

RESOLUTION NO. 1717

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LICENSE AGREEMENT WITH RICHARD AND LESLIE CLARK TO ALLOW ENCROACHMENT IN THE CITY RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:


1. Richard and Leslie Clark own property known as Lot 9 Arndt's Addition, State ID No. 1N3E25CC 6500, and also known as 432 SW 8th Circle. The property is bounded on the north by the 50-foot-wide right-of-way for a City street, SW 8th Circle.
2. The land immediately south of the SW 8th Circle southern curb slopes sharply and is subject to erosion by wind and rain, also endangering trees at the location. There is no sidewalk.
3. Mr. & Mrs. Clark have requested permission to construct a wall behind the curb but within City right-of-way. The City has no current plans to widen the street or construct a sidewalk in this area.
4. Granting a revocable license to accommodate the request from Mr. & Mrs. Clark 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 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The City Administrator is authorized to enter into a revocable license agreement, attached hereto and made a part hereof, with Richard and Leslie Clark to allow encroachment in the City right-of-way.

Section 2. This resolution shall be effective immediately upon adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0


Paul A. Thalhofer, Mayor
8/26/04
Date


Debbie Stickney, City Recorder
Adopted: August 24, 2004

Return To:
City Recorder
City of Troutdale
104 SE Kibling Ave.
Troutdale, OR 97060

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
E83 3 ATTDS
Total : 31.00
2004-165017 09/09/2004 11:11:09am

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

THIS LICENSE AGREEMENT made and entered into this 26th day of August, 2004, between Richard and Leslie Clark, 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":

LOT 9, ARNDT'S ADDITION
SECTION 25CC, TOWNSHIP 1 NORTH, RANGE 3 EAST, LOT 6500
AKA 432 SW 8th CIRCLE

WHEREAS, the publicly owned street known as SW 8th Circle abutting the above-referenced Property (hereinafter "right-of-way") is a 50-foot wide right-of-way owned by the City; and

WHEREAS, the right-of-way has a curb but no sidewalk abutting the Property; and

WHEREAS, Licensee desires to construct a retaining wall less than four feet in height in back (to the south) of the curb but within the right-of-way to reduce erosion and protect a canopy of trees on Licensee's property and the right-of-way; and

WHEREAS, Licensee has petitioned the Troutdale City Council for authorization to allow this retaining wall; 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. Licensee may, at Licensee's sole cost and expense, construct a retaining wall not to exceed four feet in height on the south side of the SW 8th Circle curb within the right-of-way abutting the Property.
2. City may revoke this License and terminate this agreement at any time upon 30 days prior written notice. If City does so, Licensee, at its sole cost and expense, will remove the retaining wall within 30 days after termination of this License and restore the right-of-way to its original condition.
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 but may be reissued to a new owner at the sole discretion of the Troutdale City Council.

IN WITNESS WHEREOF, the parties hereto have set their hand.

For the Licensee:

Richard Clark
Richard Clark

Leslie Clark
Leslie Clark

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this the 10th day of August, 2004, personally appeared the above named Richard Clark and Leslie Clark, who did execute the foregoing in my presence and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

Marion Berg
Notary Public for Oregon
Commission Expires: 5-19-04

(seal)



For the City:

John Anderson
John Anderson, City Administrator

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

On this the 26 day of August, personally appeared the above named John Anderson, City Administrator of the City of Troutdale, who did execute the foregoing in my presence and acknowledged the foregoing instrument to be the voluntary act and deed of the City of Troutdale.

BEFORE ME:

Theresa Ann Hall
Notary Public for Oregon
Commission Expires: 9-12-07

(seal)

