

RESOLUTION NO. 1538

**A RESOLUTION ACCEPTING PROPERTY FROM
BURLINGAME DEVELOPMENT, INC. AS
PUBLIC OPEN SPACE IN FULFILLMENT OF
CONDITIONS OF APPROVAL FOR THE HOME
DEPOT DEVELOPMENT**

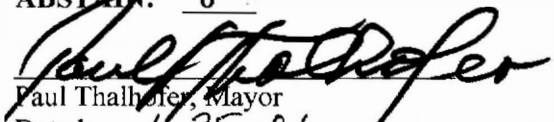
THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

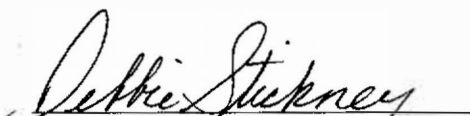
1. On July 21, 1999 the Troutdale Planning Commission approved a site and design review application (Case File No. 99-042) by Home Depot USA, Inc. to construct a 115,050 square foot building materials center and garden center on property owned by Burlingame Development identified as Tax Lots 600 and 700 on Multnomah County Assessors Map No. 1N3E35.
2. The development site contained a stand of significant trees along the east property line which the City desired to see preserved and protected. The development as originally proposed would have removed the trees in order to construct a necessary public street through the development site.
3. The Planning Commission's approval of the project required the new public street to be set back sufficient distance from the east property line to preserve the trees. The condition also stipulated that the land lying between the eastern right-of-way line of the street and the eastern property line could be conveyed to the City by the property owners if they did not wish to retain the property in their ownership.
4. With completion of the Home Depot project the property owners of the site, Burlingame Development, Inc. now wishes to convey the subject property to the City of Troutdale in fulfillment of the conditions of approval.
5. Acceptance of this deed of conveyance is in the public interest because it will ensure the preservation and protection of the significant trees contained on the property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

The City accepts from Burlingame Development, Inc. the property described in the attached Bargain and Sale Deed for use as public open space.

YEA: 6
NAY: 0
ABSTAIN: 0


Paul Thalhofer, Mayor
Dated: 1-25-01


Debbie Stickney, City Recorder
Adopted: January 23, 2001

After recording, return to:

City Recorder

City of Troutdale

104 S.E. Kibling Ave.

Troutdale, OR 97060-2099

Recorded in the County of Multnomah, Oregon
 C. Swick, Deputy Clerk
 Total : 44.00
 2001-024639 02/23/2001 09:08:11am ATKLM
 A31 6 REC SUR DOR OLIS
 30.00 3.00 10.00 1.00

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS that BURLINGAME DEVELOPMENT, INC., an Oregon corporation, hereinafter called Grantor, bargains, sells and conveys to the CITY OF TROUTDALE, its successors and assigns, hereinafter called Grantee, the following-described real property situated in Multnomah County, Oregon, and does hereby forever dedicate unto said Grantee that certain real property described on Exhibit A attached hereto.

The true consideration for this conveyance is for no monetary consideration but for other good and valuable consideration, to wit: City of Troutdale approval of Land Use File No. SDR 99-042.

DATED this 22nd day of December, 2000.

BURLINGAME DEVELOPMENT, INC.,
an Oregon corporation

By: *Burlingame Development*
 Name: *David Burlingame*
 Title: *President*

6.

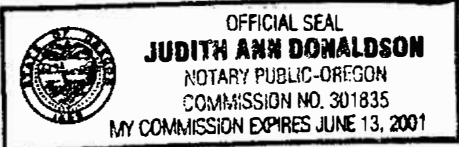
STATE OF Oregon
County of Multnomah) ss.

On 12-22, 2000, before me, Judith Ann Donaldson, a Notary Public in and for said state, personally appeared Donna Burlingame personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Judith Ann Donaldson
SIGNATURE OF NOTARY PUBLIC

(SEAL)



CERTIFICATE OF ACCEPTANCE

I, Debbie Stickney City Recorder for the City of Troutdale, hereby certify that the foregoing Bargain and Sale Deed was accepted by the City Council of the City of Troutdale on the 23 day of January, 2001 by Resolution No. 1538.

Dated this 12 day of February 2001.

Debbie Stickney
City Recorder

STATE OF OREGON)
)ss.
COUNTY OF MULTNOMAH)



Before me personally appeared the above named City Recorder and acknowledged the foregoing instrument to be the voluntary act and deed of the City of Troutdale.

Teresa Ann Hall
Notary Public for Oregon
My Commission Expires: 9-12-03

EXHIBIT "A"

HOME DEPOT
TROUTDALE, OREGON
JOB NO. HOD007
OCTOBER 30, 2000
SHEET 1 OF 3

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF SECTION 35 IN TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN AND LOCATED IN THE CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, SAID TRACT DESCRIBED SPECIFICALLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF S.E. STARK STREET, 40.00 FEET NORTHERLY FROM THE CENTERLINE THEREOF, MEASURED PERPENDICULAR THERETO, WITH THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELLA SOPHIA CALKINS RECORDED JANUARY 16, 1920 IN BOOK 791, PAGE 418, MULTNOMAH COUNTY DEED RECORDS, SAID POINT OF **COMMENCEMENT** BEARS SOUTH 88°35'51" EAST, 2153.41 FEET AND NORTH 00°27'45" EAST, 40.01 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 35;

THENCE ALONG SAID EASTERLY LINE NORTH 00°27'45" EAST, 833.10 FEET;

THENCE LEAVING SAID EASTERLY LINE SOUTH 88°35'36" EAST, 620.70 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE ALONG THE ARC OF A 175.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 42°48'46" (THE LONG CHORD BEARS SOUTH 67°11'13" EAST, 127.74 FEET) AN ARC DISTANCE OF 130.76 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A 125.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 42°50'56" (THE LONG CHORD BEARS SOUTH 67°12'18" EAST, 91.32 FEET) AN ARC DISTANCE OF 93.48 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE ALONG THE ARC OF A 18.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD BEARS NORTH 46°22'14" EAST, 25.46 FEET) AN ARC DISTANCE OF 28.27 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 88°37'46" EAST, 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;

THENCE ALONG THE ARC OF A 13.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD BEARS SOUTH 43°37'46" EAST, 18.38 FEET) AN ARC DISTANCE OF 20.42 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 88°37'46" EAST, 18.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 BLOCK 6 OF THE PLAT "C.P. PARK" RECORDED IN BOOK 1209, PAGE 43 & 44, MULTNOMAH COUNTY PLAT RECORDS;

THENCE ALONG THE WESTERLY LINE OF TRACT "D" SAID PLAT "C.P. PARK" SOUTH 01°22'14" WEST, 60.00 FEET TO THE NORTHWEST CORNER OF LOT 15 BLOCK 5 SAID PLAT "C.P. PARK" AND THE **TRUE POINT OF BEGINNING**;

THENCE NORTH 88°37'46" WEST, 13.00 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE ALONG THE ARC OF A 13.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD BEARS SOUTH 46°22'14" WEST, 18.38 FEET) AN ARC DISTANCE OF 20.42 FEET TO A POINT OF TANGENCY;

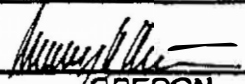
THENCE SOUTH 01°22'14" WEST, 307.38 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE ALONG THE ARC OF A 120.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 38°26'00" (THE LONG CHORD BEARS SOUTH 17°50'46" EAST, 78.99 FEET) AN ARC DISTANCE OF 80.49 FEET TO A POINT OF NON-TANGENCY ON THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID PLAT "C.P. PARK";

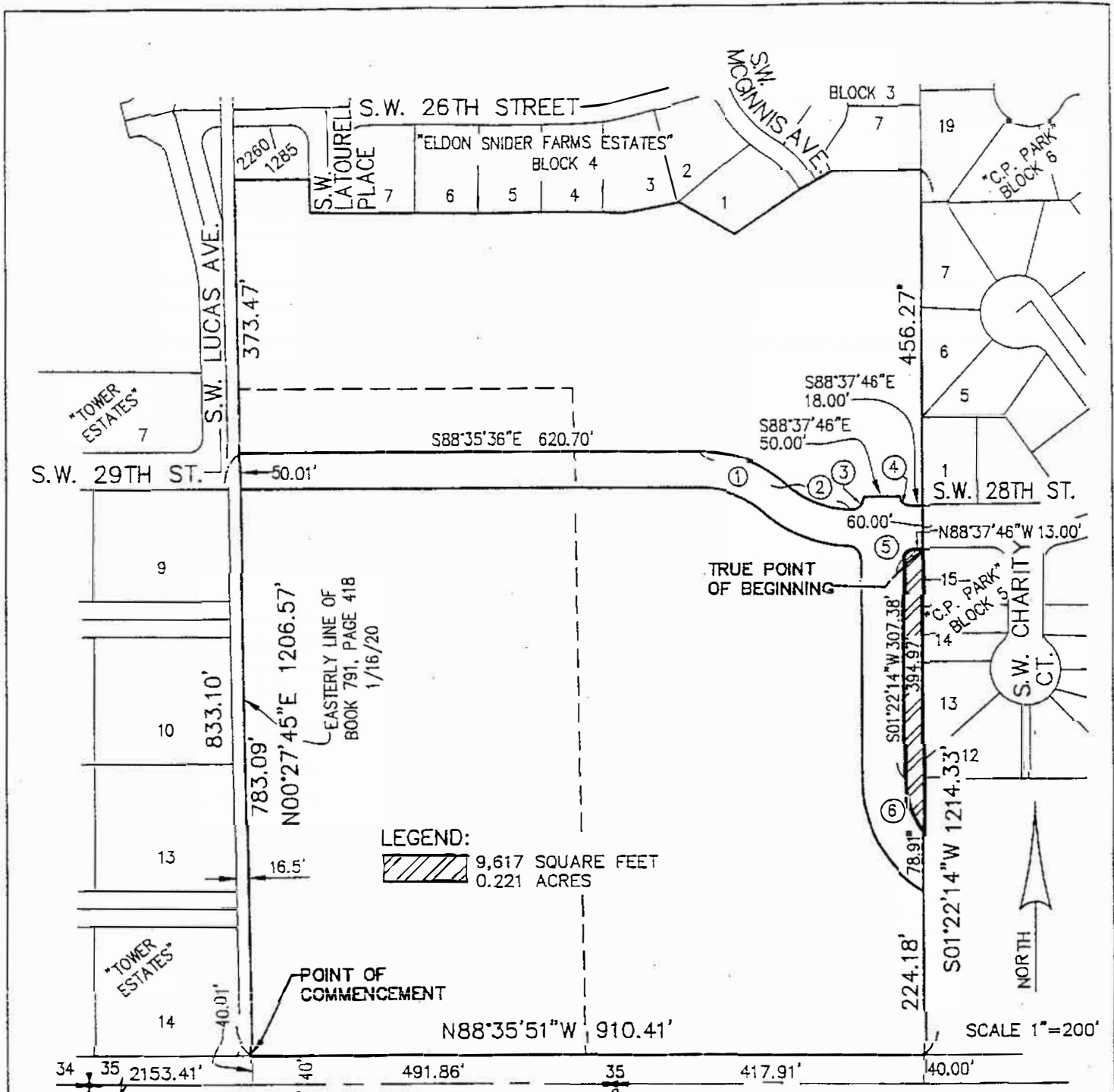
THENCE ALONG SAID SOUTHERLY EXTENSION LINE AND ALONG SAID WESTERLY LINE OF SAID PLAT "C.P. PARK" NORTH 01°22'14" EAST, 394.97 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 9,617 SQUARE FEET (0.221 ACRES)

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**


**OREGON
JUNE 30, 1997
TROY T. TETSUKA
2841**

RENEWAL: 6/30/02




LEGEND:
 9,617 SQUARE FEET
 0.221 ACRES

EXHIBIT "A"

A TRACT OF LAND
 LOCATED IN THE SOUTH 1/2 OF SECTION 35,
 IN T 1 N, R 3 E, WILLAMETTE MERIDIAN
 CITY OF TROUTDALE
 MULTNOMAH COUNTY, OREGON

OCTOBER 30, 2000

SHEET 3 OF 3 JOB NO. HOD007

W R G
 DESIGN INC.

10450 SW NIMBUS AVE., PORTLAND, OREGON 97223

☎ (503) 603-9933 FAX: (503) 603-9944

PLANNERS ■ ENGINEERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS

CURVE TABLE

	DELTA	RADIUS	LENGTH	CHORD	
1	42°48'46"	175.00'	130.76'	S67°11'13"E	127.74'
2	42°50'56"	125.00'	93.48'	S67°12'18"E	91.32'
3	90°00'00"	18.00'	28.27'	N46°22'14"E	25.46'
4	90°00'00"	13.00'	20.42'	S43°37'46"E	18.38'
5	90°00'00"	13.00'	20.42'	S46°22'14"W	18.38'
6	38°26'00"	120.00'	80.49'	S17°50'46"E	78.99'