

RESOLUTION NO. 98-014

A RESOLUTION ACCEPTING A DEDICATION OF PROPERTY FOR  
PUBLIC RIGHT-OF-WAY PURPOSES, AND ACCESS EASEMENT, FROM  
LARRY W. BRUCE AND JOVIA S. BRUCE FOR COMPLETION OF THE  
MILL CREEK BRIDGE REPLACEMENT PROJECT

WHEREAS, at the City's request, Larry W. Bruce and Jovia S. Bruce have agreed to  
dedicate a portion of property described in the attached deed, for public right-of-way purposes  
and an access easement, which is necessary to complete the construction of the Mill Creek Design  
and Build Project (Contract No. 97-017); and

WHEREAS, it is in the public interest to accept the dedication for public right-of-way  
purposes and the access easement; NOW, THEREFORE,

THE CITY COUNCIL RESOLVES AS FOLLOWS:

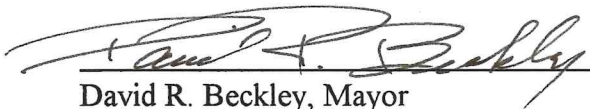
Section 1. Dedication of Right-of-Way and Grant of Easement Accepted. The dedication  
for public right-of-way purposes and the grant of access set forth in the attached deed and access  
easement are hereby accepted. The City Manager and City Clerk are authorized to execute the  
acceptance of the dedication and the easement grant and to take other necessary action to record  
the documents.

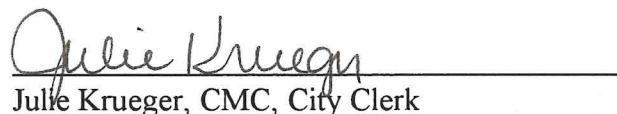
PASSED AND ADOPTED THIS 9TH DAY OF MARCH, 1998.

Voting Yes, Councilors: Barrett, Van Cleave, Davis, McFadden  
Voting No, Councilors: None  
Absent, Councilors: Gosiak  
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 9TH DAY OF MARCH, 1998.

Attest:

  
David R. Beckley, Mayor

  
Julie Krueger, CMC, City Clerk

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS that LARRY W. BRUCE and JOVIA S. BRUCE hereby dedicate to the City of The Dalles, for the public use, for a public right-of-way, the following described real property:

A tract of land in Block 76, Military Addition, in the Northwest ¼ of the Northeast ¼, Section 4, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Beginning at the southmost corner of Lot A of said Block 76; thence North 34°18'04" East along the southeasterly line of said Lot A, 25.00 feet; thence North 55°27'47" West parallel to the southwesterly line of said Block 76, a distance of 12.00 feet; thence South 34°18'04" West parallel with said southeasterly line of said Lot A, 25.00 feet to the southwesterly line of said Lot A; thence South 55°27'47" East along said southwesterly line a distance of 12.00 feet to the point of beginning and there terminating.

Contains 300 square feet, more or less. The property is shown on the map attached as Exhibit "A".

The City of The Dalles shall have the right to open, construct, improve, and maintain roads and streets of its design upon such lands and, in addition thereto, shall have the right to place or to permit others to place sidewalks, sewers, utilities, cables, pipes, electrical transmission wires, communications equipment, and such other improvements as the City shall deem necessary and convenient upon, above, or below the surface of the dedicated area.

The consideration for this transfer is \$0.00. The property is to be used for public right-of-way purposes only.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

This instrument will 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 approved uses.

\_\_\_\_\_  
LARRY W. BRUCE

\_\_\_\_\_  
JOVIA S. BRUCE

State of Oregon, County of Wasco

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 1998, by Larry W. Bruce and Jovia S. Bruce to be their voluntary act and deed.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

This dedication is accepted by the City of The Dalles pursuant to the provisions of Resolution No. 98-014, adopted on March 9, 1998.

\_\_\_\_\_  
Nolan Young, City Manager

Attest: \_\_\_\_\_  
Julie Krueger, CMC, City Clerk

\_\_\_\_\_  
Larry & Jovia Bruce  
745 Lee Street  
The Dalles, Oregon 97058 GRANTOR

\_\_\_\_\_  
City of The Dalles  
313 Court Street  
The Dalles, Oregon 97058 GRANTEE

\_\_\_\_\_  
After recording return to:  
City Clerk  
313 Court Street  
The Dalles, Oregon 97058

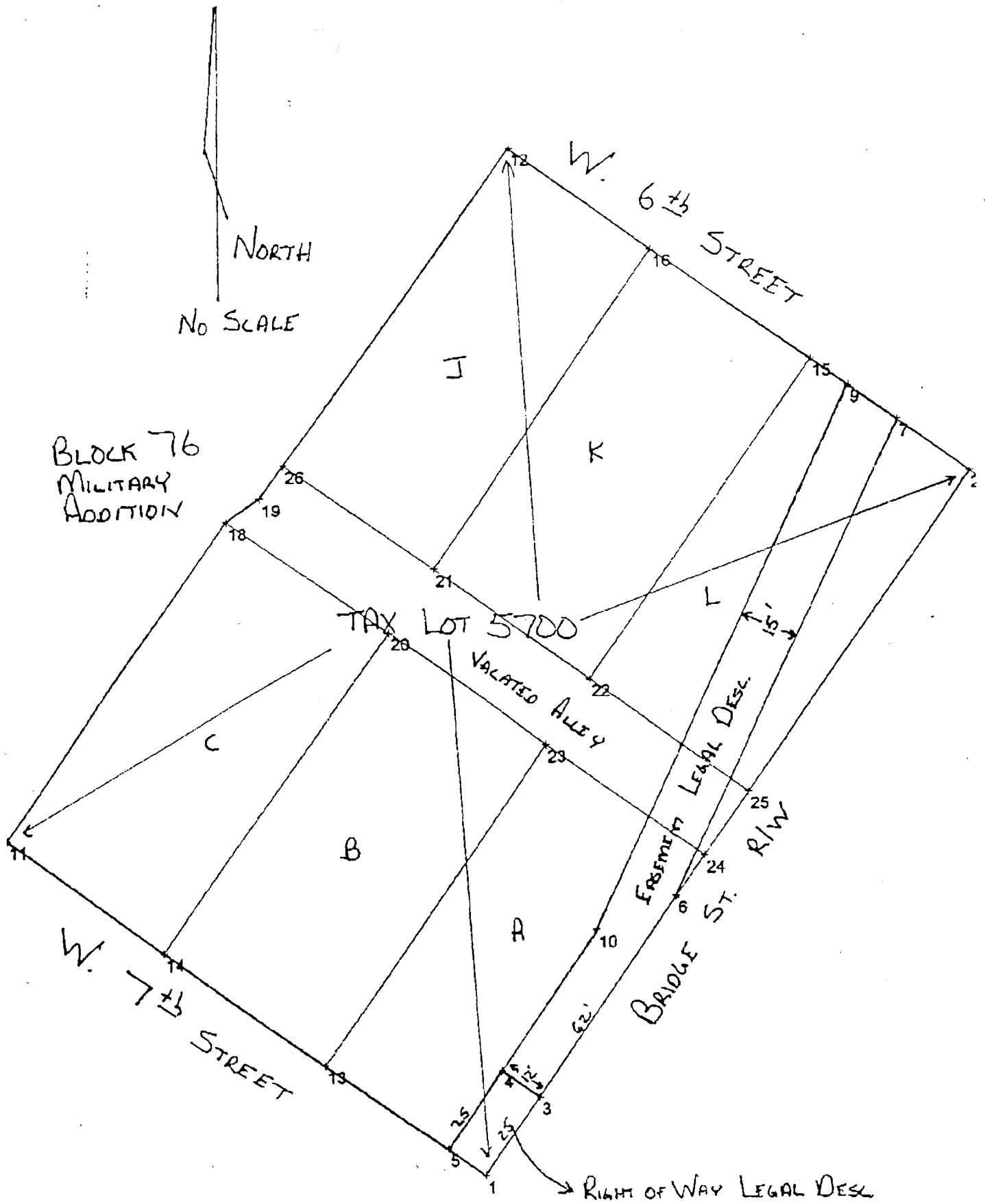


EXHIBIT "A"

ACCESS EASEMENT

This indenture is made and entered into by the CITY OF THE DALLES, a municipal corporation of the State of Oregon, hereinafter called GRANTEE, and LARRY W. BRUCE and JOVIA S. BRUCE, husband and wife, hereinafter called GRANTOR, this \_\_\_\_ day of \_\_\_\_\_, 1998.

WITNESSETH: In and for consideration of the mutual covenants set forth herein, GRANTOR does hereby grant to GRANTEE, a perpetual easement for ingress and egress over and across the following described property located in Block 76, Military Addition, in the Northwest ¼ of the Northeast ¼, Section 4, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon being more particularly described as follows.

Beginning at a point on the southeasterly line of Lot A of said Block 76, said point being North 34°18'04" East 25.00 feet from the southmost corner of said Lot A; thence continuing along the southeasterly line of said Lot A, North 34°18'04" East 62.00 feet; thence leaving said southeasterly line, North 24°27'06" East 134.46 feet to a point on the northeasterly line of Lot L of said Block 76, said point being North 55°29'13" West 23.00 feet from the northeasterly corner of said Lot L; thence along said northeasterly line North 55°29'13" West 15.23 feet; thence leaving said northeasterly line South 24°27'06" West 153.36 feet; thence South 34°18'04" West parallel with the southeasterly line of said Lot A, 43.38 feet to a point which is North 34°18'04" East 25.00 feet from the southwesterly line of said Lot A; thence South 55°27'47" East parallel with the southwesterly line of said Lot A, 12.00 feet to the point of beginning and there terminating.

Contains 2, 791 square feet. The easement is further described on the map attached as Exhibit "A".

Permission and authority herein granted shall be used for the purpose of allowing GRANTEE access to maintain and repair the bridge being installed across Mill Creek pursuant to GRANTEE'S public contract No. 97-017, and access to maintain and repair a sanitary sewer line adjacent to the bridge.

GRANTOR agrees that, at all times, GRANTEE shall have the unobstructed right of access to the easement property for the purposes of having access to perform maintenance and repair work on the bridge and sewer line and to this end GRANTOR will keep the easement free and clear of any structures or encroachments so as to afford access to the bridge and sewer line at all times.

Should GRANTEE determine to permanently discontinue using the access provided at the above-described location, it is hereby understood that such determination shall constitute an abandonment of the permission herein granted.

The right of ingress and egress granted herein across the easement premises shall be exercised and used in such a manner as not to cause any damage or destruction of any nature whatsoever to or interruption of use of adjoining lands owned by GRANTOR. GRANTOR shall have the right to grant other non-exclusive easements over, along, or upon the easement premises; provided, however, that any such other easements shall be subject to the easement hereby granted. GRANTOR reserves the right to use the easement premises in any manner that will not prevent or interfere with the exercise by GRANTEE of the rights granted hereunder.

This agreement and all of the terms, conditions, rights, and obligations herein contained shall inure to and be binding upon the parties hereto, their successors, lessees, and assigns; and it is distinctly agreed that neither party shall assign its rights under this agreement without the prior written consent of both parties.

IN WITNESS WHEREOF, GRANTEE and GRANTOR have executed this ACCESS EASEMENT the day and year first above written.

GRANTEE

GRANTOR

\_\_\_\_\_  
Nolan K. Young, City Manager

\_\_\_\_\_  
Larry W. Bruce

ATTEST:

\_\_\_\_\_  
Julie Krueger, CMC, City Clerk

\_\_\_\_\_  
Jovia S. Bruce

STATE OF OREGON, County of Wasco) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 1998, by Larry W. Bruce and Jovia S. Bruce to be their voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
After recording return to:  
City of The Dalles  
313 Court Street  
The Dalles, Oregon 97058

\_\_\_\_\_  
Until a change is requested all  
tax statements shall be sent to  
the following address.  
Larry W. and Jovia S. Bruce  
745 Lee Street  
The Dalles, Oregon 97058

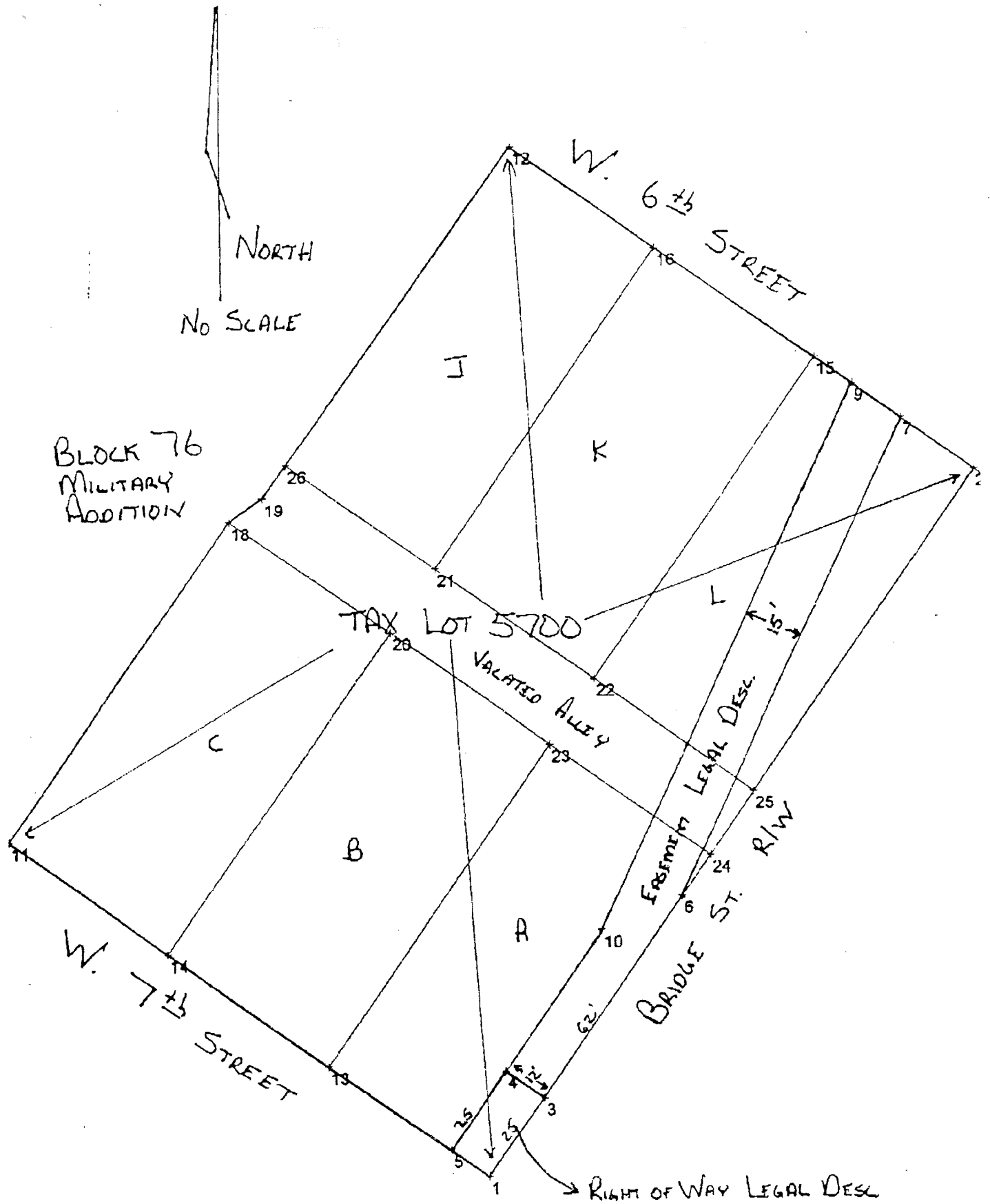


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