

RESOLUTION NO. 1773

A RESOLUTION CONVEYING CITY PROPERTY TO MULTNOMAH COUNTY FOR CONSTRUCTION OF A PEDESTRIAN BRIDGE ACROSS BEAVER CREEK.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Beaver Creek Bridge in the vicinity of Troutdale's Glenn Otto Community Park is an aging historical road structure in need of repair because of structural and operational deficiencies.
2. After studying various alternatives for correcting these deficiencies, Multnomah County has chosen to restore the existing bridge to its original design and construction and to place a new bike-pedestrian bridge on a parallel alignment adjacent to the existing bridge alignment.
3. Construction of the new bike-ped bridge parallel to the existing one necessitates use of city-owned property that is now part of Glenn Otto Community Park. The property that is being conveyed will continue to be used for a public purpose.
4. Conveyance of this property to the County will further the public interest by allowing the historical bridge that was constructed as part of the original Columbia River Highway to be restored to its former state while still allowing for safe bicycle and pedestrian passage across Beaver Creek by means of a separate bridge on a parallel alignment with the road.
5. It is necessary and convenient to convey this property to the County because: a) the City property is immediately adjacent to the County right-of-way for Historic Columbia Highway and can be easily incorporated into the County road right-of-way; 2) the City property is an area of Glenn Otto Park that is not heavily used and conveying it for a bridge will not disturb the normal operations and functions of the park; 3) the bridge project is being performed in accordance with the expressed preference of the Troutdale City Council so that the historic Beaver Creek bridge can be retained and restored; and 4) if the property is not used for right-of-way purposes in the future, ownership will automatically revert back to the City.
6. Notice and a public hearing have been provided in accordance with ORS 221.725

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

Section 1. The City Administrator is authorized to sign the attached Fee Simple Determinable Deed conveying to Multnomah County the real property described in Exhibit A to that document and shown in Exhibit B to that document, and any other documents that must be executed to finalize the conveyance of the property.

Section 2. This Resolution shall take effect immediately.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**


Paul Thalhiser, Mayor

June 29, 2005
Date


Debbie Stickney, City Recorder

Adopted: June 28, 2005

Historic Columbia River Hwy.
Item No. 04-60

After recording return to:
Patrick Hinds/Transportation Division Bldg. #455
Until a change is requested,
tax statements shall be sent to:
Multnomah County Transportation Division
1600 SE 190th Avenue
Portland, Oregon 97233

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
B80 4
Total : 0.00
ATLJH
2005-127771 07/12/2005 11:54:56am

FEE SIMPLE DETERMINABLE ROAD DEED

The CITY OF TROUTDALE, a Municipal Corporation, Grantor, conveys to MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantee, fee simple determinable to Parcel 1 for so long as Parcel 1 is used for public road/bridge purposes, and retaining in Grantor a possibility of reverter such that when the property is no longer used for road purposes, the Grantee's interest shall automatically terminate and fee simple title shall revert to the Grantor, and a perpetual construction and maintenance easement, for landscaping, slope and drainage facilities, on Parcel 2, affecting the following described real property:

See attached EXHIBIT "A".

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

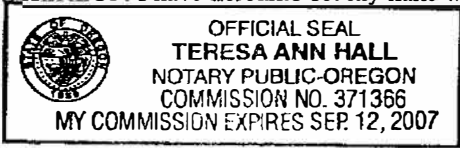
The true and actual consideration paid for this transfer stated in terms of dollars is \$0.00, but consists of other value given, which is the whole consideration.

John K. Anderson
Grantor, John Anderson, City Administrator

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on June 30, 2005 by John K. Anderson as City Administrator of the City of Troutdale.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Teresa Ann Hall
Notary Public for Oregon
My Commission Expires: 9-12-2007

REVIEWED:
By Agnes Sowle, County Attorney
For Multnomah County, Oregon
By *Matthew C. Ryan*
Assistant County Attorney

The described property is accepted for use in conjunction with Historic Columbia River Highway, County Road No. 917, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 11th day of July, 2005

By: *Michael D. Phillips*
Michael D. Phillips, P.E., County Engineer, *Interim*
for Multnomah County, Oregon

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EXHIBIT A

Parcel 1

A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Highway, County Road No. 917; thence N62°12'54"E, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 488.55 feet to Centerline Station 534+81.03 of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 30.00 feet to a point on the southeasterly right-of-way line of said Historic Columbia River Highway, being the point of beginning of the herein described tract of land; thence S27°47'06"E, a distance of 20.00; thence S17°12'54"W, a distance of 42.43 feet to a point being 80.00 feet southeasterly of, when measured at right angles to, said Historic Columbia River Highway centerline; thence S62°12'54"W, a distance of 122 feet more or less to the centerline of Beaver Creek; thence northeasterly, along said creek centerline, a distance of 70 feet more or less to a point on said southeasterly right-of-way line; thence N62°12'54"E, along said southeasterly right-of-way line, a distance of 107 feet more or less to the point of beginning.

Containing 6,104 square feet more or less.

As shown on the attached EXHIBIT "B", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B" and the written legal description, the written legal description shall prevail.

Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.

EXHIBIT A

Parcel 2

A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

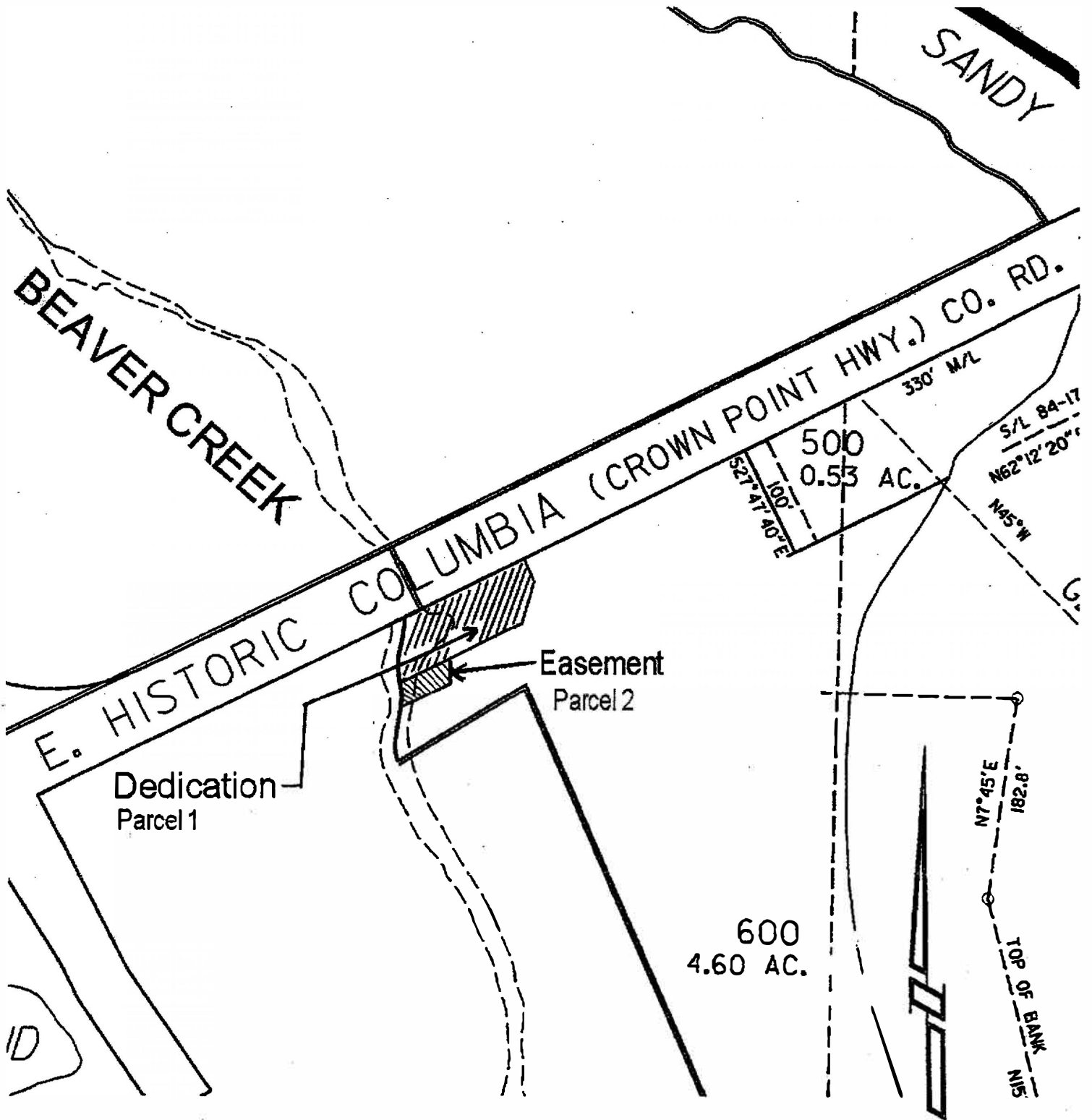
Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Highway, County Road No. 917; thence N62°12'54"E, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 488.55 feet to Centerline Station 534+81.03 of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 30.00 feet to a point on the southeasterly right-of-way line of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 20.00; thence S17°12'54"W, a distance of 42.43 feet to a point being 80.00 feet southeasterly of, when measured at right angles to, said Historic Columbia River Highway centerline; thence S62°12'54"W, a distance of 82.00 feet to the point of beginning of the herein described tract of land; thence S00°09'11"W, a distance of 26.27 feet; thence S62°12'54"W, a distance of 36 feet more or less to the centerline of Beaver Creek; thence northeasterly, along said creek centerline, a distance of 25 feet more or less to a point being 80.00 feet southeasterly of, when measured at right angles to, said Historic Columbia River Highway centerline; thence N62°12'54"E, a distance of 40 feet more or less to the point of beginning.

Containing 900 square feet more or less.

As shown on the attached EXHIBIT "B", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B" and the written legal description, the written legal description shall prevail.

Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.

EXHIBIT "B"



NOT TO SCALE