

RESOLUTION NO. 1856

A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM INTERSTATE DISTRIBUTOR COMPANY FOR NW ROGERS CIRCLE RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. On September 10, 1996, the City Council adopted Resolution No. 1278 accepting the public improvements associated with the Rogers Construction development, which included the entirety of NW Rogers Circle.
2. City staff recently discovered that right-of-way for the westernmost 112.5 linear feet of NW Rogers Circle, which contains the cul-de-sac, has never been legally obtained by the City.
3. Interstate Distributor Company, the current owner of the westernmost 112.5 linear feet of NW Rogers Circle, has agreed to dedicate the right-of-way necessary to comply with the *Construction Standards for Public Works Facilities* and has provided a signed right-of-way deed of a form and content that is in accordance with the requirements of the City (attached).

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

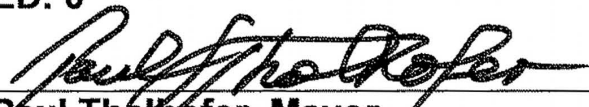
Section 1. The City of Troutdale accepts the right-of-way deed from Interstate Distributor Company, included herewith as Attachment 1, for NW Rogers Circle right-of-way.

Section 2. This resolution is effective upon adoption.

YEAS: 7

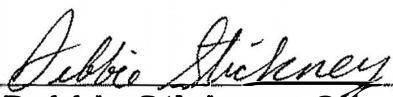
NAYS: 0

ABSTAINED: 0



Paul Thelhofer, Mayor
February 14, 2007

Date



Debbie Stickney, City Recorder
Adopted: February 13, 2007

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

Attachment 1

RIGHT-OF-WAY DEED

Interstate Distributor Company, 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:

A TRACT OF LAND, AS SHOWN ON EXHIBIT "B" HERETO, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF PARCEL 1, PARTITION PLAT 1995-086, MULTNOMAH COUNTY PLAT RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, "TROUTDALE INDUSTRIAL PARK", RECORDED DECEMBER 22, 1989 IN BOOK 1220, PAGES 82 AND 83, MULTNOMAH COUNTY PLAT RECORDS, SAID POINT BEING ON THE EAST LINE OF PARTITION PLAT 1995-086, MULTNOMAH COUNTY PLAT RECORDS AND THE SOUTH RIGHT-OF-WAY LINE OF NW ROGERS CIRCLE (50.00 FOOT WIDE PUBLIC ROAD); THENCE ALONG THE WESTERLY EXTENSION OF SAID SOUTH RIGHT-OF-WAY LINE, N.88°44'17"W., 56.54 FEET; THENCE 21.03 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°11'23" (THE CHORD OF WHICH BEARS S.67°10'01"W., 20.41 FEET); THENCE 241.19 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 276°22'47" (THE CHORD OF WHICH BEARS N.01°15'43"E., 66.67 FEET); THENCE 21.03 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°11'23" (THE CHORD OF WHICH BEARS S.64°38'35"E., 20.41 FEET); THENCE S.88°44'17"E., 56.69 FEET TO THE AFORESAID EAST LINE OF PARTITION PLAT 1995-086 AT ITS INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF AFORESAID NW ROGERS CIRCLE; THENCE ALONG SAID EAST LINE, S.1°25'59"W., 50.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 11,130 SQUARE FEET, (0.26 ACRES), MORE OR LESS.

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 has 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.

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 16th day of JANUARY, 2007.

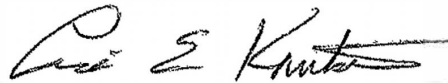


LEO Lee Owens, ~~President~~ of Maintenance
SVP

STATE OF ^{Washington} OREGON, County of ^{Pierce} ~~Multnomah~~

Dated January 16, 2007. Personally appeared the above named Lee Owens, ~~President~~ ^{SVP} of Maintenance for Interstate Distributor Company, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



Notary Public for Oregon ^{Washington}

My Commission expires 3-17-08

Accepted by the City of Troutdale, via Resolution No. _____, on the _____ day of _____, 20____.

Debbie Stickney, City Recorder

LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION
NW ROGERS CIRCLE CUL-DE-SAC
PARCEL 1, PARTITION PLAT 1995-086
FOR CITY OF TROUTDALE

JOB NO. 5862.2
12-1-06 JCM

EXHIBIT "A"

A TRACT OF LAND, AS SHOWN ON EXHIBIT "B" ATTACHED HERETO, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF PARCEL 1, PARTITION PLAT 1995-086, MULTNOMAH COUNTY PLAT RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, "TROUTDALE INDUSTRIAL PARK", RECORDED DECEMBER 22, 1989 IN BOOK 1220, PAGES 82 AND 83, MULTNOMAH COUNTY PLAT RECORDS, SAID POINT BEING ON THE EAST LINE OF PARTITION PLAT 1995-086, MULTNOMAH COUNTY PLAT RECORDS AND THE SOUTH RIGHT-OF-WAY LINE OF NW ROGERS CIRCLE (50.00 FOOT WIDE PUBLIC ROAD); THENCE ALONG THE WESTERLY EXTENSION OF SAID SOUTH RIGHT-OF-WAY LINE, N.88°44'17"W., 56.54 FEET; THENCE 21.03 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°11'23" (THE CHORD OF WHICH BEARS S.67°10'01"W., 20.41 FEET); THENCE 241.19 FEET ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 276°22'47" (THE CHORD OF WHICH BEARS N.01°15'43"E., 66.67 FEET); THENCE 21.03 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°11'23" (THE CHORD OF WHICH BEARS S.64°38'35"E., 20.41 FEET); THENCE S.88°44'17"E., 56.69 FEET TO THE AFORESAID EAST LINE OF PARTITION PLAT 1995-086 AT ITS INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF AFORESAID NW ROGERS CIRCLE; THENCE ALONG SAID EAST LINE, S.1°25'59"W., 50.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 11,130 SQUARE FEET, (0.26 ACRES), MORE OR LESS.

INCLUDING A 1.00 FOOT WIDE SIDEWALK EASEMENT NORTH OF AND PARALLEL WITH THE TANGENT PORTION OF THE NORTH RIGHT-OF-WAY LINE AS DESCRIBED ABOVE.

ALSO INCLUDING A 6.00 FOOT WIDE PUBLIC UTILITY EASEMENT ABUTTING THE PERIMETER OF THE ABOVE DESCRIBED TRACT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Joseph C. McAllister
OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 12-1-06
VALID UNTIL 12/31/2006

PARCEL 1, PARTITION PLAT 1995-086

L=241.19'
R=50.00'
D=276°22'47"
CH=N01°15'43"E
66.67'

PARCEL 1
AREA = 11,130 SQ. FT.
(0.26 ACRES)

L=21.03'
R=25.00'
D=48°11'23"
CH=S64°38'35"E
20.41'

N01°25'59"E
540.40'

1' SIDEWALK
EASEMENT

NW ROGERS CIRCLE

N88°44'17"W
56.54'

6" PUBLIC
UTILITY
EASEMENT

L=21.03'
R=25.00'
D=48°11'23"
CH=S67°10'01"W
20.41'

TRUE POINT OF BEGINNING
NW CORNER LOT 6,
"TROUTDALE INDUSTRIAL
PARK" PLAT BOOK 1220,
PAGES 83 & 84
RECORDED DEC 22, 1989



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Joseph C. McAllister
OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

Scale: 1" = 50'

DATE OF SIGNATURE: *12/1/06*
VALID UNTIL 12/31/2006

EXHIBIT "B"



COMPASS ENGINEERING

ENGINEERING SURVEYING PLANNING
4105 INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

**CUL DE SAC / RIGHT OF WAY DEDICATION
IN THE SOUTHEAST 1/4 SECTION 22,
T.1N., R.2E., W.M., CITY OF TROUTDALE
MULTNOMAH COUNTY, OREGON**

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

2007-033090 02/23/2007 11:18:22am

*Send future tax stmts. to:
City of Troutdale
104 SE Kibling Ave.
Troutdale, OR 97060*

RIGHT-OF-WAY DEED

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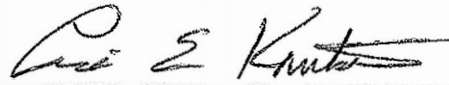
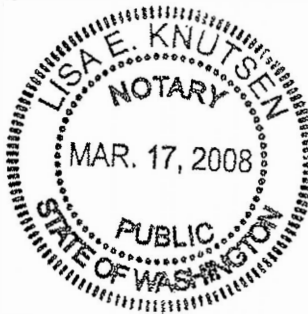


LEE Owens, President of Maintenance
SVP

Washington Pierce
STATE OF OREGON, County of Multnomah

Dated January 16, 2007. Personally appeared the above named Lee Owens, SVP ~~President~~ of Maintenance for Interstate Distributor Company, who acknowledged the foregoing instrument to be their voluntary act.

Before me:



Notary Public for Oregon Washington

My Commission expires 3-17-08

Accepted by the City of Troutdale, via Resolution No. 1856, on the 13TH day of February, 2007.

Debbie Stickney
Debbie Stickney, City Recorder

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EXHIBIT "B"



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4105 INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE
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IN THE SOUTHEAST 1/4 SECTION 22,
T.1N., R.2E., W.M., CITY OF TROUTDALE
MULTNOMAH COUNTY, OREGON**

NOTE: Resolution #1856 was rescinded by Resolution #1887 on June 26, 2007 – the property owner was incorrectly listed.