

RESOLUTION NO. 2090

A RESOLUTION GRANTING A DONATION TEMPORARY EASEMENT TO ODOT TO ALLOW PLACEMENT OF A FLOOD BARRIER ON CITY PROPERTY DURING CONSTRUCTION OF THE I-84 SANDY RIVER BRIDGES

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Oregon Department of Transportation (ODOT) is in the process of removing the existing I-84 bridges over the Sandy River to construct new bridges in their place. The project necessitates use of a work bridge involving placement of additional piers within the Sandy River.
2. ODOT has determined that the work bridge piers increase the potential of upstream flooding because water levels will be higher during a 100-year flood event.
3. ODOT is seeking donation of a temporary 30-foot wide easement along the riverbank of the City's former sewage treatment plant property in order to erect a flood barrier that will prevent flood waters from inundating the City's property if there is a 100-year flood event.
4. As a condition of granting the easement, the City will be permitted to remove the barrier, or whatever section is required, in order to construct the planned riverfront trail which will likely intersect the barrier at some point. Removal of the barrier for trail construction can occur from April 1 to October 31 when flood events are less likely.

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

Section 1. The City agrees to grant a donation temporary easement to the Oregon Department of Transportation to allow placement of a flood barrier.

Section 2. The mayor is authorized to sign the attached temporary easement along with all accompanying documents to the easement.

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

YEAS: 7
NAYS: 0
ABSTAINED: 0


Mayor Jim Kight


Date


Debbie Stickney, City Recorder

Adopted: February 8, 2011

DONATION TEMPORARY EASEMENT

CITY OF TROUTDALE, a municipal corporation, which also acquired title as TOWN OF TROUTDALE, a municipal corporation, Grantor, for no monetary consideration, does grant to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a temporary easement for a work area for construction purposes, over and across the property described on Exhibit "A" dated 1/10/2011, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

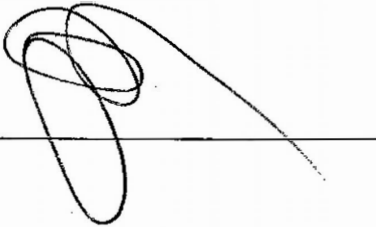
Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

Dated this 11th day of February, 2011

APPROVED AS TO FORM:

By 

CITY OF TROUTDALE, a municipal corporation, which also acquired title as TOWN OF TROUTDALE, a municipal corporation

By 
Mayor

By N/A
Auditor

STATE OF OREGON, County of Multnomah

Dated February 10, 2011. Personally appeared Jim Kight
and N/A, who, being sworn, stated that ~~they are~~ ^{he is} the Mayor ~~and Auditor~~ of the City of
Troutdale, Oregon, a municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal
corporation by authority of its ^{Resolution} Ordinance No. 2090, passed by the Council of said City on this 8th day of
February, 2011.



Sarah Skroch
Notary Public for Oregon
My Commission expires August 7, 2011

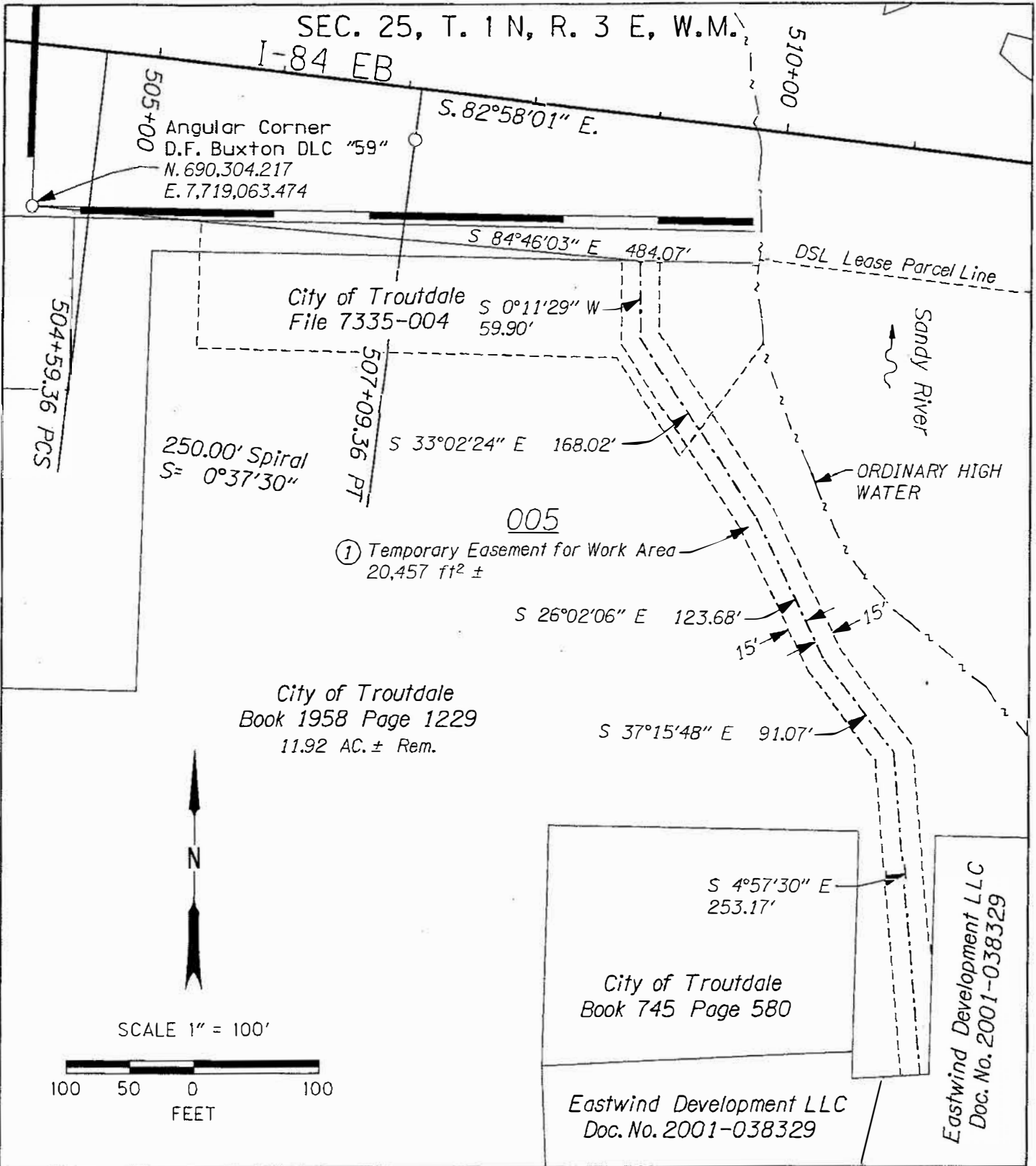
Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in NW¼ of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; said parcel being a portion of that property described in that Executor's Deed to the Town of Troutdale recorded August 3, 1970 in Book 745, Page 580 Multnomah County Record of Deeds and also a portion of that property described as that Warranty Deed to the City of Troutdale recorded November 26, 1986 in Book 1958, Page 1229 Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land 30 feet in width lying 15 feet on each side of the following described center line:

Beginning at a point which bears South 84°46'03" East 484.07 feet of an angular corner of the D. F. Buxton Donation Land Claim No. 59, Township 1 North, Range 3 East, W.M.; thence South 00°11'29" West 59.90 feet; thence South 33°02'24" East 168.02 feet; thence South 26°02'06" East 123.68 feet; thence South 37°15'48" East 91.07 feet; thence South 04°57'30" East 253.17 feet to the terminus of said center line.

Bearings are based on the Oregon Coordinate System 1983 (CORS 1996, epoch 2002), north zone.

This parcel of land contains 20,457 square feet, more or less.



SCALE 1" = 100'



<p>OREGON DEPARTMENT OF TRANSPORTATION</p> <p>RIGHT OF WAY ENGINEERING SKETCH MAP</p>	Section	I-84: Sandy River-Jordan Rd-Bundle 210		
	Highway	Columbia River		
	County	Multnomah	Scale	1" = 100'
	Purpose	Temporary Easement	Date	1/10/11
	File	7355 005		

DONATION AGREEMENT

When a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation based upon a valuation report under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 35.510, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate. Property owners may also release ODOT from its requirement to provide a valuation report.

If you elect to donate the property rights as described in the attached Exhibit A or deed, subject to the above information, please date and sign this Donation Agreement in the space below.

I release ODOT from providing a valuation report.

Date:

Signature:

2-10-11

Mayor Jim Keight

STATE'S OBLIGATION(S) AGREEMENT

File No.: 7355005

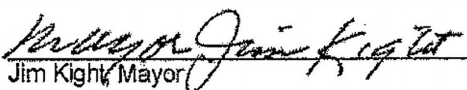
Date: January 28, 2011

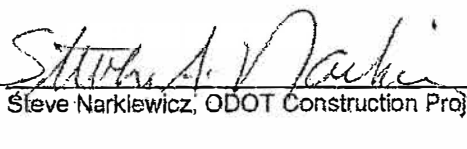
The State is to:

1. The purpose of this easement is to permit Grantee to install a temporary flood barrier on Grantor's property; said temporary flood barrier to be placed along the east side (river side) of the existing unpaved road lying within the easement area.
2. Allow the City of Troutdale (Grantor) to temporarily move the flood barrier to allow construction of a trail. Removal may only occur from April 1 through October 31, unless there is a risk of imminent flooding conditions or with approval from Grantee.

City of Troutdale (Grantor) and/or Its Designees will replace and restore the flood barrier to its original location and condition if it is moved.

It is understood and agreed that State's performance of this agreement shall be a portion of the consideration for the concurrent real property transaction evidenced by easement between Grantors and State. This agreement shall not be effective or binding until Grantors receive notice from the State accepting the conveyance of the real property interests.

 2-18-10
Jim Kight, Mayor Date

 2/23/11
Steve Narkiewicz, ODOT Construction Project Manager Date