

RESOLUTION NO. 1912

A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEDICATION AT 726 SW KINGS BYWAY FROM WENDY AND DAVID LAWLER

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:


1. David and Wendy Lawler, husband and wife, have undertaken redevelopment of their property at 726 SW Kings Byway ("the Property")
2. Presently, the width of the SW Kings Byway right-of-way on the frontage of the Property is substandard.
3. In conjunction with the redevelopment, the City requested the dedication of additional right-of-way on the SW Kings Byway frontage of the property sufficient to meet City standards, to which the Lawlers consented.
4. The required right-of-way deed has been provided, executed by the Lawlers, and is attached herewith as Attachment 1.

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 Wendy and David Lawler, included herewith as Attachment 1, for SW Kings Byway right-of-way.

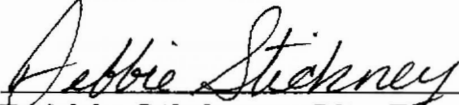
Section 2. This resolution is effective upon adoption.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Paul Thalhofer, Mayor
December 12, 2007

Date



Debbie Stickney, City Recorder

Adopted: December 11, 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 5 ATESB
Total : 41.00
2007-216859 12/21/2007 12:54:36pm

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

RIGHT-OF-WAY DEED

Wendy Lawler and David Lawler, husband and wife, Grantor, for no dollars, but for other valuable consideration including but not limited to 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 FIVE FEET IN WIDTH TO BE DEDICATED AS PUBLIC RIGHT OF WAY LOCATED IN THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 25, THENCE S89°52'00"E A DISTANCE OF 420.00 FEET TO A POINT; THENCE N0°21'00"E, PARRALLEL WITH THE WEST LINE OF SAID SECTION 25 AND BEING THE CENTER LINE OF SAID SW KINGS BYWAY ROAD, A DISTANCE OF 1,037.46 FEET TO A POINT; THENCE LEAVING SAID CENTER LINE OF SW KINGS BYWAY ROAD S89°03'15"E A DISTANCE OF 20.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S89°03'15"E A DISTANCE OF 5.00 FEET; THENCE S00°21'00"W A DISTANCE OF 100.00 FEET; THENCE N89°03'15"W A DISTANCE OF 5.00 FEET; THENCE N00°21'00"E A DISTANCE OF 100.00 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID TRACT OF LAND ALSO BEING DESCRIBED AS THE EAST 5.00 FEET OF THE WEST 25.00 FEET OF LOT 10 OF THE UNRECORDED PLAT OF REYNOLDS ACRES, AS DEPICTED IN THE RECORDED SURVEY #42297 OF THE MULTNOMAH COUNTY SURVEY RECORDS, STATE OF OREGON.

CONTAINING 500.00 SF (0.01 ACRE) MORE OR LESS.

5

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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 Grantor's 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 Grantor's 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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

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 27 day of November, 2007.

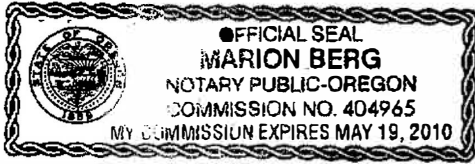
Wendy Lawler
Wendy Lawler

STATE OF Oregon, County of Multnomah

Dated 11-27, 2007. Personally appeared the above named Wendy Lawler

who acknowledged the foregoing instrument to be their voluntary act.

Before me:



Marion Berg
Notary Public for Oregon
My Commission expires 5-19-2010

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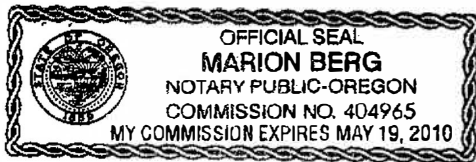
David Lawler
David Lawler

STATE OF Oregon, County of Multnomah

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who acknowledged the foregoing instrument to be their voluntary act.

Before me:



Marion Berg
Notary Public for Oregon
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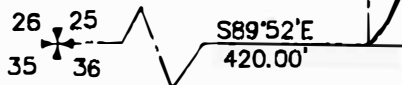
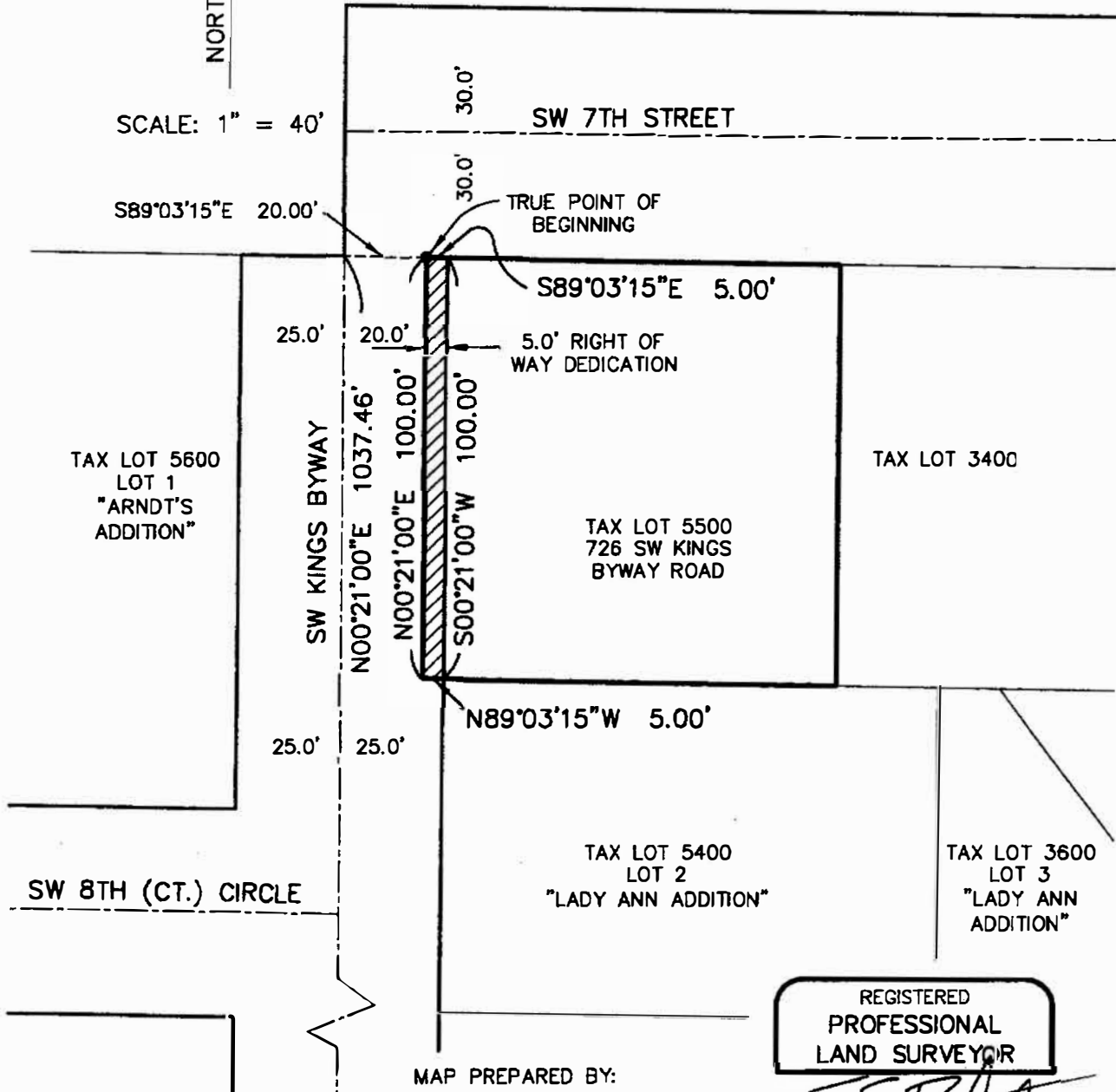
Accepted by the City of Troutdale, via Resolution No. _____, on the _____ day of _____, 20____.

Debbie Stickney, City Recorder



SCALE: 1" = 40'

EXHIBIT A
RIGHT OF WAY DEDICATION
 A PORTION OF LAND LOCATED IN
 THE SW 1/4 OF THE SW 1/4 OF
 SECTION 25, T1N, R3E, W.M.
 CITY OF TROUTDALE
 MULTNOMAH COUNTY, OREGON



MAP PREPARED BY:

RB3

26741 SE STARK ST
 TROUTDALE, OREGON 97060
 T 503-666-2814
 F 503-666-2831
 PROJECT: LAW-1084

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JUL 15, 2003
 SCOTT E. ROBERTS
 53841LS

RENEWAL DATE 12-31-08

EXHIBIT B

LEGAL DESCRIPTION

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renews 12/3/08