

RESOLUTION NO.2066

A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM EVERETT T. MERRITT FOR NW DUNBAR AVENUE RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Everett T. Merritt is the owner of real property at 1032 NW Dunbar Avenue.
2. As a condition of his proposed development Mr. Merritt has agreed to dedicate the right-of-way necessary to comply with the *Construction Standards for Public Works Facilities*.
3. Mr. Merritt 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. As a condition of his proposed development, Mr. Merritt is also dedicating a utility easement on his NW Dunbar Ave frontage by separate instrument.

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 Everett T. Merritt, included herewith as Attachment 1, for NW Dunbar Avenue right-of-way.


Section 2. This resolution is effective upon adoption.

YEAS: 6

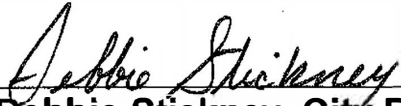
NAYS: 0

ABSTAINED: 0



Jim Kight, Mayor


Date



Debbie Stickney, City Recorder
Adopted: August 24, 2010

This document is being re-recorded at the request of the City of Troutdale to correct an error in the legal description.

Previously record:

Document # is 2010-106263 on 8/26/2010

After Recording Return To:

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

710

Multnomah County Official Records
C Swick, Deputy Clerk

2010-124798



\$30.00

00732589201001247980060069

10/04/2010 02:07:15 PM

1R-D ROAD/P
\$30.00

Cnt=1 Stn=10 RECCASH1

6

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

Multnomah County Official Records
C Swick, Deputy Clerk

2010-106263



\$56.00

00714006201001062630050052

08/26/2010 02:44:18 PM

1R-D ROAD/P
\$25.00 \$11.00 \$15.00 \$5.00

Cnt=1 Stn=10 RECCASH1

RIGHT-OF-WAY DEED

I, EVERETT T. MERRITT, 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 for legal description and Exhibit B for Right of Way Dedication map

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.

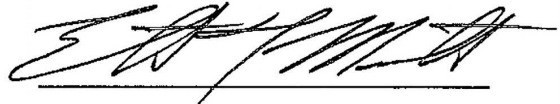
It is understood and agreed that Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the property and that Grantor is not attempting to convey any such liability.

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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

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 11th day of JUNE, 20 10.



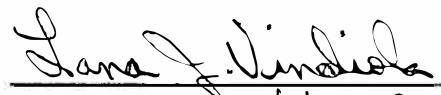
Grantor's Name
EVERETT T. MERRITT

STATE OF COLORADO, County of ADAMS

Dated June 11, 20 10.

Personally appeared the above named Everett T. Merritt, who acknowledged the foregoing instrument to be their voluntary act.

Before me:


Notary Public for State of Colorado
My Commission expires 3/27/11

Accepted by the City of Troutdale, via Resolution No. 2066, on the 24th day of August, 2010.


Debbie Stickney, City Recorder

Right of Way Dedication
"Merritt Industrial Site"
Project No. MEC-002
September 1, 2010

Exhibit "A"
Property Description

A 5.00 foot wide strip of land in the northwest one-quarter of Section 26, Township 1 North, Range 3 East of the Willamette Meridian, City of Troutdale, Multnomah County, Oregon, being more particularly described as follows:

Commencing at the intersection of the southerly right of way line of Marine Drive (Road 3385), being 70.00 feet from the centerline thereof, when measured at right angles, and the easterly right of way line of NW Dunbar Avenue (Road 1189), being 30.00 feet from the centerline thereof;

Thence, along the easterly right of way line of said NW Dunbar Avenue, South $01^{\circ}18'45''$ West, 73.61 feet to the Point of Beginning;

Thence, along a line 30.00 feet easterly of and parallel with the centerline of said NW Dunbar Avenue, South $01^{\circ}18'45''$ West, 100.00 feet;

Thence North $88^{\circ}41'15''$ West, 5.00 feet to the easterly right of way line of said NW Dunbar Avenue;

Thence, along said easterly right of way line, North $01^{\circ}18'45''$ East, 100.00 feet;

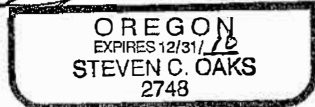
Thence South $88^{\circ}41'15''$ East, 5.00 feet to the Point of Beginning.

Containing 500 square feet, more or less.

Bearings based on Survey No. 62632, Multnomah County Survey Records.



A handwritten signature in black ink, appearing to read "Steven C. Oaks".



PROJECT NO. MEC-002
 DATE: 02JUN10
 BY: TGB



8196 SW Hall Boulevard,
 Suite 232
 Beaverton, Oregon 97008
 phone (503) 469-1213
 fax (503) 469-8553
 www.srdllc.com

Planning | Engineering | Surveying

EXHIBIT 'B' RIGHT OF WAY DEDICATION

IN THE NW 1/4 OF SEC 26, T1N, R3E, WM,
 CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON
 JUNE 02, 2010

SHEET NO.

1

SCALE: 1" = 40'

