

## **RESOLUTION NO. 52**

### **A RESOLUTION TO QUITCLAIM THE RIGHT TO DIVERT OUTFLOW AND RELEASE GRANT FOR SPRING EASEMENT**

#### **THE TROUTDALE URBAN RENEWAL AGENCY FINDS AS FOLLOWS:**

1. The Agency has demonstrated a vested interest to pursue future development of the Urban Renewal Area.
2. Development of the Urban Renewal Area is hindered by easements which no longer serve their intended purpose due to obsolescence, developmental changes, rerouting of utilities, or similar circumstances and are to be abandoned.
3. There exists a spring easement covering a portion of this property that falls into the aforementioned category.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE TROUTDALE URBAN RENEWAL AGENCY**

- Section 1. The Urban Renewal Agency quitclaims the right to divert outflow from Spring 1 of Buxton Springs located in the Urban Renewal Area included herewith as Attachment A
- Section 2. The Urban Renewal Agency quitclaim and grants the full release of Spring 2 of Buxton Springs Easement located in the Urban Renewal Area included herewith as Attachment A
- Section 3. Designation of Agency Official. The Agency Executive Director and City Manager Ray Young, and Finance Director Erich Mueller, (each an "Agency Official") are hereby authorized empowered and directed to act on behalf of the Agency, and without further action by the Agency Board, to sign the Quitclaim Deed on behalf of the Agency, and any and all other required and necessary documents to implement the intent of this resolution.

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

*Casey E Ryan*

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Casey Ryan, Chair  
Date: June 17, 2020

*Sarah Skroch*

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Sarah Skroch, City Recorder  
Adopted: June 16, 2020

# Attachment "A" to URA Resolution #52

## ATTACHMENT A

**Purpose:** The City of Troutdale is in the process of completing a partition plat that lies between the Columbia Gorge outlet mall and the Sandy River, south of Interstate 84 and north of the railroad tracks. The lands involved in the partition plat boundary have had several changes of ownership and been subject to multiple easements over the years.

In the interest of streamlining the partition plat process and perfecting the title, one of the goals of the project is to quitclaim easements that are no longer serving their intended purpose due to obsolescence, developmental changes, rerouting of utilities, etc. This document relates to "Spring 1" and "Spring 2" on lands formerly owned by David F. and Fanny Buxton and conveyed to Union Meat Company in Multnomah County Records Book 217 at Pages 124-126 recorded October 4, 1894.

### **Buxton Springs Summary RE: Book 217, Page 124**

When the Buxton's sold a portion of their lands to Union Meat Company, they reserved the right to divert water from a spring across the land sold to Union Meat Company to drain to the Sandy River. See "Spring 1 Excerpt" below. Both the land where Spring 1 is located and the land where outflow entered the Sandy River are now owned by the City of Troutdale.

#### **Spring 1 Excerpt:**

"However we David F Buxton and Fannie Buxton the grantors herein do hereby reserve the right of way through the lands herein sold for a water way to the Sandy River for an outlet for one certain spring owned by us and situate on our lands west of our residence the said waterway running through the depot grounds on the grounds herein sold and we further reserve the full control of said water of said spring. The right to turn the same on or off or divert its course dam up for a reservoir or otherwise at our option..."

The Buxton's also granted a spring easement (Spring 2) to Union Meat Company and their successors and assigns. See "Spring 2 Excerpt" below. The City of Troutdale is no longer accessing the water supply from Spring 2.

#### **Spring 2 Excerpt:**

"...we do further grant bargain sell and convey and by these presents confirm unto the said Union Meat Company, to successors and assigns forever a water privilege from one certain spring having an iron pipe for an outlet under the said railroad tract of the O R and N Ry and located south of and near the cattle grounds on said railroad the same being the second spring of importance west of our residence and also the right of way through our lands now owned between said spring and the lands herein conveyed for the purpose of laying pipes and mains for the carrying of said water from said spring to the land herein sold to said Union Meat Company forever said Union Meat Company to lay their pipes for carrying said water not less than two feet underground Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all our estate right title and interest at law and equity therein or thereto including dower and right of dower To have and to hold the above described and granted premises unto the said Union Meat Company to successors and assigns forever...and it is further stipulated herein by the grantors that the rights to said waters of the spring herein conveyed to the Union Meat Company is for their own use and that of their

successors and assigns and we D F Buxton and Fannie Buxton stipulate that the Union Meat Company or their representatives or assigns shall never use the said waterway herein granted and sold for the purpose of selling or giving the same to families to use nor otherwise than for their own use..”

**Proposed:** City Council pass a resolution to:

1. Quitclaim the right to divert outflow from Spring 1 and,
2. Quitclaim the Spring 2 easement.

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BOOK 217 PAGE 124

2.12.0 Buxton to Union Meat Co

Know all men by these presents that D F Buxton and Fannie Buxton his wife in consideration of the sum of one dollar <\$1.00> to them paid by the Union Meat Company, a corporation, organized, and existing under the laws of the State of Oregon, do hereby remise, release and forever quit claim unto the said Union Meat Company and unto to successors and assigns all their right, title and interest in and to the following described parcel of real estate situate in the County of Multnomah State of Oregon to wit: Beginning at a point at low water mark on the west bank of the Sandy River, which point is on the line between sections twenty-four <24> and twenty-five <25>, Township one <1> North of Range three <3> East of Willamette Meridian the said point being 1606 1/2 feet east of the corner to sections twenty-three <23>, twenty-four <24>, twenty-five <25> and twenty-six <26> Thence southeasterly along low water mark in said Sandy River to a point in the north line of the Oregon Railway and Navigation Company's right of way Thence south seventy-seven degrees and forty-five minutes west 400 feet along said right of way Thence north twelve degrees and fifteen minutes west 75 feet along the O R and N Co's depot grounds Thence following the north line of depot grounds as follows south 77° 40' west 21 feet Thence on a curve to the right with a radius of 2740 feet 462 7/10 feet to an iron rod driven in the ground at the southwest corner of a one acre tract of land Thence north 11°41' east 198 71/100 feet to the northwest corner of one acre tract Thence north 85° 40' east 225 feet Thence north 11° 35' east 354 4/10 feet Thence north 28° 09' west 350 feet Thence north 9° 39' west 350 feet Thence north 23° 24' west 100 feet Thence north 20° 09' west 250 feet Thence north 32° 39' west 150 feet Thence north 25° 53' west 50 feet Thence north 19° 28 west 250 feet Thence north 19° 36 west 200 feet Thence north 5° 39' west 186 3/10 feet to a stone monument in the line between sections twenty-four and twenty-five <25> located 1406 ½ feet east of the corner to sections twenty-three <23>, twenty-four <24>, twenty-five <25> and twenty-six <26> Thence east on section line 150 feet to the place of

BOOK 217 PAGE 125

Beginning containing twelve and eighty-six hundredths <12 86/100> acres all lying in section twenty-five <25> township one <1> north of range three <3> east of Willamette Meridian Oregon also we do further grant bargain sell and convey and by these presents confirm unto the said Union Meat Company, to successors and assigns forever a water privilege from one certain spring having an iron pipe for an outlet

under the said railroad tract of the O R and N Ry and located south of and near the cattle grounds on said railroad the same being the second spring of importance west of our residence and also the right of way through our lands now owned between said spring and the lands herein conveyed for the purpose of laying pipes and mains for the carrying of said water from said spring to the land herein sold to said Union Meat Company forever said Union Meat Company to lay their pipes for carrying said water not less than two feet underground Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and also all our estate right title and interest at law and equity therein or thereto including dower and right of dower To have and to hold the above described and granted premises unto the said Union Meat Company to successors and assigns forever. However we David F Buxton and Fannie Buxton the grantors herein do hereby reserve the right of way through the lands herein sold for a water way to the Sandy River for an outlet for one certain spring owned by us and situate on our lands west of our residence the said waterway running through the depot grounds on the grounds herein sold and we further reserve the full control of said water of said spring. The right to turn the same on or off or divert its course dam up for a reservoir or otherwise at our option and it is further stipulated herein by the grantors that the rights to said waters of the spring herein conveyed to the Union Meat Company is for their own use and that of their successors and assigns and we D F Buxton and Fannie Buxton stipulate that the Union Meat Company or their representatives or assigns shall never use the said waterway herein granted and sold for the purpose of selling or giving the same to families to use nor otherwise than for their own use This deed is made to correct an error in deed recorded in Book 125 page 325 of records

BOOK 217 PAGE 126

OF DEEDS OF Multnomah County and also includes a one acre tract of land deeded by D F Buxton and wife to the American Dressed Meat Company, recorded in book 128 page 214 records of deeds for Multnomah County. In witness whereof we have hereunto set our hands and seals this second day of October AD 1894 Singed sealed and delivered in presence of us as witnesses

C H Light	}	D F Buxton	(seal)
Mary E Buxton	}	Fanny Buxton	(seal)
State of Oregon	} SS		
County of Multnomah	}		

This certifies that on this second day of October AD 1894 before me the undersigned a Justice of the Peace for the Precinct of Sandy in and for said County and State personally appeared the within named David F Buxton and Fanny Buxton his wife known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same and Fanny Buxton wife of the said David F Buxton on an examination made by me separate and apart from her said husband then and there acknowledged to me that she executed the same freely and voluntarily and without fear coercion or compulsion from anyone. In testimony whereof I have hereunto set my hand and seal the day and year last above written

Received Record Oct 4 1894 1110am	C H Light	(seal)
	Justice of the Peace	

COMMENTS:

The above is a transcription of a document recorded October 4, 1894 in Multnomah County Records Book 217, Pages 124-126.

without fear, coercion or compulsion from anyone. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

Received of a Record (initialed) J. W. Dawson  
Oct. 3rd 1907 - 382 (Seal) Notary Public for Oregon

2120  
Dutton  
to  
Union Meat  
Co.

Know all men by these presents that D. H. Dutton, an 18 year  
single Dutton husband, in consideration of the sum of One thou  
sand (\$1,000) to them paid by the Union Meat Company (a corp  
oration, organized, and existing under the laws of the  
State of Oregon, do hereby, a mutual release and discharge  
claim unto the said Union Meat Company and unto its  
successors and assigns, all their right, title and in  
terest in and to the following described parcel of real estate,  
to-wit: Situate in the County of Washington, State of Oregon,  
to-wit: Beginning at a point at low water mark on the west  
bank of the Sandy River, which point is on the line between  
Sections Twenty-three (23) and Twenty-four (24) Township one  
North of Range, three (3) East of Willamette meridian,  
the said point being 1,626 1/2 feet east of the corner to sec  
tions twenty-three (23) twenty-four (24) twenty-five (25) and twen  
ty-six (26) thence south westerly along low water mark  
in said Sandy River to a point on the north line of the  
Oregon Railway and Navigation Company's right of way  
thence south seventy seven degrees and forty five minutes  
west 400 feet along said right of way thence north twelve  
degrees and fifteen minutes west 75 feet along the O.R. and  
N.W.'s depot grounds thence following the north line of  
depot grounds as follows: South 77° 40' west 21 feet thence  
on a curve to the right with a radius of 277 1/2 feet 462 7/16  
feet to an iron rod driven in the ground at the south west cor  
ner of a one acre tract of land thence north 11° 41' east 198  
7/100 feet to the north west corner of one acre tract thence  
north 85° 40' east 225 feet thence north 11° 30' east 304 4/10  
feet thence north 28° 04' west 350 feet thence north 9° 34' west  
300 feet thence north 28° 24' west 150 feet thence north 20° 04'  
west 200 feet thence north 85° 39' west 150 feet thence north  
28° 03' west 20 feet thence north 19° 28' west 250 feet thence  
north 19° 36' west 200 feet thence north 0° 34' west 160 7/16 feet  
to a stone monument in the line between sections twenty-four  
and twenty-five (20) located 1400 1/2 feet east of the corner to  
sections twenty-three (23) twenty-four (24) twenty-five (25) and  
twenty-six (26) thence east on said line 150 feet to the place of

beginning containing twelve and eighty six hundredths  
 (12.8600) acres situate in section twenty five (25) town  
 ship one (1) north of range three (3) east of Willamette meridian  
 van Oregon also we do further grant bargain, sell and convey  
 in and by these presents confirm unto the said Union Meat  
 Company its successors and assigns forever a water right  
 issue from one certain spring having an iron pipe for outlet  
 located on the said rail road tract of the O. R. and N. Ry.  
 and located south of and near the cattle yards on said  
 railroad the same being the second spring of importance  
 west of our residence and also the right of way through  
 our lands now owned between said spring and the lands  
 herein conveyed for the purpose of laying pipes and mains  
 for the carrying of said water from said spring to the land  
 herein sold to said Union Meat Company forever said  
 Union Meat Company to lay their pipes for carrying said  
 water not less than two feet under ground to the mill with  
 all and singular the conveniences, fixtures and appur-  
 tenances thereto belonging or in anywise appertaining  
 and also all our estate, right title and interest in and to  
 said spring therein with its, including ditches and right  
 of ditches. Do have in and to hold the above described land  
 granted premises unto the said Union Meat Company its  
 successors and assigns forever. However we D. W. Burton  
 and Jennie Burton the grantors herein do hereby  
 reserve the right of way through the lands herein sold  
 for a water way to the Sandy River for an outlet for one  
 certain spring owned by us and situate on our lands  
 west of our residence. The said water way running throu-  
 gh the spot ground on the grounds herein sold and we  
 further reserve the full control of said water of said spring  
 the right to turn the same on or off at will because  
 we are up for a reservoir or otherwise at our option and it  
 is further stipulated herein by the grantors that the right  
 to said waters of the spring herein conveyed to the Union  
 Meat Company is for their own use and that of their suc-  
 cessors and assigns and we D. W. Burton and Jennie  
 Burton stipulate that the Union Meat Company or their  
 representatives or assigns shall never use the said  
 waterway herein granted and sold for the purpose of  
 selling or giving the same to families to use more than  
 one than for their own use this deed is made to correct  
 an error in deed recorded in Book 425 page 325 of records

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of deeds of Multnomah County and also includes a one  
acre tract of land divided by D. J. Buxton and wife to  
the American Dressed Meat Company, recorded in book  
128 page 24 records of deeds for Multnomah County  
In witness whereof we have hereunto set our hands and  
seals this second day of October A.D. 1894. Immediatly  
and delivered in presence of us as witnesses

b. H. Light } D. J. Buxton (seal)  
Mary C. Buxton } Fanny Buxton (seal)  
State of Oregon }  
County of Multnomah and day of October A.D. 1894 before  
me the undersigned a Justice of the Peace for the Con-  
cinct of said County and for said County and State first  
onally appeared the within named David J. Buxton  
and Fanny Buxton his wife known to me to be the  
identical persons described in and who executed  
the within instrument and acknowledged to me that  
they executed the same as D. Fanny Buxton wife of  
the said David J. Buxton on their own free will and  
by me separate and apart from her said husband  
then and there acknowledged to me that she executed  
the same freely and voluntarily and without fraud or  
or compulsion from anyone. In testimony whereof I have  
hereunto set my hand and seal the day and year first  
above written. b. H. Light (seal)  
Record Book Oct 4 1894 112a Justice of the Peace

2134  
Geibel  
to  
Richardson

Know all men by these presents that I George Geibel of Ore-  
gon Oregon do hereby certify that the within and above  
and appertaining to said land by these presents do make and  
acknowledge and appertaining to said land by these presents  
Oregon my true and lawful attorney in and on my  
maine place and deed to sell in all manner the real estate  
owned by me known and distinguished as being lot  
number nine (9) in block number 13 in Ward  
District number 10 Oregon to any person whomsoever who  
may seem fit and to give my full and sufficient deed  
conveyance of the same to any person or persons who  
may seem fit and to give my full and sufficient deed  
my said attorney full power and authority to do and  
perform all and every act and thing whatsoever  
and to do all and every act and thing whatsoever  
fully in all intents and purposes as if he were  
myself and to do all and every act and thing whatsoever

Geo  
Geo

# MAP

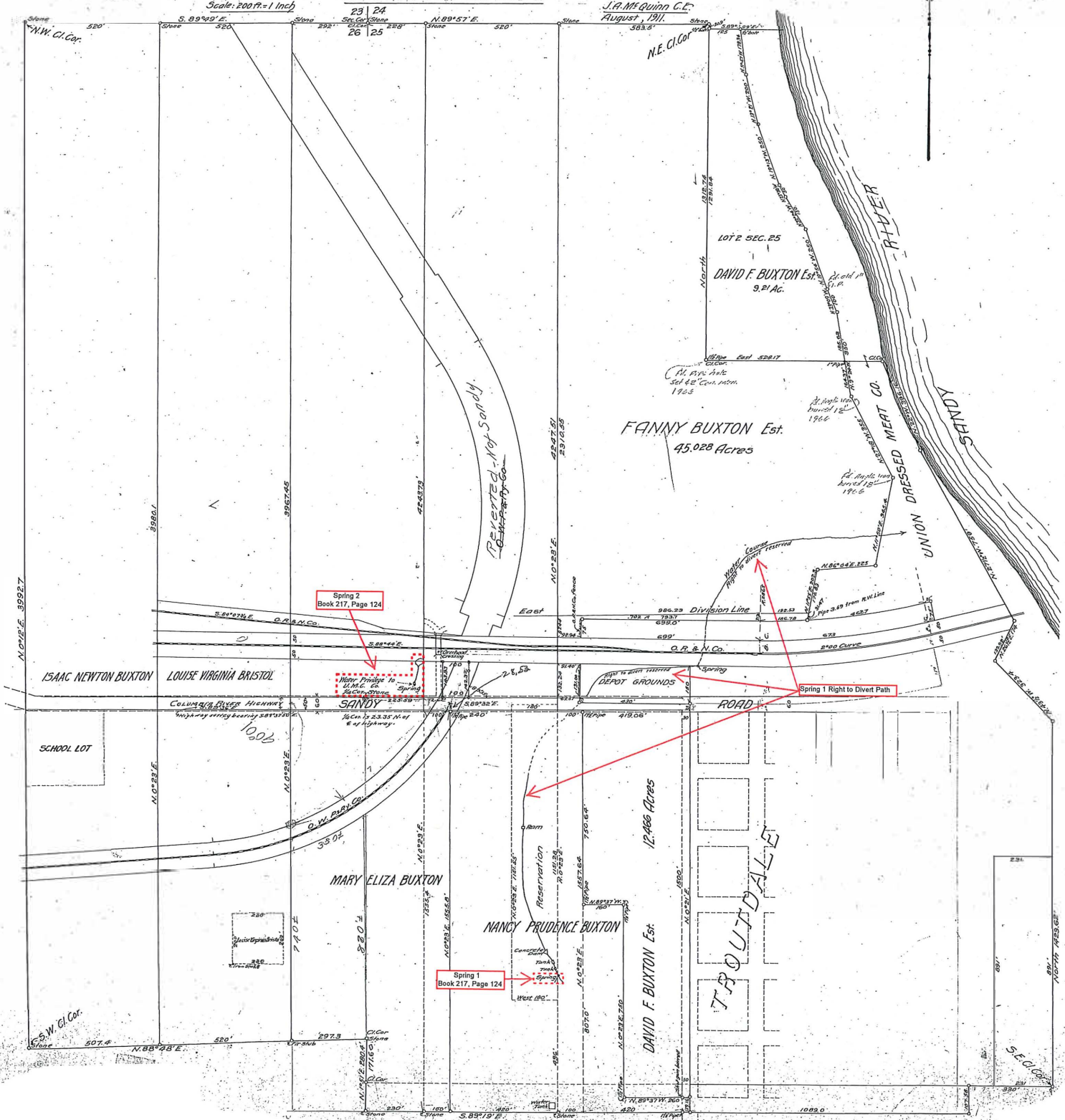
G719

## D.F. AND FANNY BUXTON D.L.C. IN SECTION 25 @ 26 T.1N.R.3E.W.M.

SHOWING AREA NOT DISPOSED OF

Scale: 200 Ft. = 1 Inch

J.A.M. Quinn C.E.  
August, 1911.



Detail

Set 42" Cor. 145m  
176.8

FANNY BUXTON Est.  
45.028 Acres

At Angle from  
bearing 18°  
1966

At Angle from  
bearing 18°  
1966

UNION DRESSED MEAT CO.  
SANDY

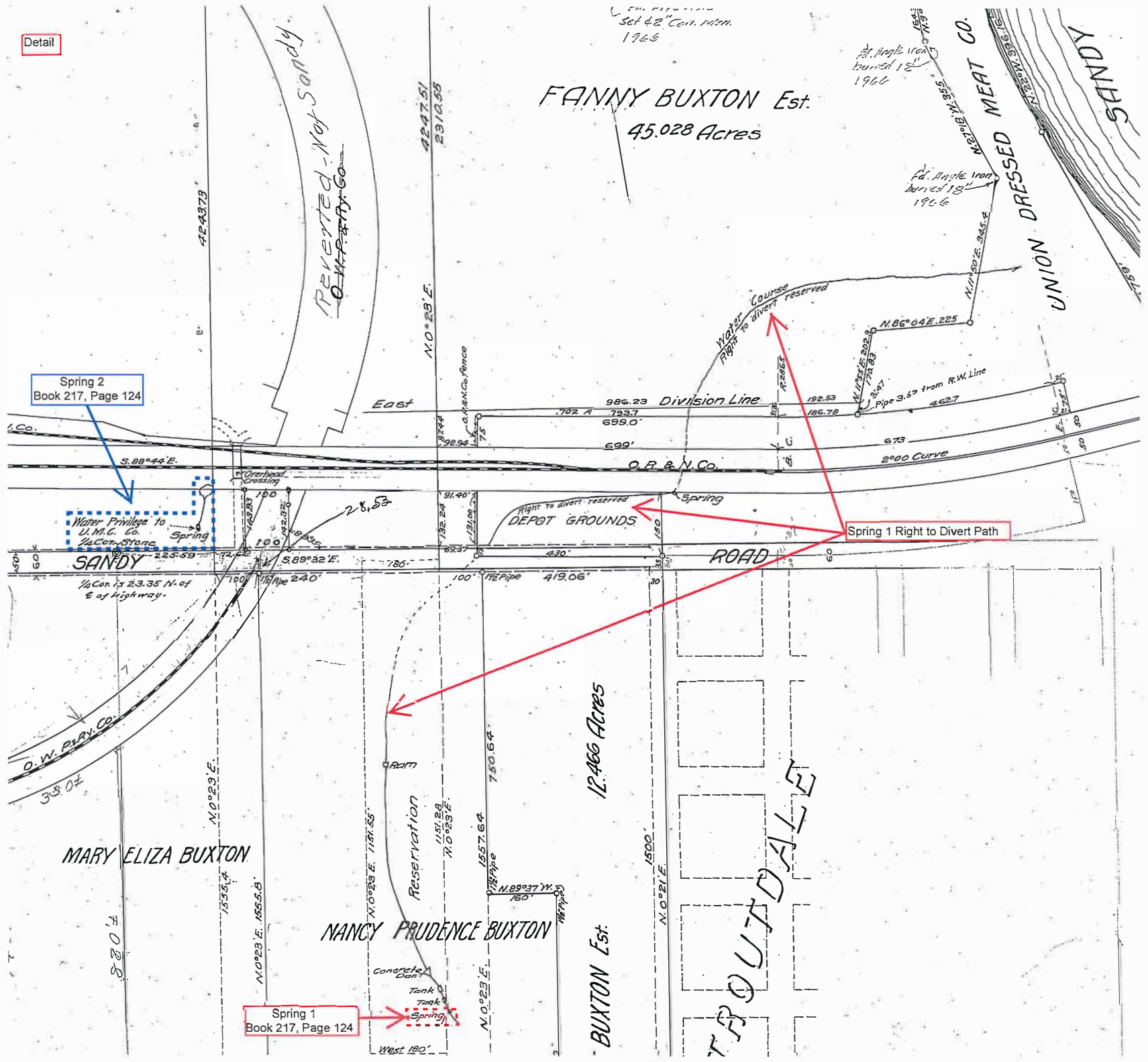
Spring 2  
Book 217, Page 124

Water Privilege to  
U.M.C. Co.  
1/4 Cor. Stone  
Spring

Right to divert reserved  
DEPOT GROUNDS

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124

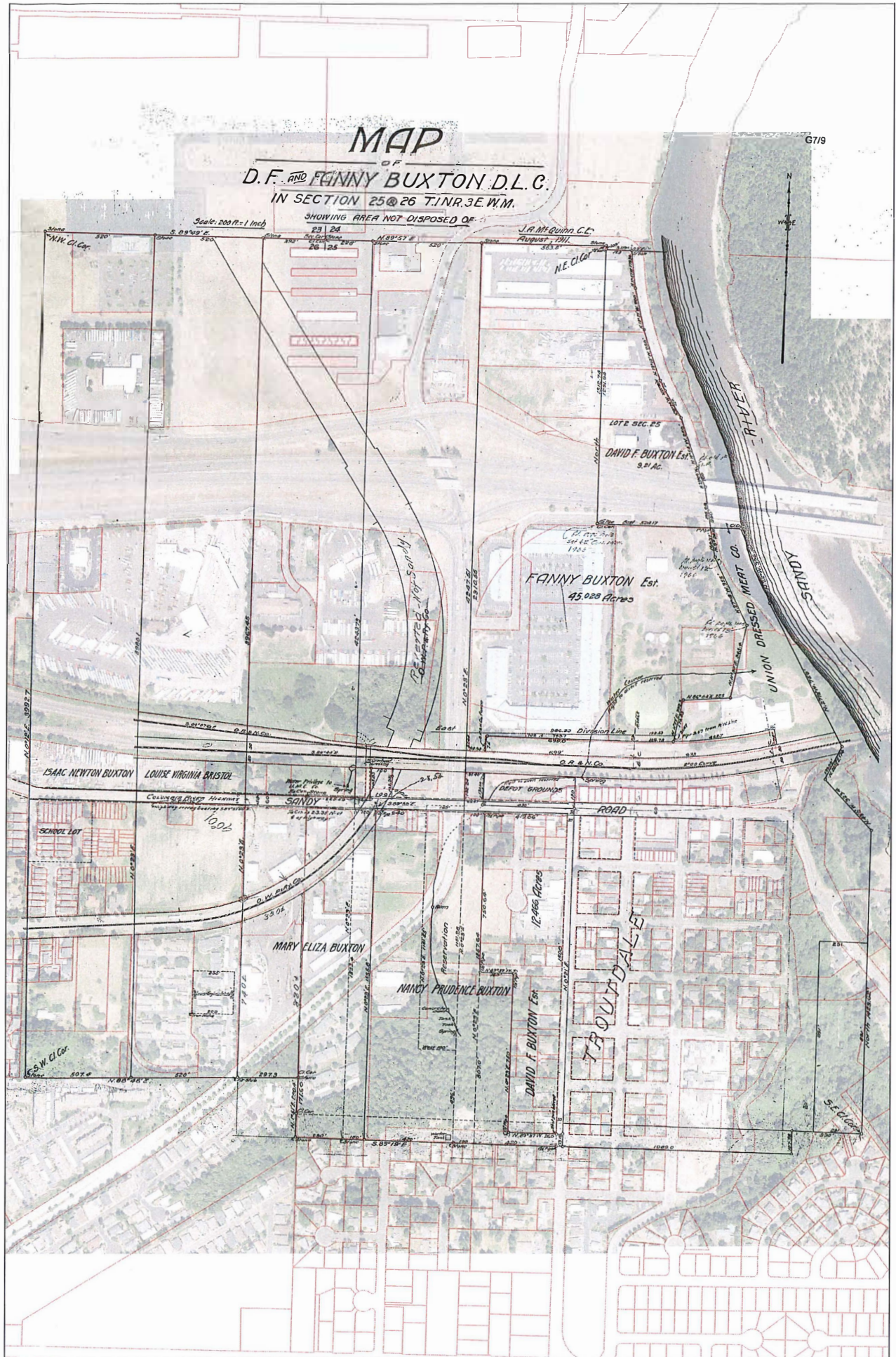


# MAP

OF  
**D. F. AND FANNY BUXTON D.L.C.**  
IN SECTION 25 & 26 T.1N.R.3E.W.1M.

SHOWING AREA NOT DISPOSED OF

Scale: 200 Ft. = 1 Inch



1 inch = 200 feet 0 200 400 800 1,200 1,600 Feet