

RESOLUTION NO. 1542

**A RESOLUTION ENTERING INTO A LICENSE
AGREEMENT WITH NANCY COX TO ALLOW
BUILDING ENCROACHMENT ONTO CITY PROPERTY**

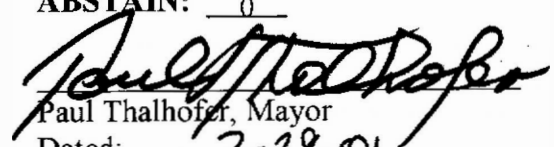
THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

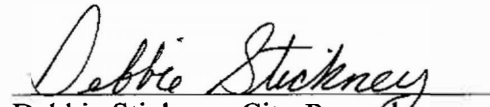
1. Nancy Cox is the owner of the Sandy Frontier Trailer Court located at 1542 E. Historic Columbia River Hwy, Multnomah County Tax Assessor's Map 1N4E31, Tax Lot 900.
2. Two of the manufactured homes in the Sandy Frontier Trailer Court are encroaching into the public right-of-way at Midvale Road to the North of the property. One manufactured home has existed in its current location for many years and the other was installed in 1999 to replace an older trailer. The replacement manufactured home is located in the same location as the old trailer with regard to its degree of encroachment into Midvale Road. These encroachments were discovered after the new manufactured home had been installed.
3. The City of Troutdale is the owner of Midvale Road. The road is a gravel road, but is not improved to City standards.
4. Allowing the manufactured homes to encroach into the public right-of-way will not cause significant safety risks. Furthermore, there is very little vehicle traffic and no pedestrian traffic on Midvale Road, since the only current "destination" for Midvale Road is the neighboring property owner's house and associated mobile homes and Ms. Cox's lots 11 and 12. There have been no safety-related incidents reported on Midvale Road. The City has not been made aware of any safety problems with either of the encroaching mobile homes in their current configuration or with the previous mobile home which was located the same distance from Midvale Road.
5. The City has no plans to improve Midvale Road. Such a project is not included in the City's Capital Improvement Plan.
6. The City is willing to allow this encroachment to continue in its current form.

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

That the mayor is authorized to sign the license agreement with Nancy Cox for two existing mobile homes to encroach into the Midvale Road right-of-way subject to the terms and conditions specified therein.

YEA: 6
NAY: 0
ABSTAIN: 0


Paul Thalhofer, Mayor
Dated: 2-28-01


Debbie Stickney, City Recorder
Adopted: 2-27-01

REVOCABLE LICENSE AGREEMENT
FOR USE OF PUBLIC RIGHT-OF-WAY

THIS LICENSE AGREEMENT, made and entered into this 27th day of February, 2001, between Nancy Cox, hereinafter known as "Licensee" and the City of Troutdale, an Oregon municipal corporation, hereinafter known as "City."

WHEREAS, Licensee owns the following real property, hereinafter "property":

TRACTS 21-24, THOMPSON VILLA TRACTS
SECTION 31 TOWNSHIP 1 NORTH RANGE 4 EAST W.M.
AKA 1542 E. HISTORIC COLUMBIA RIVER HWY

WHEREAS, the publicly owned property known as Midvale Road abutting the above-referenced property (hereinafter "right-of-way") is a 30 foot wide right-of-way owned by the city, and

WHEREAS, the right-of-way is not improved to City standards and Midvale Road is a gravel road that serves only two residences, and

WHEREAS, Licensee owns and operates Sandy Frontier Trailer Court on the property. There are two manufactured homes in Sandy Frontier Trailer Court that have historically encroached within the right-of-way, and

WHEREAS, Licensee has petitioned the Troutdale City Council for authorization to allow these two manufactured homes to encroach upon the right-of-way, and

WHEREAS, the Troutdale City Council approved this License on February 27, 2001, and

WHEREAS, the Troutdale City Council finds that granting of this License to Licensee will not have an adverse impact on the community, will not endanger users of the public right-of-way, and is in the public interest.

NOW, THEREFORE, the undersigned hereby agree and stipulate as follows:

1. The present manufactured home on pad site 1 of Sandy Frontier Trailer Court may continue to encroach 10.6 feet into the right-of-way. The present manufactured home on pad site 2 may continue to encroach 10.2 feet into the right-of-way. No other structures or personal items are permitted to be placed or stored on the right-of-way.
2. City may revoke this license and terminate this agreement at any time upon 30 days prior written notice.

Recorded in the County of Multnomah, Oregon

C. Swick, Deputy Clerk

Total : 29.00

2001-036740 03/19/2001 11:21:49am ATKLM

A49	3	REC	SUR	DOR	OLIS
		15.00	3.00	10.00	1.00

3. This License is not transferable and is personal to the Licensee. The License shall terminate at time of sale or transfer of the property from the Licensee to any other entity or person.
4. Licensee is responsible for payment of all recording costs at Multnomah County Assessor's Office.

IN WITNESS WHEREOF, the parties hereto have set their hand this 6th day of March 2001.

For the Owner:

Nancy L Cox (Nancy)
Nancy Cox

STATE OF OREGON)

ss:

COUNTY OF MULTNOMAH)

On the 7 day of March, 2001, personally appeared before me the above named Nancy Cox who did execute the foregoing in my presence and acknowledged the same to be her voluntary act and deed.



Teresa Ann Hall
Notary Public for Oregon

My Commission Expires, 9-12-03

For the City:

Paul Thalhofer
Paul Thalhofer, Mayor

STATE OF OREGON)

ss:

COUNTY OF MULTNOMAH)

On the 6 day of March, 2001, personally appeared before me the above named Paul Thalhofer, Mayor of the City of Troutdale, who did execute the foregoing in my presence and acknowledged the same to be the voluntary act and deed of the City.



Teresa Ann Hall
Notary Public for Oregon

My Commission Expires, 9/12/03

CERTIFICATE OF ACCEPTANCE

I, Debbie Stickney City Recorder for the City of Troutdale, hereby certify that the foregoing License Agreement was accepted by the City Council of the City of Troutdale on the 27th day of February, 2001 by Resolution No. 1542.

Dated this 8th day of MARCH 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