

RESOLUTION NO. 1887

A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM TERMINAL PROPERTIES, L.L.C. FOR NW ROGERS CIRCLE RIGHT-OF-WAY AND RESCINDING RESOLUTION NO. 1856

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. Terminal Properties, L.L.C., 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).
4. The previously adopted Resolution No. 1856 erroneously accepted the right-of-way from an entity that is not the legal property owner.


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 Terminal Properties, L.L.C., included herewith as Attachment 1, for NW Rogers Circle right-of-way.

Section 2. Resolution No. 1856 is rescinded.


Section 3. This resolution is effective upon adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Paul Thalhofer, Mayor
June 27, 2007

Date



Debbie Stickney, City Recorder

Adopted: June 26, 2007

This document is being re-recorded to replace #2007-033090 dated 2/23/07 wherein an incorrect grantor was named.

After recording, return to:

City of Troutdale
City Recorder
104 SE Kibling Avenue
Troutdale, OR 97060

Until a change is requested, all tax statements shall be sent to the following address:

City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk

B80 4
Total : 36.00
ATLJH

2007-131499 07/20/2007 02:50:40pm

RIGHT-OF-WAY DEED

Terminal Properties, L.L.C., 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.

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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 15 day of May, 2007.

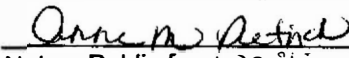

George Payne, Registered Agent

STATE OF Washington, County of Pierce

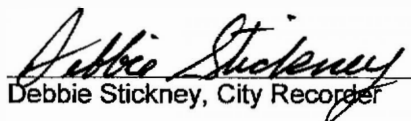
Dated May 15, 2007. Personally appeared the above named George Payne, Registered Agent for Terminal Properties, L.L.C., who acknowledged the foregoing instrument to be their voluntary act.

Before me:




Notary Public for Washington
My Commission expires 12/19/09

Accepted by the City of Troutdale, via Resolution No. 1887, on the 26th day of June, 2007.


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

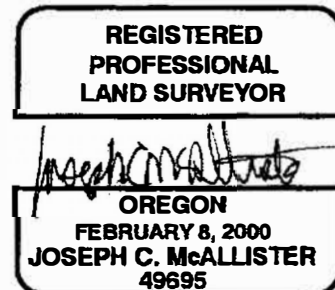
EXHIBIT "A"

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:

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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.



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'

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

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

S88°44'17"E
56.69'

25' **NW ROGERS CIRCLE**

6' PUBLIC
UTILITY
EASEMENT

N88°44'17"W
56.54'

25'

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**