



URA RESOLUTION 2024-002

AUTHORIZING A PUBLIC UTILITY EASEMENT (PUE) TO BE ESTABLISHED AT THE FESTIVAL PLAZA LOCATED AT 16020 SW 1ST STREET

WHEREAS, the Festival Plaza/Parking Lot project is listed in the adopted 2021 Urban Renewal Agency (URA) Plan, Project #4; and

WHEREAS, Section VIII.C of the 2021 URA Plan authorizes disposition of real property, provided the use is for the purposes contemplated in the Plan; and

WHEREAS, the Festival Plaza & Parking Lot are comprised of two separate taxlots (2s132bc03800 and 2s132bc03700) both located within the Old Town Overlay District at 16020 SW 1st Street ; and

WHEREAS, the Festival Plaza was designed, constructed, and accepted by the City in 2023; and

WHEREAS, City staff and Portland General Electric (PGE) agreed during the land-use development process on the location of underground utilities on the alley side of the Festival Plaza & Parking Lot properties; and

WHEREAS, the City recommends establishment of a standard eight-foot (8') wide Public Utility Easement (PUE) along the alley side of the Festival Plaza & Parking lot properties; and

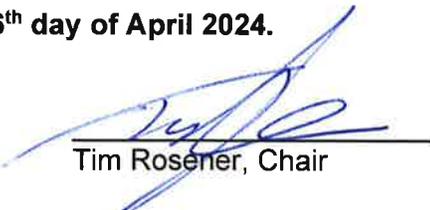
WHEREAS, any work within this Public Utility Easements (PUE) will require a City Right-of-Way (ROW) Permit per section 12.02.020 of the Sherwood Municipal Code.

NOW, THEREFORE, THE SHERWOOD URBAN RENEWAL AGENCY BOARD RESOLVES AS FOLLOWS:

Section 1. The Agency Manager is hereby authorized to establish an eight-foot (8') wide Public Utility Easement (PUE) along the southeastern most 8 feet of taxlots 2s132bc03800 and 2s132bc03700.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the Urban Renewal Agency Board this 16th day of April 2024.



Tim Rosener, Chair

Attest:



Sylvia Murphy, MMC, Agency Recorder

Public Utility Easement

DATED: _____, 20__

AFTER RECORDING RETURN TO:

City of Sherwood
Engineering Department
22560 SW Pine Street
Sherwood, OR. 97140

BETWEEN:

Grantor:
Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97140

Grantee:
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

THIS GRANT OF A PUBLIC UTILITY EASEMENT is made by and between the Sherwood Urban Renewal Agency, a municipal corporation established under ORS Chapter 457, its successors and assigns (“Grantor” or “URA” or “Agency”) and the City of Sherwood, Oregon, a municipal corporation established under ORS 221, its successors and assigns (“Grantee” or “City”) for no monetary consideration, and other good and valuable consideration received. The public utility easement exists over, under, through, across and along the full width and length of the premises described as follows, (“Easement Area”) to wit:

1. A legal description is set forth in EXHIBIT “A,” attached and incorporated by reference.
2. A map of the above legal description is set forth in EXHIBIT “B,” attached and incorporated by reference.

This document is intended to establish a permanent easement on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easement granted shall not prevent Grantor from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easement granted herein.

Grantor hereby covenants to and with Grantee that Grantor is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and that Grantor will warrant and defend the easement rights herein granted from all claims whatsoever.

Grantee (and other public or private entities or persons Grantee deems in its sole discretion as appropriate) shall have the right to use the property for utility purposes, including but not limited to water, wastewater, drainage, electric, fiber optic, telephone and cable and shall have the right to install, construct, operate, maintain, repair, replace and reconstruct said facilities as Grantee may deem necessary over, across, through, in and under the property described in Exhibits “A” and “B.”

City upon the initial installation (as applicable) and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, will restore the premises of the Grantors, and any improvements disturbed by the City, to as good condition as they were prior to any such installation work, including, but not limited to, the restoration of any topsoil, lawn and nursery stock of like kind and quality subject to reasonable substitution as may be necessitated by obstruction or interference with the use granted herein.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement this _____ day of _____, 20__.

Grantor's Signature: _____

Grantor's Name Printed: Craig Sheldon

Title: URA, Agency Administrator

STATE OF OREGON)
)ss
County of Washington)

On this _____ day of _____, 20__, before me, a notary public in and for said County and State, personally appeared _____ known to me to be their person whose names subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

GRANTEE:

Accepted on behalf of The City of Sherwood.

This _____ day of _____, 20__

Jason M. Waters, P.E., City Engineer

Date

Craig Sheldon, City Manager Pro Tem

Date

Approved as to form: Ryan Adams, City Attorney

Exhibit 'A'

The southeastern most 8 feet of Lot 1 and Lot 2 of Block 1 of 'Smockville', a duly recorded subdivision within the City of Sherwood, Washington County, Oregon.

FINAL DRAFT

EXHIBIT 'B'

