

RESOLUTION NO. 2335

A RESOLUTION GRANTING A PERMANENT EASEMENT TO MULTNOMAH COUNTY ADJACENT TO SE STARK STREET FOR ROAD PURPOSES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Multnomah County desires to replace the existing Beaver Creek culvert at Stark Street to allow for improved fish passage, additional capacity, and additional length to accommodate future improvements to SE Stark Street.
2. The existing right-of-way and topography of the site is such that some improvements will be supported by slope that extends onto the City's greenway property.
3. It is in the public interest that the existing Beaver Creek culvert at Stark Street be replaced and that such construction be enabled by the granting of a road easement to Multnomah County.

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

Section 1. The City agrees to grant a permanent easement to Multnomah County for road purposes on its Beaver Creek greenway property adjacent to SE Stark Street northwest of Beaver Creek at SE Stark Street.

Section 2. The City Manager is authorized to sign an easement document and donation agreement in substantial conformance with Attachment A.

Section 3. This resolution shall take effect immediately upon adoption.

YEAS: 7

NAYS: 0

ABSTAINED: 0

Doug Daoust

Doug Daoust, Mayor

5/26/16

Date

Sarah Skroch

Sarah Skroch, City Recorder

Adopted: May 24, 2016

Grantors:
City of Troutdale
After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

ROAD PURPOSES EASEMENT

CITY OF TROUTDALE, a Political Subdivision of the State of Oregon, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", a permanent easement for road purposes, through, under, across, over and along the following described real property:

See the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant this permanent easement of the property described in Exhibit A (the "Property"). Grantor shall not grant or allow any uses or activities in the Property, which would interfere with the Grantee's use of the Property and the easement as provided herein.

Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Property, and Grantors are not attempting to convey any such liability.

The true consideration paid for this grant stated in terms of dollars is \$0.00, but consists of other value given, which, is the whole consideration.

Dated this 27 day of May, 2016

For City of Troutdale:


Craig Ward, City Manager

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on May 27th, 2016, by Craig Ward, City Manager for the City of Troutdale.




Notary Public for Oregon
My Commission Expires: 7/26/19

REVIEWED:
By Jenny M. Madkour, County Attorney
For Multnomah County, Oregon

By: _____
Courtney Lords, Assistant County Attorney

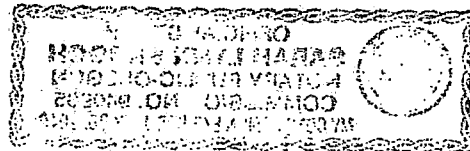
For Multnomah County:

The described property is accepted for use in conjunction with S.E. Stark Street, County Road No. 924, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this _____ day of _____, 2016

By _____

Ian B. Cannon, P.E., County Engineer
for Multnomah County, Oregon



SE Stark St.
County Road No. 924
Item No. 2015-51

Exhibit A

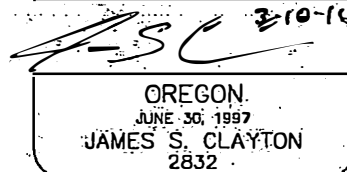
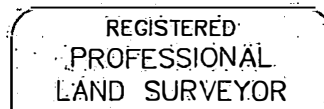
Road Purpose Easement

A portion of TRACT 'A', BELLINGHAM PARK, recorded in Book 1235, Page 94-96, Multnomah County Plat Records, situated in the Southwest one quarter of Section 36, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon.

Commencing at a ½" iron pipe in monument box found at the centerline intersection of SE Stark St., County Road No. 924, with SE Troutdale Rd., County Road No. 1570; thence N88°27'07"W, along the centerline of said SE Stark St., a distance of 783.59 feet; thence N01°32'53"E, a distance of 30.00 feet, to a point on the North right-of-way line of said SE Stark St., also being the point of beginning of the herein described tract of land; thence N01°32'53"E, a distance of 60.00 feet; thence S88°27'07"E, parallel with the centerline of said SE Stark St., a distance of 149 feet more or less to the centerline of Beaver Creek; thence southeasterly along the centerline of said Beaver Creek to a point on the North right-of-way line of said SE Stark St, said point being S88°27'07"E of the point of beginning; thence N88°27'07"W, along the North right-of-way line of said SE Stark St., a distance of 194 feet more or less to the point of beginning.

Containing 10,278 square feet more or less.

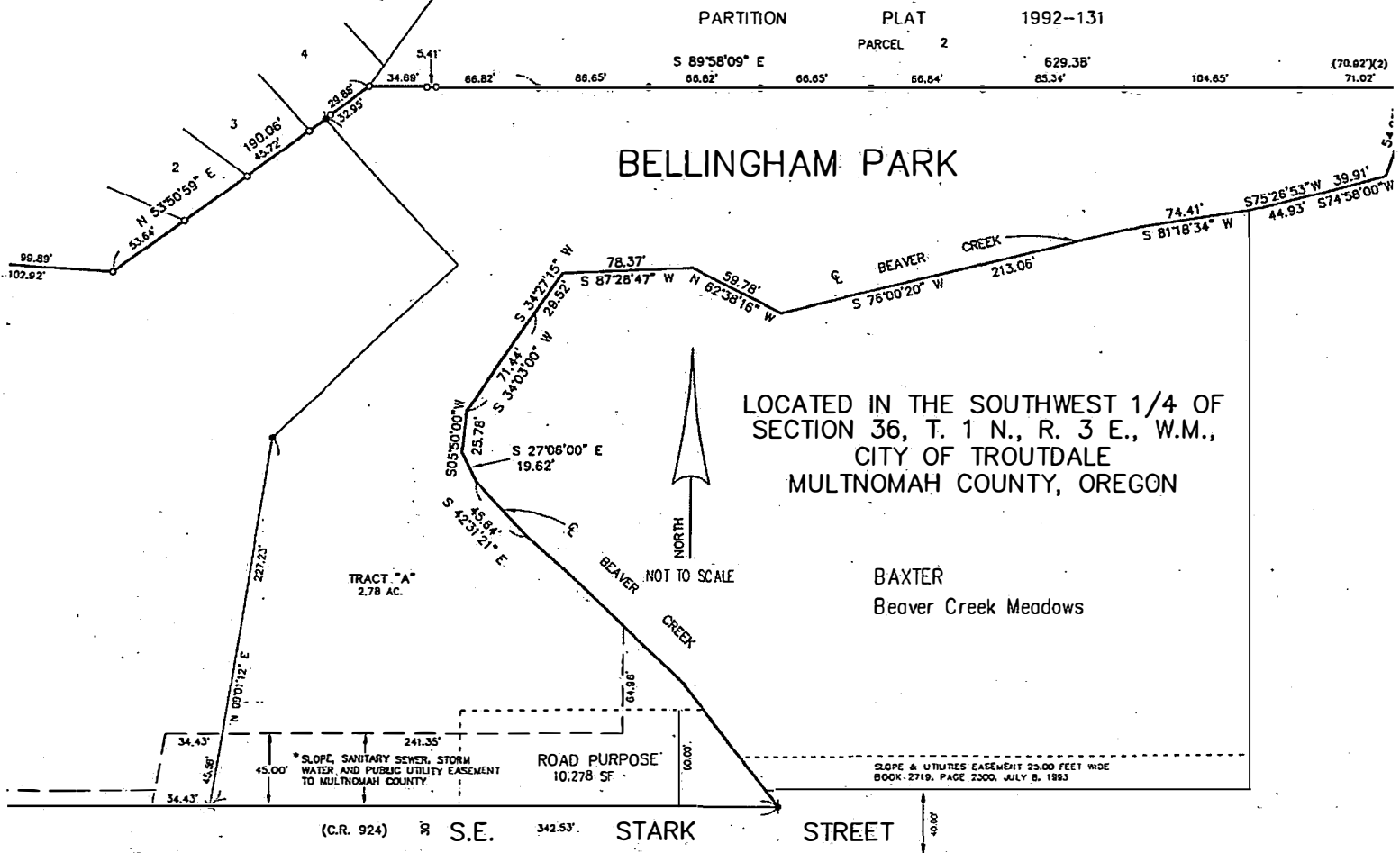
The basis of bearings for this description is the Oregon Coordinate System of 1983 (1991), North Zone.



RENEWAL DATE: 1-1-18

As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.

SE Stark St.
 County Road No. 924
 Item No. 2015-51



* A PERPETUAL EASEMENT FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, OPERATING, INSPECTING AND REPAIRING PUBLIC UTILITIES AND IMPROVEMENTS INCLUDING PIPES AND CONDUITS OF WATER, SANITARY SEWER, STORM SEWER, SLOPES AND NECESSARY APPURTENANCES THERETO. IT IS UNDERSTOOD THAT NO BUILDING(S) SHALL BE ERECTED UPON THE EASEMENT SHOWN WITHOUT THE WRITTEN CONSENT OF THE BOARD OF COUNTY COMMISSIONERS.

This instrument was acknowledged before me on May, 27 2016, by
Craig R. Ward



Sarah Lynn Skroch
Notary Public of Oregon

My Commission Expires: 7/26/19

Attachment