

## RESOLUTION NO. 2605

### A RESOLUTION APPROVING THE EXTINGUISHMENT AND VACATION OF A PUBLIC UTILITY EASEMENT AT 1024 SW HALSEY STREET #A

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

1. Partition Plat 2016-55 was recorded in 2016. No development has occurred on Lot 1.
2. An 8-foot-wide Public Utility Easement (PUE) was dedicated on the Halsey Street frontage of Lot 1 with the Partition Plat.
3. The Troutdale Development Code (TDC) was amended in 2022 to reduce the minimum side yard setback from 10 feet to 0 feet in the underlying zone.
4. The existing 8-foot PUE restricts the buildable footprint of the lot greater than the allowable 0-foot side yard setback established by the TDC amendment.
5. The property owner has requested that the existing 8-foot PUE be replaced with a 3-foot PUE to enable development to utilize the reduced setback.
6. There are no known public or franchised utilities in the existing PUE.
7. An existing plat map depicting the extinguished and vacated easement is included as Attachment A.

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

Section 1. The City of Troutdale approves the extinguishment and vacation of the existing 8-foot-wide public utility easement on the Halsey Street frontage of 1024 SW Halsey Street #A (Lot 1) shown in Attachment A.


**YEAS: 7**

**NAYS: 0**

**ABSTAINED: 0**



**Sarah Skroch, City Recorder**  
**Adopted: August 22, 2023**

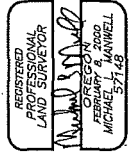
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**Randy Lauer, Mayor**  
**Date: August 23, 2023**

**PARTITION PLAT NO. 2013-026**  
 REPEAT OF PARCEL 1 OF PARTITION PLAT NO. 1998-43  
 IN THE SE 1/4 OF SECTION 26, T1N, R3E, W4M., CITY OF  
 TROUDDALE, MULTNOMAH COUNTY, OREGON.  
 DATE: JULY 13, 2015 SCALE: 1" = 20'

**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO PARTITION PARCEL 1 OF PARTITION PLAT NO. 1998-43 AS SHOWN. RECORD MONUMENTS WERE TIED AND COORDINATED. THE BASIS FOR THIS SURVEY IS THE METRIC SYSTEM AND THE SURVEY WAS RUN BY THE CENTERLINE OF N.E. HALSLEY STREET. THE NORTH LINE IS THE SOUTH RIGHT OF WAY LINE OF N.E. HALSLEY STREET, 30.00 FOOT SOUTHERLY OF AND PARALLEL WITH SAID CENTERLINE. THE EAST LINE WAS CALCULATED BY HOLDING POINT "E" FOR THE SOUTHEAST CORNER AND PROJECTING A LINE NORTHERLY PARALLEL WITH THE LINE FROM POINT "F" TO POINT "G". THE WEST LINE WAS ESTABLISHED BY HOLDING POINT "C" AND THE EASTING OF POINT "D". THE SOUTH LINE WAS CALCULATED BY HOLDING POINT "E" AND THE ANGLE POINT (POINT "I") THE SOUTHWEST CORNER WAS ESTABLISHED BY THE INTERSECTION OF THE WEST LINE AND A LINE FROM POINT "J" THROUGH POINT "K".

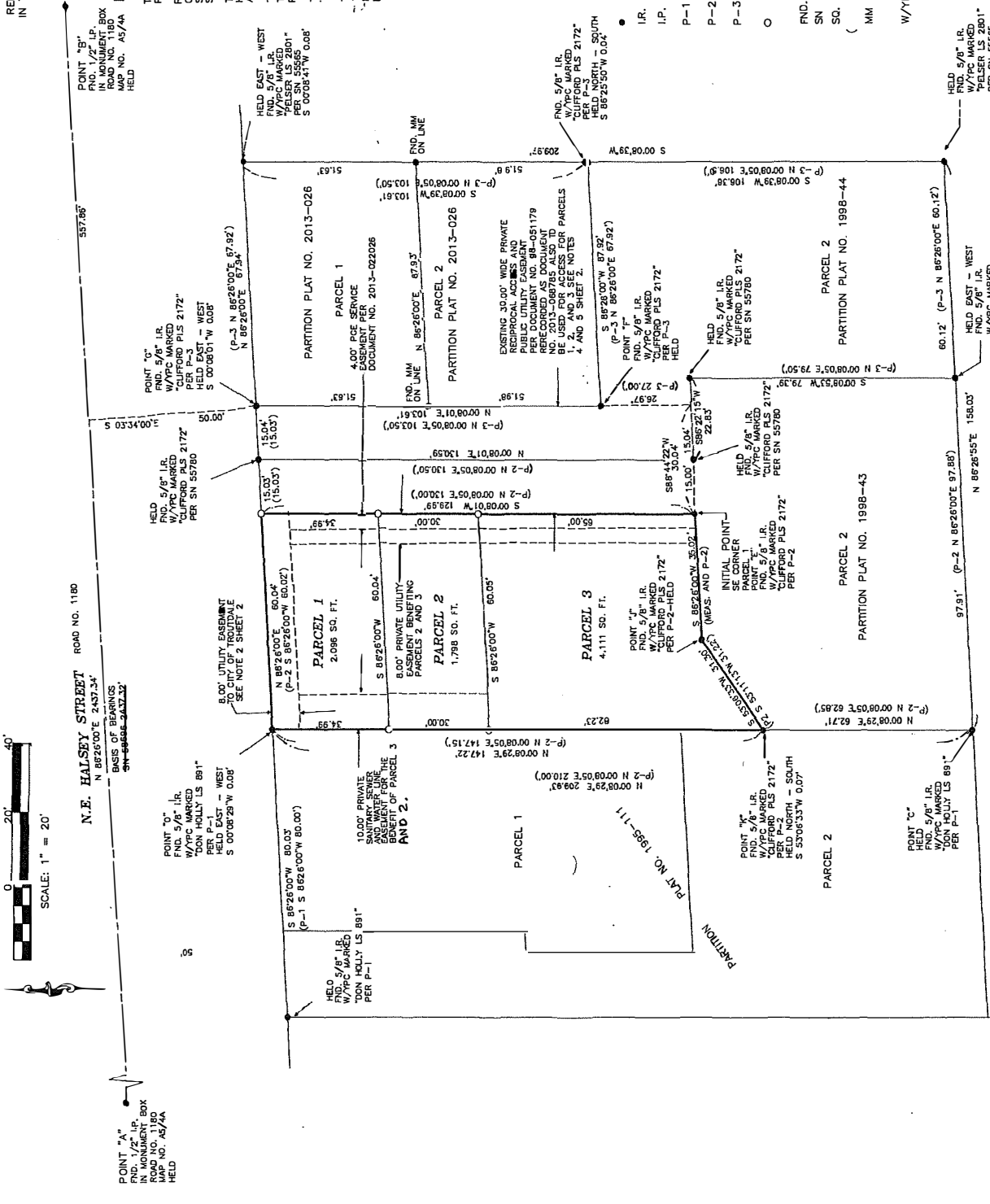


I HEREBY CERTIFY, THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PARTITION PLAT

**LEGEND:**

- FOUND MONUMENT AS NOTED
- I.R. IRON ROD
- I.P. IRON PIPE
- P-1 DATA PER PARTITION PLAT NO. 1995-111
- P-2 DATA PER PARTITION PLAT NO. 1998-43
- P-3 DATA PER PARTITION PLAT NO. 1998-44
- SET 5/8" BY 30" I.R. WITH ORANGE PLASTIC CAP MARKED, "MANWELL LS 57148" SET ON 9/ 21/2015.
- FND. FOUND
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- SO. FT. SQUARE FEET
- ( ) RECORD DATA AS INDICATED
- MM MARKED, "MANWELL LS 57148" PER PARTITION PLAT NO. 2013-26
- W/YFC WITH YELLOW PLASTIC CAP

**MICHAEL LEE MANWELL**  
 Professional Land Surveyor  
 2847 SE 18TH CIRCLE  
 GRESHAM, OREGON 97080  
 (503) 661-5270  
 email: mmanopl@coi.com



**N.E. HALSLEY STREET**  
 ROAD NO. 1180  
 N 86°26'00" E 2437.34'  
 BASE OF BEARINGS  
 SN 946662-2437.34

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

**SURVEYOR'S CERTIFICATE:**

MICHAEL L. MANWELL DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, BEING PARCEL 1 OF PARTITION PLAT NO. 1998-43, MULTNOMAH COUNTY PLAT RECORDS, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 36N, RANGE 12E, MULTNOMAH COUNTY, OREGON, THE BOUNDARY OF SAID LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CLIFFORD PLS 2172" FOUND AT THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE S86°26'00"W ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 35.02 FEET TO AN ANGEL POINT IN SAID SOUTH LINE; THENCE S53°06'33"W CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 31.30 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N00°08'29"E ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 147.22 FEET TO NORTHWEST CORNER OF SAID PARCEL 1 AND THE SOUTH RIGHT OF WAY LINE OF N.E. HALSEY STREET (50.00 FEET FROM CENTERLINE); THENCE N86°26'00"E ALONG THE NORTH LINE OF SAID PARCEL 1 AND SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 80.04 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE S00°00'00"E ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 129.99 FEET TO THE INITIAL POINT.

TOGETHER WITH A PRIVATE ACCESS EASEMENT PER PARTITION PLAT NO. 1998-43 AND TOGETHER WITH A PRIVATE RECIPROCAL ACCESS EASEMENT AND UTILITY EASEMENT PER DOCUMENT NO. 98051179, RE-RECORDED AS DOCUMENT NO. 2013-068785, MULTNOMAH COUNTY DEED RECORDS, CONTAINS 9,005 SQUARE FEET.

**DECLARATION:**

KNOW ALL PEOPLE BY THESE PRESENTS THAT JLE INVESTMENTS, LLC, THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A TRUE AND CORRECT MAP OF THE PARTITION OF SAID PROPERTY AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN AND NOTED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES AND DOES HEREBY GRANT THE EASEMENTS AS SHOWN AND NOTED.

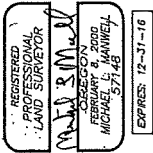
JLE INVESTMENTS, LLC,

JAMES L. ELLIS, MANAGER

ACKNOWLEDGMENT: }  
STATE OF OREGON } SS  
COUNTY OF MULTNOMAH }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON June 23, 2016, 2015, BY JAMES L. ELLIS, MANAGER OF JLE INVESTMENTS, LLC, ON BEHALF OF SAID COMPANY.

James L. Ellis  
NOTARY SIGNATURE  
James L. Ellis  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 937997  
MY COMMISSION EXPIRES: 4-6-19



I HEREBY CERTIFY THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PARTITION-PLAT

**NOTE AND PLAT RESTRICTIONS**

THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF TROUTDALE IN CASE FILE NO. 14-031.  
EACH UTILITY EASEMENT SHOWN (EASEMENT AREA) IS A PERPETUAL, NON-EXCLUSIVE EASEMENT GRANTED TO THE CITY OF TROUTDALE (GRANTEE) BY JLE INVESTMENTS LLC (GRANTOR) FOR THE USE AND ENJOYMENT OF THE GRANTOR AND ITS AGENTS AND SUCCESSORS TO INSTALL, ACCESS, OPERATE, INSPECT, MAINTAIN, REPAIR, AND REPLACE UTILITY SYSTEMS OR COMPONENTS THEREOF, ALL MAINTENANCE AND GROUNDKEEPING WITHIN THE EASEMENT AREA SHALL BE THE RESPONSIBILITY OF THE GRANTOR. THE GRANTOR IS PROHIBITED FROM CONSTRUCTING ANY STRUCTURE (EXCEPT FENCES ALLOWED BY CITY CODE) WITHIN THE EASEMENT AREA. THE GRANTOR IS PROHIBITED FROM CAUSING OR ALLOWING ANY EAVES OR OTHER STRUCTURE TO OVERHANG OR DRAIN INTO THE EASEMENT AREA. THE GRANTOR IS PROHIBITED FROM PLANTING TREES OR OTHER VEGETATION IN EASEMENT AREA WITHOUT OBTAINING WRITTEN PERMISSION FROM THE GRANTEE. GRANTEE SHALL PROVIDE THE CITY AT GRANTEE'S COST. GRANTEE SHALL HOLD GRANTEE HARMLESS FOR DAMAGE TO ANY UTILITY SYSTEMS OR COMPONENTS OF ANY DEPTH WITHIN THE EASEMENT AREA THAT ARE DISTURBED BY GRANTEE'S ACTIVITIES WITHIN THE EASEMENT AREA.

THIS PARTITION IS SUBJECT TO DECLARATION OF DEED RESTRICTIONS PER DOCUMENT NO. 2015-016167, MULTNOMAH COUNTY DEED RECORDS.

THIS PARTITION IS SUBJECT TO THE CONDITIONS OF A SHARED PRIVATE DRIVEWAY MAINTENANCE AGREEMENT PER DOCUMENT NO. 2011-34061, MULTNOMAH COUNTY DEED RECORDS.

ACCESS TO THE PARCELS CREATED BY THIS PARTITION PLAT IS RESTRICTED TO THE EASEMENT IDENTIFIED IN EASEMENT DOCUMENT NO. 98051179 RECORDED AS DOCUMENT NO. 2013-068785, MULTNOMAH COUNTY DEED RECORDS.

PARTITION PLAT NO. 2016-55  
REFLAT OF PARCEL 1 OF PARTITION PLAT NO. 1998-43  
IN THE SE 1/4 OF SEC. 26, T1N, R3E, W.M., CITY OF  
TROUTDALE, MULTNOMAH COUNTY, OREGON.

DATE: JULY 13, 2015

APPROVED THIS 22 DAY OF JUNE, 2016

BY: Chad D. [Signature]  
CITY OF TROUTDALE COMMUNITY DEVELOPMENT DIRECTOR

APPROVED THIS 22 DAY OF JUNE, 2016

BY: Steve [Signature]  
CITY OF TROUTDALE PUBLIC WORKS DIRECTOR

APPROVED THIS 27 DAY OF JUNE, 2016

COUNTY SURVEYOR,  
MULTNOMAH COUNTY, OREGON  
BY: [Signature]

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF June 25, 2016  
DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION,  
MULTNOMAH COUNTY, OREGON

BY: [Signature]  
DEPUTY  
COUNTY OF MULTNOMAH ) SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD AND RECORDED ON June 28th, 2016 AT 12:21 O'CLOCK P.

AS PARTITION PLAT NO. 2016-55  
COUNTY RECORDING OFFICE  
BY: [Signature] DEPUTY

DOCUMENT NO. 2016-039047

**MICHAEL LEE MANWELL**  
Professional Land Surveyor  
2847 S.E. 18TH CIRCLE  
GRESHAM, OREGON 97030  
(503) 661-5270  
email: manlopis@aol.com

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