

RESOLUTION NO. 1852

A RESOLUTION ACCEPTING TWO RIGHT-OF-WAY DEEDS FROM EZ STORAGE, INC. FOR NE HARLOW ROAD RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. EZ Storage, Inc. is the owner of real property adjacent to NE Harlow Road that is being developed as the EZ Storage mini-storage facility.
2. Condition of Approval #10 for the EZ Storage development requires the dedication of street right-of-way along the property frontage sufficient to provide 30 feet of right-of-way from the centerline of NE Harlow Road.
3. EZ Storage, Inc. has agreed to dedicate the required right-of-way and has provided signed right-of-way deeds of a form and content that are in accordance with the requirements of the City (attached).

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


Section 1. The City of Troutdale accepts the right-of-way deeds, included herewith as Exhibits 1 and 2, for NE Harlow Road right-of-way.

Section 2. This resolution is effective upon adoption.

YEAS: 7

NAYS: 0

ABSTAINED: 0



Paul Thalhofer, Mayor
January 11, 2007

Date



Debbie Stickney, City Recorder

Adopted: January 9, 2007

After recording, return to:
City of Troutdale
City Recorder
104 SE Kibling Avenue
Troutdale, OR 97060

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
B80 4 ATVLM
Total : 36.00

2007-021300 02/05/2007 11:32:10am

SEND TAX STATEMENTS TO:
City of Troutdale
104 SE Kibling Ave.
Troutdale, OR 97060

RIGHT-OF-WAY DEED

EZ Storage, Inc., Grantor, for good and valuable consideration consisting of the City's approval of the land use and construction permits that were required for development that will be served by the right-of-way that is conveyed hereunder, does hereby dedicate, to the public for use as a public right-of-way, the real property located in the City of Troutdale, Multnomah County, Oregon, legally described as follows:

See attached Exhibit A and Exhibit B.

The City of Troutdale, an Oregon Municipal Corporation, Grantee, does hereby accept Grantor's dedication of the real property for use as a public right-of-way, effective upon approval by the City Council.

Grantor and Grantee agree that the consideration recited herein is good and other valuable consideration and just compensation (if any compensation were owed) for the real property that is being conveyed.

Grantor covenants to Grantee, its successors and assigns, and warrants that:

1. Grantor is the owner of said property which is free from all liens and encumbrances, and Grantor and its successors shall warrant and defend the same to the City of Troutdale against all lawful claims and demands whatsoever.
2. Grantor has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey, or environmental assessment regarding the subject property. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
3. There are no underground storage tanks, as defined under Oregon law, presently on or under the property.

It is understood and agreed that Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the property and that Grantor is not attempting to convey any such liability.

Grantor and its successors and assigns, agree to defend, indemnify and hold harmless the Grantee, its officers, agents and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorneys fees and costs) resulting from the presence or release of hazardous substances onto or from the property. This provision shall not apply to the release of hazardous substances onto or from the property caused by Grantee's officer, agents or employees. Any action taken pursuant to this provision shall not constitute an admission of liability or a waiver of any defenses to liability.

4

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 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.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Troutdale, unless and until accepted and approved by the City Council.

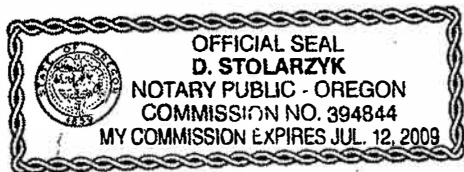
Dated this 18th day of Dec., 2006.

[Signature]
Mohsen Nouri (President of EZ Storage, Inc.)

STATE OF OREGON, County of CLACKAMAS

Dated 18 Dec., 2006. Personally appeared the above named Mohsen Nouri, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



[Signature]
Notary Public for Oregon
My Commission expires July 12, 2009

Accepted by the City of Troutdale, via Resolution No. 1852, on the 9th day of January, 2007

[Signature]
Debbie Stickney, City Recorder

State of OREGON
County of MULTNOMAH

This instrument was acknowledged before me on this 12th day of January, 2007 by Debbie Stickney as City Recorder of the City of Troutdale.

[Signature]
Notary Public - State of Oregon
My Commission Expires: 8/7/07



Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97220

Phone: 503-408-1507
Fax: 503-408-2370

December 7, 2006

Sisul Engineering
375 Portland Avenue
Gladstone, OR 97207

EXHIBIT "A"
LEGAL DESCRIPTION
5.00 FOOT WIDE RIGHT OF WAY DEDICATION

A PORTION OF THAT TRACT OF LAND CONVEYED TO EZ STORAGE, INC. IN DOCUMENT NO. 2002-095701, MULTNOMAH COUNTY DEED RECORDS, SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, THE LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A 4-1/4" BRASS CAP STAMPED "T. IN. R. 3E. LS 954 1957 2002 N.E. COR. BUXTON D.L.C." FOUND AT THE NORTHEAST CORNER OF THE D.F. BUXTON DONATION LAND CLAIM NO. 59; THENCE, ALONG THE EAST LINE OF SAID BUXTON DONATION LAND CLAIM, SOUTH 0°04'04" EAST, 5.00 FEET TO THE TRUE POINT OF BEGINNING ON THE SOUTH RIGHT OF WAY LINE OF SE HARLOW ROAD; THENCE, CONTINUING ALONG THE EAST LINE OF SAID BUXTON DONATION LAND CLAIM, SOUTH 0°04'04" EAST, 5.00 FEET; THENCE, PARALLEL WITH THE SOUTH LINE OF SAID HARLOW ROAD THE FOLLOWING TWO COURSES, SOUTH 89°55'56" WEST, 83.24 FEET; THENCE, ALONG THE ARC OF A 290.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15°06'56" (CHORD BEARS NORTH 82°30'36" WEST, 76.42 FEET) AN ARC DISTANCE OF 76.64 FEET TO A POINT ON THE MOST WESTERLY NORTH LINE OF SAID EZ STORAGE, INC. TRACT; THENCE, ALONG SAID MOST WESTERLY NORTH LINE, NORTH 89°57'00" EAST, 22.32 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SE HARLOW ROAD; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING TWO COURSES, ALONG THE ARC OF A 285.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°47'09" (CHORD BEARS SOUTH 84°40'29" EAST, 53.67 FEET) AN ARC DISTANCE OF 53.74 FEET; THENCE, NORTH 89°55'56" EAST, 83.24 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 745 SQUARE FEET.

S05003.doc

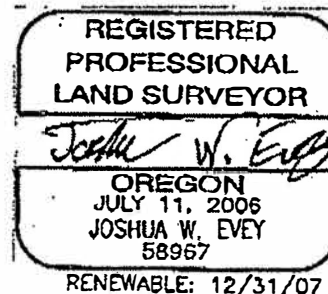


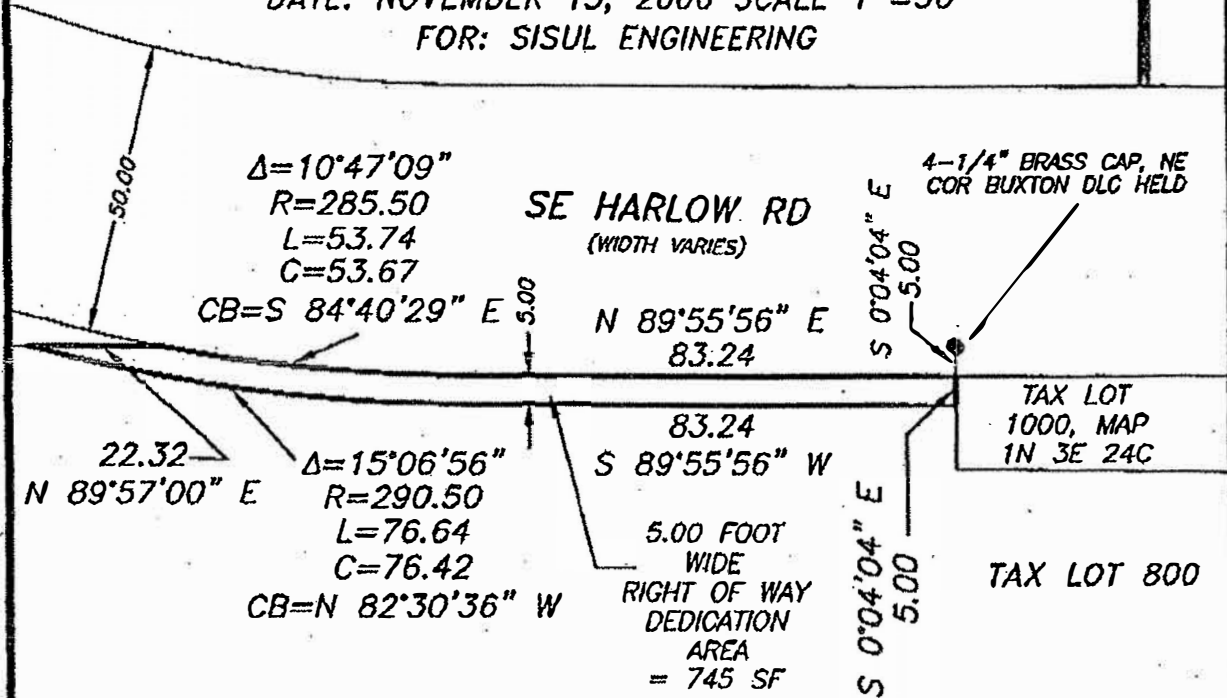
EXHIBIT "B"

RIGHT OF WAY DEDICATION

A PORTION OF TAX LOT 800, MAP 1N 3E 25B, IN THE NW 1/4 OF SEC 25, T1N, R3E, WM, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON

DATE: NOVEMBER 15, 2006 SCALE 1"=30'

FOR: SISUL ENGINEERING



LEGEND & NOTES

- = DONATION LAND CLAIM (DLC) CORNER AS DESCRIBED PER BT BOOK F, PAGE 718, MULTNOMAH COUNTY SURVEY RECORDS.
- SF = SQUARE FEET

1. BASIS OF BEARINGS FOR THIS MAP IS TAKEN FROM SURVEY NUMBER 56960, MULTNOMAH COUNTY SURVEY RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Joshua W. Evey

OREGON
JULY 11, 2006
JOSHUA W. EVEY
58967

RENEWABLE: 12/31/07

REPPETO & ASSOCIATES, INC.

LAND SURVEYORS

PLAZA 125, BUILDING G
12730 SE STARK STREET
PORTLAND, OREGON 97233
PHONE (503) 408-1507
FAX (503) 408-2370

FILE: S03003-T.DWG

After recording, return to:
City of Troutdale
City Recorder
104 SE Kibling Avenue
Troutdale, OR 97060

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
B80 5 ATVLM
Total : 41.00

2007-021299 02/05/2007 11:32:10am

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104 SE Kibling Ave.
Troutdale, OR 97060

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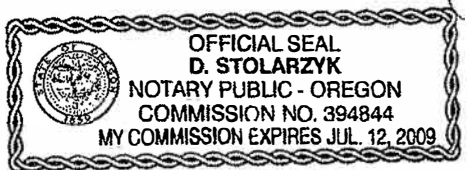
Dated this 15 day of Dec., 2006.

[Signature]
Mohsen Nouri (President of EZ Storage, Inc.)

STATE OF OREGON, County of CLACKAMAS

Dated DECEMBER 15, 2006. Personally appeared the above named Mohsen Nouri, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



[Signature]
Notary Public for Oregon
My Commission expires JULY 12, 2009

Accepted by the City of Troutdale, via Resolution No. 1852, on the 9th day of January, 2007

[Signature]
Debbie Stickney, City Recorder

State of OREGON
County of MULTNOMAH

This instrument was acknowledged before me on this 12th day of January, 2007 by Debbie Stickney as City Recorder of the City of Troutdale.

[Signature]
Notary Public - State of Oregon
My Commission Expires: 8/7/07



Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97220

Phone: 503-408-1507
Fax: 503-408-2370

December 7, 2006

Sisul Engineering
375 Portland Avenue
Gladstone, OR 97207

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Joshua W. Evey

OREGON
JULY 11, 2006
JOSHUA W. EVEY
58967

RENEWABLE: 12/31/07

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Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97220

Phone: 503-408-1507
Fax: 503-408-2370

EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION

ARC OF A 746.30 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 9°19'30" (CHORD BEARS NORTH 9°49'49" WEST, 121.33 FEET) AN ARC DISTANCE OF 121.46 FEET; THENCE, NORTH 5°10'04" WEST, 84.51 FEET; THENCE, ALONG THE ARC OF A 65.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°53'22" (CHORD BEARS NORTH 29°36'45" WEST, 54.21 FEET) AN ARC DISTANCE OF 55.89 FEET TO A POINT ON THE MOST EASTERLY NORTH LINE OF SAID EZ STORAGE, INC. TRACT; THENCE, ALONG SAID MOST EASTERLY NORTH LINE, SOUTH 89°09'02" EAST, 8.15 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 956 SQUARE FEET.



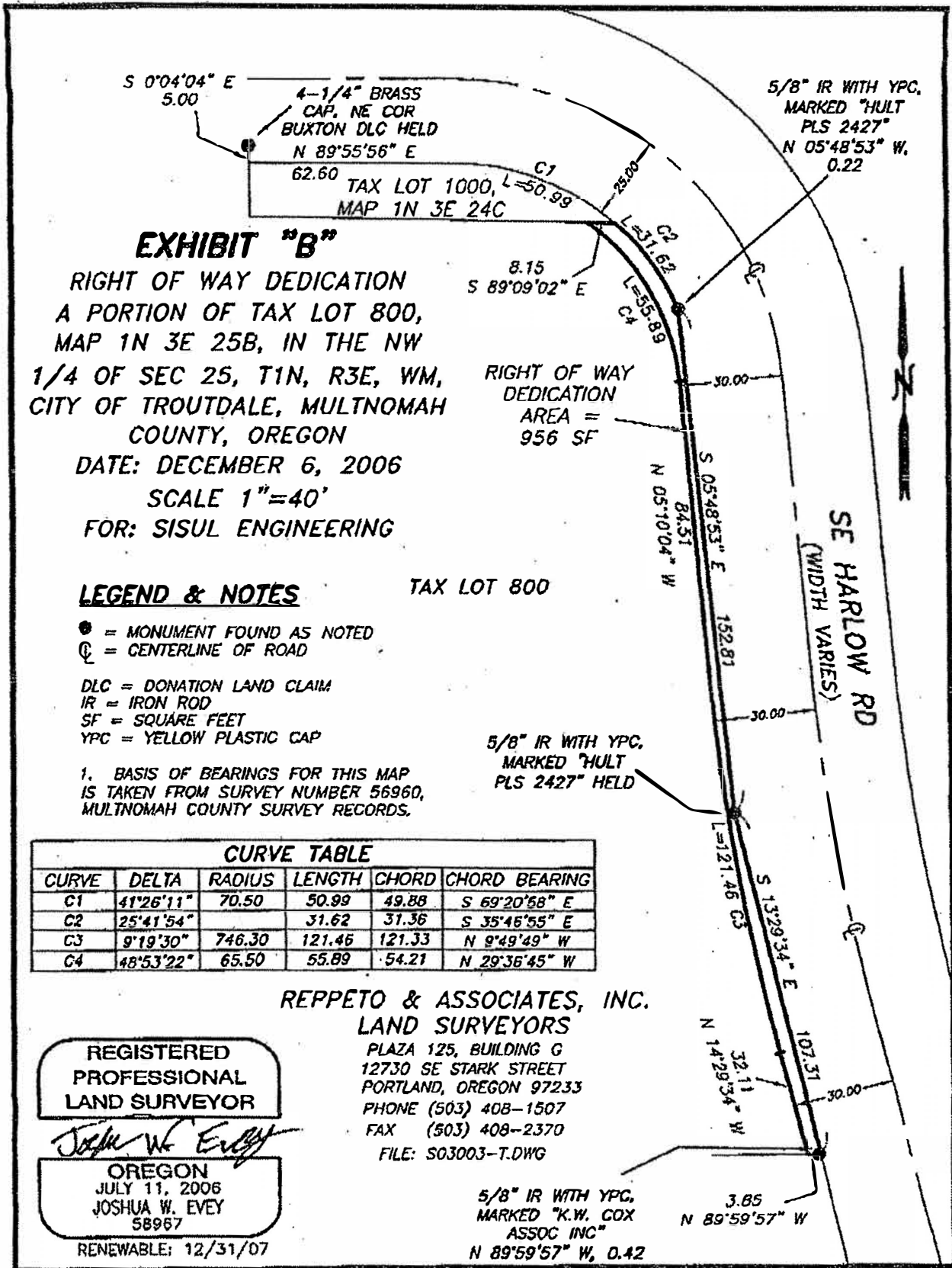


EXHIBIT "B"

**RIGHT OF WAY DEDICATION
A PORTION OF TAX LOT 800,
MAP 1N 3E 25B, IN THE NW
1/4 OF SEC 25, T1N, R3E, WM,
CITY OF TROUTDALE, MULTNOMAH
COUNTY, OREGON
DATE: DECEMBER 6, 2006
SCALE 1"=40'
FOR: SISUL ENGINEERING**

LEGEND & NOTES

- = MONUMENT FOUND AS NOTED
 - ⊕ = CENTERLINE OF ROAD
 - DLC = DONATION LAND CLAIM
 - IR = IRON ROD
 - SF = SQUARE FEET
 - YPC = YELLOW PLASTIC CAP
1. BASIS OF BEARINGS FOR THIS MAP IS TAKEN FROM SURVEY NUMBER 56960, MULTNOMAH COUNTY SURVEY RECORDS.

TAX LOT 800

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	41°26'11"	70.50	50.99	49.88	S 69°20'58" E
C2	25°41'54"		31.62	31.36	S 35°46'55" E
C3	9°19'30"	746.30	121.46	121.33	N 9°49'49" W
C4	48°53'22"	65.50	55.89	54.21	N 29°36'45" W

**REPPETO & ASSOCIATES, INC.
LAND SURVEYORS**
PLAZA 125, BUILDING G
12730 SE STARK STREET
PORTLAND, OREGON 97233
PHONE (503) 408-1507
FAX (503) 408-2370
FILE: S03003-T.DWG

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Joshua W. Evey
OREGON
JULY 11, 2006
JOSHUA W. EVEY
58967
RENEWABLE: 12/31/07

5/8" IR WITH YPC,
MARKED "K.W. COX
ASSOC INC"
N 89°59'57" W, 0.42