the following described centerline:

Beginning at above referenced Point "J"; thence north 67°05'07" west a distance of 8.00 feet to the Terminus Point of this description.





CERTIFICATE OF GRANTOR

I, Theodore E. Baxter, owner of the property described above, hereby certify that the foregoing easement is granted to the City of Troutdale.

Dated this 25 day of August, 1999.

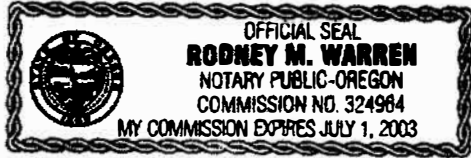
Theodore E. Baxter  
Grantor

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

Personally appeared the above named Theodore E. Baxter, and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.

BEFORE ME [Signature]  
Notary Public for Oregon  
Commission Expires: July 1<sup>st</sup>, 2003

(seal)



CERTIFICATE OF GRANTEE

I, Debbie Stickney, 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 14 day of September, 1999, by Resolution No. 1452.

Dated this 15 day of September, 1999.

Debbie Stickney  
City Recorder

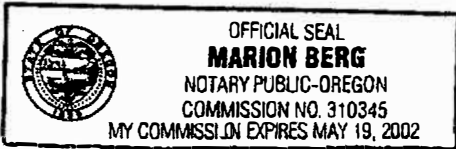
(seal)

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF MULTNOMAH        )

Personally appeared the above named City Recorder and acknowledged the foregoing instrument to be the voluntary act and deed of the CITY OF TROUTDALE.

BEFORE ME:

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



(seal)