

## RESOLUTION NO. 2188

### A RESOLUTION ACCEPTING THE TRANSFER OF A PORTION OF OLD KENDALL ROAD

#### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. In July, 2012, Council approved a Jurisdictional Transfer Agreement with the Oregon Department of Transportation wherein the State of Oregon agreed to transfer the "Kendall Frontage Road" to the City pursuant to the terms of that Agreement. Old Kendall Road is a frontage road which parallels the I-84 eastbound on-ramp.
2. The City agreed to accept all of State's right, title and interest in the right-of-way as defined in the Agreement.
3. The Agreement requires the City to continue to allow ODOT access to the Sandy River bridge abutments, and the State will relinquish all maintenance and repair responsibilities and liability to the City.

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


Section 1. The City accepts the attached Jurisdictional Transfer from the State of Oregon, by and through its Department of Transportation, for use as public right-of-way.

Section 2. This resolution shall take effect immediately upon adoption.

YEAS: 7  
NAYS: 0  
ABSTAINED: 0

  
\_\_\_\_\_  
Doug Daoust, Mayor

1/23/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Debbie Stickney, City Recorder  
Adopted: January 22, 2013

## **JURISDICTIONAL TRANSFER DOCUMENT**

Old Kendall Frontage Road Section  
Columbia River Highway, State Hwy. No. 2 (I-84)  
City of Troutdale

Pursuant to ORS 373.010, the Oregon Transportation Commission is authorized and directed, whenever the route of any state highway passes through the corporate limits of any city, to select or designate the streets of the city over which the state highway shall be routed, or change such routing when in its opinion the interests of the motoring public will be better served.

Pursuant to ORS Chapters 366.395 and 373.015, the State may transfer its interest to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by State.

Pursuant to ORS 190.110 and ORS 366.576, the State may enter into any agreement with any city for the relocation of any highway.

The Old Kendall Frontage Road Section of the Columbia River Highway, State Highway No. 2, is no longer needed for state highway purposes and has been eliminated by departmental resolution as a portion of the Columbia River Highway. The segment eliminated from the highway is designated as Unit A, as more fully described below, and as shown on the map attached hereto marked Exhibit A and by this reference made a part hereof. Unit A is needed for the service of persons living thereon or for a community served thereby.

The City of Troutdale and the Oregon Transportation Commission entered into an agreement on July 25, 2012, relating to the elimination, disposition, maintenance and repair of Unit A. Said agreement provides that the Oregon Transportation Commission shall, by resolution, formally eliminate Unit A as a portion of the Columbia River Highway and the state highway system; that all right, title, and interest of the State of Oregon in Unit A shall be conveyed to the City; and

RETURN TO  
TECHNICAL LEADERSHIP CENTER  
ATTN: RIGHT OF WAY SECTION  
OREGON DEPARTMENT OF TRANSPORTATION  
4040 FAIRVIEW INDUSTRIAL DR SE MS#2  
SALEM OR 97302-1142

that the Unit shall be maintained by the City as a portion of its city street system as long as needed for the service of persons living thereon or for a community served thereby.

THEREFORE, IT HAS BEEN RESOLVED BY THE OREGON TRANSPORTATION COMMISSION AS FOLLOWS:

1. The Old Kendall Frontage Road Section of the Columbia River Highway, State Highway No. 2 (I-84), in Multnomah County, Oregon, is no longer needed by the State of Oregon as a portion of the state highway system. Said portion hereinafter referred to as Unit A has been duly eliminated as a portion of the Columbia River Highway and the state highway system. All right, title, and interest of the State of Oregon in Unit A hereby passes to and vests in the City of Troutdale as a portion of its city street system as long as needed for the service of persons living thereon or a community served thereby.

Any right-of-way being conveyed in which state has any title shall be vested in City only so long as used for public road purposes. If said right-of-way is no longer used for public road purposes, it shall automatically revert to State. Unit A is described as follows:

### **Unit A**

All land within the right of way boundaries of the Columbia River Highway No. 2 situated in Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, lying between lines at right angles to the center line of said highway at Engineer's Stations 500+45.41 and 506+20.00 and Southerly of the following described line:

Beginning on the Southerly right of way of the Columbia River Highway No. 2 at a point opposite and 162.22 feet Southerly of the center line of the Columbia River Highway No. 2 at Engineer's Station 500+45.41; thence Northeasterly in a straight line to a point opposite and 122.00 feet Southerly of said center line at Engineer's Station 500+84.00; thence Easterly in a straight line to a point opposite and 98.00 feet Southerly of said center line at Engineer's Station 501+40.00; thence Easterly in a straight line to a point opposite and 74.00 feet Southerly of said center line at Engineer's Station 504+59.36; thence Easterly in a straight line to a point opposite and 64.00 feet Southerly of said center line at Engineer's Station 505+75.00; thence Southeasterly in a straight line to the Southerly right of way of said highway at a point opposite Engineer's Station 506+20.00 and the terminus of said described line.

- 2. The property above described is transferred subject to the rights of any utilities located within said property and further subject to the rights of the owners of said existing facilities if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said property.

Under the authority delegated by the Oregon Transportation Commission to the Director in Delegation Order No. 2 dated December 29, 2008, the Resolution Eliminating a Section of Highway from the State Highway System and Minor Amendment to the Oregon Highway Plan for Jurisdictional Transfer No. 653b was approved on August 21, 2012.

The Oregon Transportation Commission, by a duly adopted Delegation Order No. 3, dated May 20, 2009, and Sub-Delegation Order No. 4, dated July 7, 2005, and Letter of Authority Paragraph No. 13, dated February 22, 2002, authorize the State Right of Way Manager to sign This Jurisdictional Transfer Document for and on behalf of the Commission.

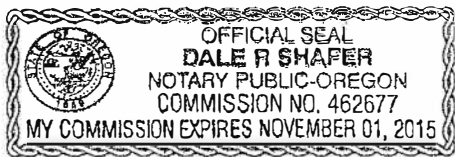
Dated this 11<sup>th</sup> day of December, 2012

**STATE OF OREGON, by and through its  
DEPARTMENT OF TRANSPORTATION**

By *Rick Crager*  
Rick Crager, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated December 11, 2012 Personally appeared Rick Crager, stated that he is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:

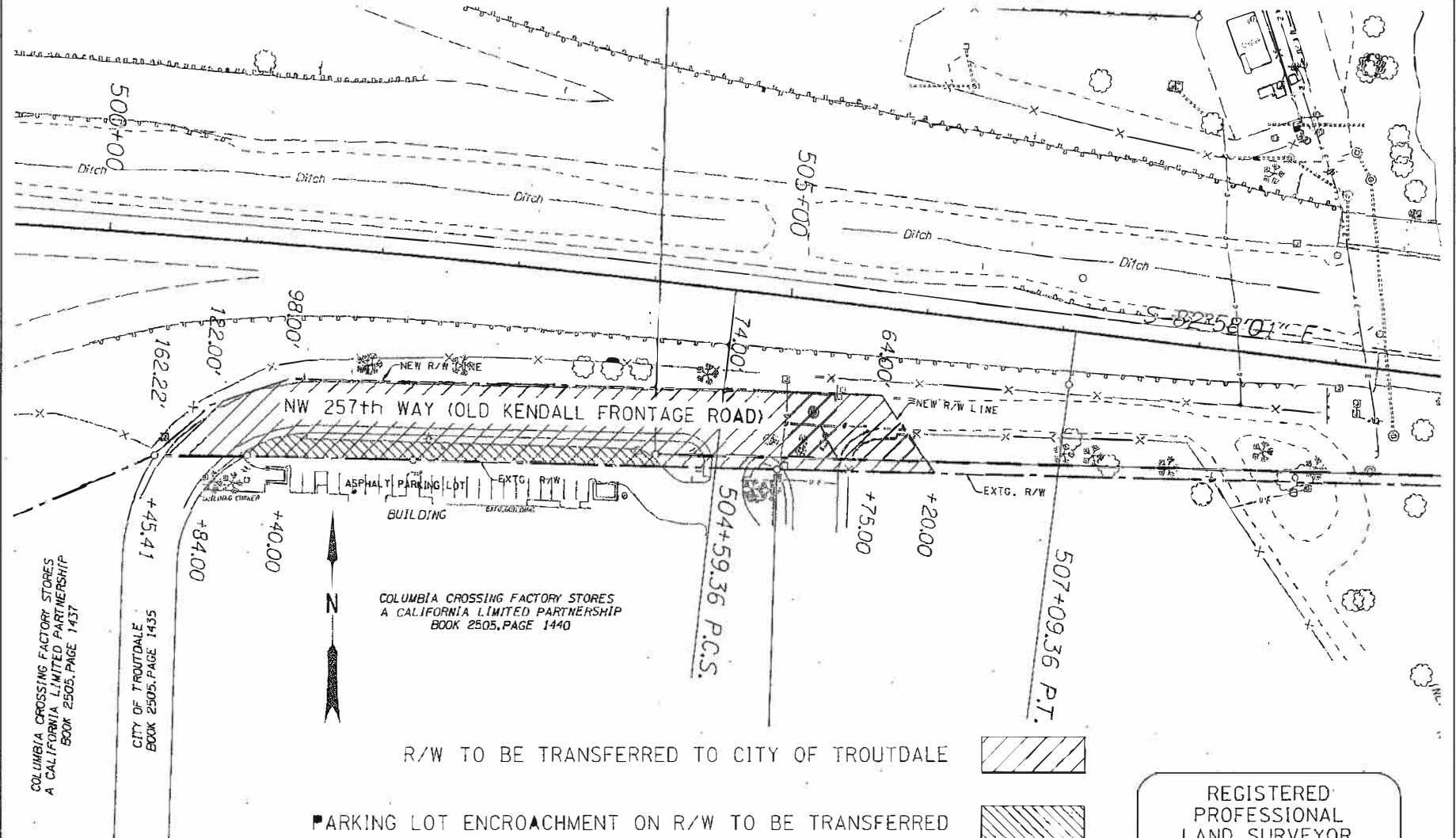


*Dale R. Shaper*  
Notary Public for Oregon  
My Commission expires 11/01/2015

Accepted on behalf of the City of Troutdale

By *Doug Dransik*  
Date 1/23/13

SEC. 25, T. 1 N., R. 3 E., W.M.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Scott Richard Morrison*

OREGON  
JULY 19, 1994  
SCOTT RICHARD MORRISON  
2674

RENEWS: 12/31/2012

OREGON DEPARTMENT OF TRANSPORTATION



JURISDICTIONAL  
TRANSFER NO. 653B  
EXHIBIT A

Section	Old Kendall Frontage Road		
Highway	Columbia River Highway		
County	Multnomah County		
Scale	1" = 100'	Date	March, 2012
See Drawing 1A-22-7			