

RESOLUTION NO. 2103

A RESOLUTION ACCEPTING A PUBLIC UTILITY EASEMENT (SUNDIAL PUMP STATION) FROM THE PORT OF PORTLAND RELATING TO THE TROUTDALE REYNOLDS INDUSTRIAL PROPERTY (TRIP)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Port of Portland ("Port") is redeveloping the TRIP Property into industrial and commercial facilities.
2. The Port has constructed the Sundial Pump Station as part of the public improvements related to the TRIP Property.
3. Pursuant to an Intergovernmental Agreement between the City and the Port, the Port is to grant an easement to the City so that the city may operate and maintain the Sundial Pump Station.

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

Section 1. The City of Troutdale accepts the Public Utility Easement as shown in Exhibit A of the staff report from the Port of Portland.

Section 2. This resolution is effective upon adoption.

YEAS: 7

NAYS: 0

ABSTAINED: 0



Mayor Jim Kight



Date



Debbie Stickney, City Recorder

Adopted: May 10, 2011

Port of Portland

After recording, return to:
The City of Troutdale
City Recorder
104 SE Kibling Avenue
Troutdale, OR 97060
2011-038

Multnomah County Official Records
R Weldon, Deputy Clerk

2011-063370



\$46.00

06/02/2011 09:06:03 AM

1R-EASEMT
\$15.00 \$11.00 \$15.00 \$5.00

Cnt=1 Stn=10 RECCASH1

PUBLIC UTILITY EASEMENT (Sundial Pump Station)

KNOW ALL PEOPLE BY THESE PRESENTS, that the PORT OF PORTLAND, a port district of the State of Oregon ("Grantor"), in consideration of NO DOLLARS, but for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the CITY OF TROUTDALE, an Oregon municipal corporation, ("Grantee") a perpetual, an easement composed of both exclusive and non-exclusive areas over and along the full width and length of the burdened premises described and depicted on the attached **Exhibit A** ("Easement Area") as set forth herein.

The Easement Area extends to a maximum depth not exceeding five (5) feet below any utility systems installed beneath the ground surface. This easement is subject to the terms and conditions of the Troutdale Reynolds Industrial Park Intergovernmental Agreement between Grantor and Grantee approved by City of Troutdale Resolution Number 2098 dated, 4/12/2011.

TO HAVE AND TO HOLD the above described perpetual, easement unto Grantee and for the use and benefit of the City of Troutdale or otherwise permitted by state or federal law to operate a sanitary sewer pump station and related facilities and access thereto in accordance with the conditions and covenants as follows:

The Easement Area rights shall include the right, privilege, and authority to Grantee to re-build, install, patrol, operate, maintain, repair, replace, and remove underground sanitary sewer, storm drain, or water pipelines; with all appurtenances incident thereto or necessary therewith, including underground, at grade and aboveground appurtenances, in, under, and across the said premises, and with the right of ingress and egress to and over the Easement Area at any and all times for the above purposes.

This easement shall run with all land benefited and burdened hereby. This easement benefits all land at anytime owned by, or within the boundaries of the Grantee as such boundaries now exist or may in the future change.

This instrument, and the covenants and agreements contained in this instrument, shall inure to the benefit of and be binding and obligatory upon the successors and assigns of the respective parties.

Grantee shall upon each and every occasion that the Easement Area is disturbed, restore the Easement Area, and any improvements disturbed by the work, to as good condition as they were prior to any such installation of work, including the restoration of any topsoil and lawn, provided

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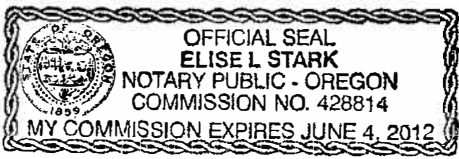
such restoration does not interfere with proper operation of Grantee's rights or authorized utilities.

GRANTOR:
THE PORT OF PORTLAND
By: [Signature]
Bill Wyatt, Executive Director

APPROVED AS TO FORM:
By: [Signature]
Counsel for the Port

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

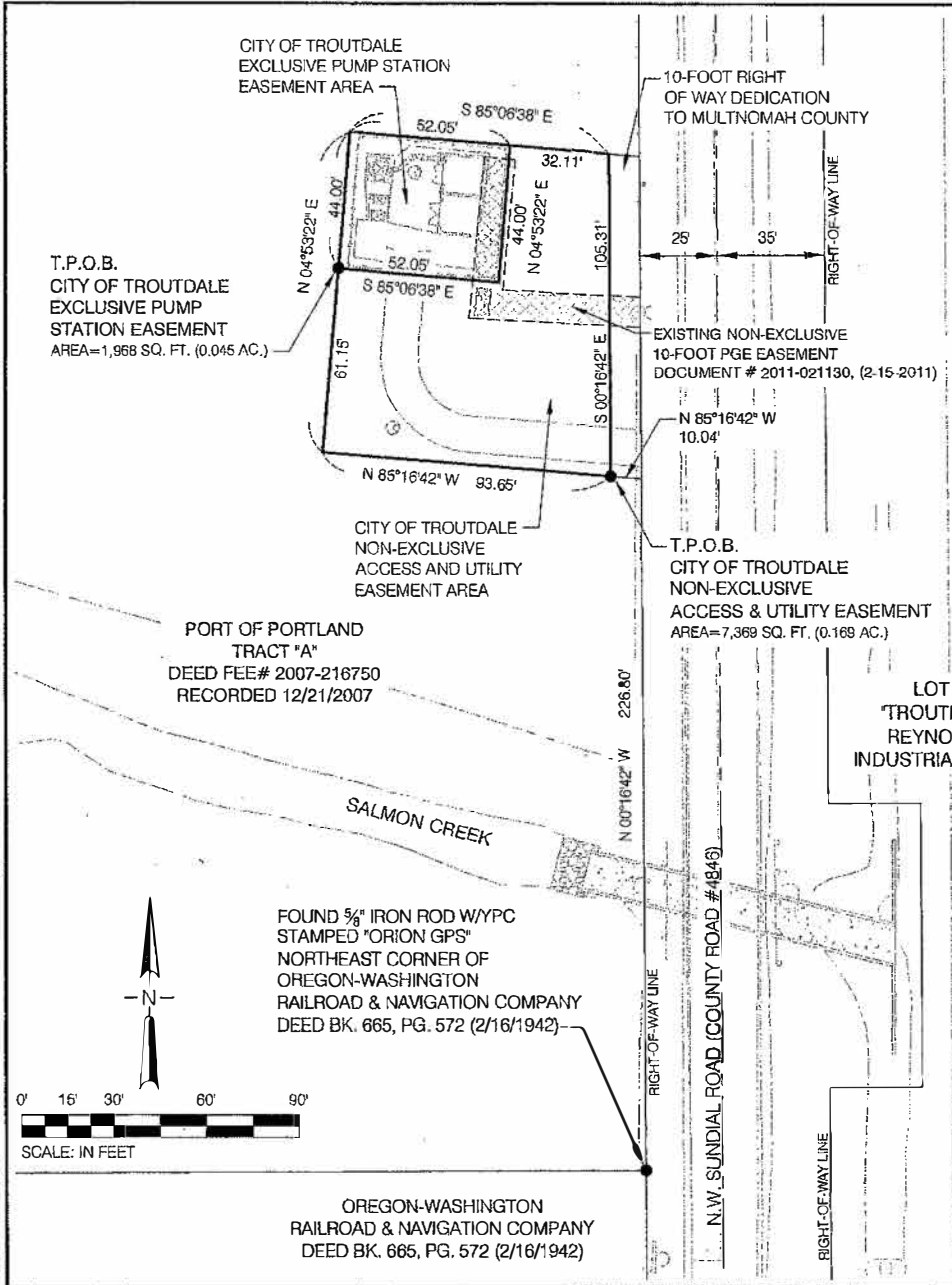
This instrument was acknowledged before me on Apr. 21, 2011, by Bill Wyatt as Executive Director of The Port of Portland, a port district of the State of Oregon.

[Signature]
Notary Public for Oregon
 My Commission Expires: June 4, 2012

ACCEPTED ON BEHALF OF THE CITY OF TROUTDALE, via Resolution No. 2103
on the 10th day of May, 2011.

[Signature]
Debbie Stickney, City Recorder

APPROVED AS TO FORM:
By: _____
City Attorney

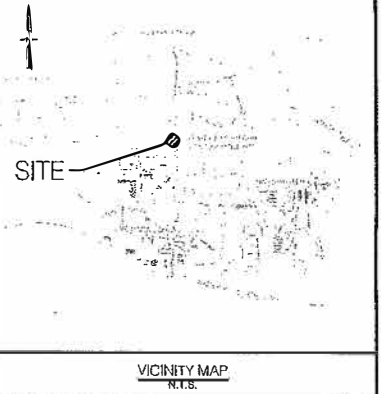


NOTES:

THE PURPOSE OF THIS SURVEY IS TO SHOW THE LIMITS OF THE CITY OF TROUTDALE EXCLUSIVE PUMP STATION EASEMENT AND NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AREA'S LOCATED JUST NORTH OF SALMON CREEK, ALONG SUNDIAL ROAD.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY No. 60128, FILED AT THE MULTNOMAH COUNTY SURVEYOR OFFICE.

THE BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.



EXCLUSIVE PUMP STATION EASEMENT DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTH-WEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED DECEMBER 21, 2007 IN DEED FEE No.2007-216750, MULTNOMAH COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ORION GPS" ON THE WESTERLY RIGHT OF WAY LINE OF NW SUNDIAL ROAD (COUNTY RD. #4846, 25.00 FEET FROM CENTERLINE) AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, RECORDED FEBRUARY 16, 1942, DEED BOOK 665, PAGE 572, MULTNOMAH COUNTY DEED RECORDS; THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 00°16'42" WEST, 226.80 FEET; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 85°16'42" WEST, 103.69 FEET; THENCE NORTH 04°53'22" EAST, 61.15 FEET TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, NORTH 04°53'22" EAST, 44.00 FEET; THENCE SOUTH 85°06'38" EAST, 52.05 FEET; THENCE SOUTH 04°53'22" WEST, 44.00 FEET; THENCE NORTH 85°06'38" WEST, 52.05 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION LYING WITHIN THE PORTLAND GENERAL ELECTRIC (PGE) NON-EXCLUSIVE UTILITY EASEMENT, RECORDED FEBRUARY 15, 2011, DOCUMENT #2011-021130.

CONTAINING 1,988 SQUARE FEET, (0.045 ACRES) MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NUMBER 60128.

NON-EXCLUSIVE ACCESS & UTILITY EASEMENT DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTH-WEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE PORT OF PORTLAND, RECORDED DECEMBER 21, 2007 IN DEED FEE No.2007-216750, MULTNOMAH COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ORION GPS" ON THE WESTERLY RIGHT OF WAY LINE OF NW SUNDIAL ROAD (COUNTY RD. #4846, 25.00 FEET FROM CENTERLINE) AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, RECORDED FEBRUARY 16, 1942, DEED BOOK 665, PAGE 572, MULTNOMAH COUNTY DEED RECORDS; THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 00°16'42" WEST, 226.80 FEET; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 85°16'42" WEST, 10.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 85°16'42" WEST, 93.65 FEET; THENCE NORTH 04°53'22" EAST, 61.15 FEET; THENCE SOUTH 85°06'38" EAST, 52.05 FEET; THENCE NORTH 04°53'22" EAST, 44.00 FEET; THENCE SOUTH 85°06'38" EAST, 32.11 FEET TO A POINT THAT IS 10.00 FEET WESTERLY WHEN MEASURED AT RIGHT ANGLES TO SAID WESTERLY RIGHT OF WAY LINE OF NW SUNDIAL ROAD; THENCE PARALLEL WITH AND 10.00 FEET WESTERLY OF SAID RIGHT OF WAY LINE SOUTH 00°16'42" EAST, 105.31 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH, THAT PORTION LYING WITHIN THE PORTLAND GENERAL ELECTRIC (PGE) NON-EXCLUSIVE UTILITY EASEMENT, RECORDED FEBRUARY 15, 2011, DOCUMENT #2011-021130

CONTAINING 7,389 SQUARE FEET, (0.169 ACRES) MORE OR LESS

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON MULTNOMAH COUNTY SURVEY NUMBER 60128.

NO.	DATE	BY	REVISIONS	CKD	APPVD



PORT OF PORTLAND
PORTLAND, OREGON

2006 UGEN
DESIGN NUMBER

100544
PROJECT NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR

DESIGNED BY _____

DRAWN BY C. VANDERWERF

CHECKED BY R. ALDERSEBAES

DATE APR. 2011

SCALE 1"=30'

SIGNED: *Christopher Vanderwerf*
CHRISTOPHER VANDERWERF
2719
4/16/11
EXP: 6/30/2012

TROUTDALE REYNOLDS INDUSTRIAL PARK

N.W. SUNDIAL ROAD INFRASTRUCTURE
CITY OF TROUTDALE
SUNDIAL PUMP STATION EASEMENTS

SUBMITTED BY RYAN PARKER
TROUTDALE REYNOLDS DEVELOPMENT APPRAISER

TYPE EP

DRAWING NO. TRIP 2009-4

1 / 1 (SU-1)