

RESOLUTION NO. 1671

A RESOLUTION ACCEPTING A PUBLIC UTILITY EASEMENT FROM DAVID AND SANDRA LASKI FOR THE ADAPTIVE HOMES PARTITION

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Shannon Amburn owns property which is the site of a 3-lot partition called Adaptive Homes Partition.
2. To provide adequate sanitary sewer service, off-site sanitary sewer improvements are required.
3. The easement granted by David and Sandra Laski, the property owners adjacent to the Adaptive Homes Partition, will allow the City to access the off-site sanitary sewer improvements.

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

Section 1. The Troutdale City Council hereby accepts from David and Sandra Laski the public utility easement, attached hereto as Exhibit A and made a part hereof and as further described on the attached drawing labeled Exhibit B.

Section 1. This resolution shall be effective immediately upon adoption.

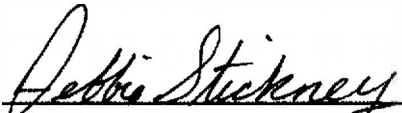
YEAS: 6

NAYS: 0

ABSTAINED: 0



Paul Thalhofer, Mayor
Dated: 10-15-03



Debbie Stickney, City Recorder

Adopted: October 14, 2003

After Recording Return To: City of Troutdale
Adaptive Homes C/O City Recorder
Shannon Amburn 104 SE Kibling Ave
164 SE 19th Street Troutdale, OR 97060
Troutdale, OR 97060

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
A49 3
Total : 31.00
ATLJH

2003-260902 10/31/2003 01:45:14pm

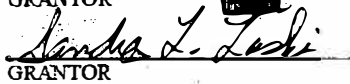
EXHIBIT "A"

A 10.0 FOOT WIDE PUBLIC SANITARY SEWER EASEMENT

THE WEST 10.0 FEET OF LOT 4, BLOCK 3, KIKU HEIGHTS LOCATED IN THE NORTHWEST ¼ OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON.

SAID PUBLIC SANITARY SEWER UTILITY EASEMENT SHOWN (EASEMENT AREA) IS A PERPETUAL, NON-EXCLUSIVE EASEMENT GRANTED TO THE CITY OF TROUTDALE (GRANTEE) BY DAVID AND SANDRA LASKI AND ITS SUCCESSORS, HEIRS, AND ASSIGNS (GRANTOR) FOR THE PURPOSE OF ALLOWING THE GRANTEE, ITS FRANCHISED UTILITY COMPANIES, AND ITS AGENTS AND ASSIGNS TO INSTALL, ACCESS, OPERATE, INSPECT, MAINTAIN, REPAIR, AND REPLACE UTILITY SYSTEMS OR COMPONENTS THEREOF. ALL MAINTENANCE AND GROUNDSKEEPING WITHIN THE EASEMENT AREA, OTHER THAN MAINTENANCE THAT IS NECESSARY TO INSTALL, ACCESS, OPERATE, INSPECT, MAINTAIN, OR REPAIR UTILITY SYSTEMS OR COMPONENTS, IS THE RESPONSIBILITY OF THE GRANTOR. THE GRANTOR IS PROHIBITED FROM CONSTRUCTING ANY STRUCTURE (EXCEPT FENCES ALLOWED BY CITY CODE) WITHIN THE EASEMENT AREA. THE GRANTOR IS PROHIBITED FROM CAUSING OR ALLOWING ANY EAVES OR OTHER ARCHITECTURAL APPENDAGES TO ENCROACH WITHIN THE EASEMENT AREA. THE GRANTOR IS PROHIBITED FROM PLANTING TREES IN THE EASEMENT AREA WITHOUT OBTAINING WRITTEN PERMISSION FROM THE GRANTEE. GRANTOR SHALL PROVIDE THE GRANTEE WITH UNRESTRICTED AND UNOBSTRUCTED ACCESS TO THE EASEMENT AREA AT ALL TIMES AT GRANTOR'S COST. GRANTOR SHALL HOLD GRANTEE HARMLESS FOR DAMAGE TO OBSTRUCTIONS, FENCES AND/OR LANDSCAPING, INCLUDING ROOT STRUCTURES AT ANY DEPTH, WITHIN THE EASEMENT AREA THAT ARE DISTURBED BY GRANTEE'S ACTIVITIES WITHIN THE EASEMENT AREA.


GRANTOR


GRANTOR

GRANTOR'S PRINTED NAMES & ADDRESS(ES):

DAVID LASKI
SANDRA LASKI
234 SE 19TH STREET
TROUTDALE, OR 97060

~~GRANTEE
JIM GALLOWAY
PUBLIC WORKS DIRECTOR
CITY OF TROUTDALE
104 SE KIBLING AVENUE
TROUTDALE, OREGON 97060-2099~~

GRANTEE
City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060-2099

STATE OF Oregon }
County of Multnomah }ss.

This instrument was acknowledged before me on the 2nd day of September 2003.

by DAVID AND SANDRA LASKI. Notary Public for Keena Knesal

My Commission Expires: July 17th 2007





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 October, 2003 by Resolution No. 1671.

Dated this 15 day of October 2003

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 Teresa Ann Hall
Notary Public for Oregon
My commission expires: 9-12-2007



EXHIBIT "B"

