

## RESOLUTION NO. 2450

### A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM HALSEY LOOP PROPERTIES LLC FOR SW HALSEY LOOP RIGHT-OF-WAY

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

1. Halsey Loop Properties LLC is the owner of two lots of real property at 530 SW Halsey Loop.
2. The westerly property contains a narrow, one-foot wide spite strip that has contained the existing public right-of-way for SW Halsey Loop, thereby not affording neighboring properties potential access a public street.
3. Halsey Loop LLC has agreed to dedicate the spite strip portion of their westerly property and has provided signed right-of-way deed of a form and content that are in accordance with the requirements of the City (attached)

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

Section 1. The City of Troutdale accepts the right-of-way deed from Halsey Loop Properties LLC, included herewith as Attachment A for SW Halsey Loop right-of-way.

Section 2. This resolution is effective upon adoption.

**YEAS: 7**  
**NAYS: 0**  
**ABSTAINED: 0**



---

**Casey Ryan, Mayor**  
**Date: May 30, 2019**



---

**Sarah Skroch, City Recorder**  
**Adopted: May 28, 2019**

After recording, return to:  
City of Troutdale  
City Recorder  
219 E Historic Columbia River Hwy  
Troutdale, OR 97060

Until a change is requested, all tax statements  
shall be sent to the following address:  
City of Troutdale  
219 E Historic Columbia River Hwy  
Troutdale, OR 97060

**RIGHT-OF-WAY DEED**

Charles R Pacbot

\_\_\_\_\_, Grantor, for good and valuable consideration consisting of the City's approval of the land use and construction permits that were required for development that will be served by the right-of-way that is conveyed hereunder, does hereby dedicate, to the public for use as a public right-of-way, the real property located in the City of Troutdale, Multnomah County, Oregon, legally described as follows:

*A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TROUTDALE, COUNTY OF MULTNOMAH, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

**COMMENCING FROM THE SOUTHWEST CORNER OF THE D.F. BUXTON DONATION LAND CLAIM AS PER BT BOOK H, PAGE 589, MULTNOMAH COUNTY BEARING TREE BOOK RECORDS;**

**THENCE, ALONG THE SOUTH LINE OF SAID DONATION LAND CLAIM, NORTH 88°48'00" EAST FOR A DISTANCE OF 507.40 FEET TO THE PRIOR RECORD OF THE SOUTHEAST CORNER OF THAT TRACT CONVEYED TO ISAAC NEWTON BUXTON BY DEED RECORDED APRIL 30, 1894, IN BOOK 210, PAGE 316, PRESENTLY THE SOUTHEAST CORNER OF PARCEL IV CONVEYED TO HANDY INVESTMENT GROUP, INC., BY DEED DOCUMENT 95-130327, RECORDED OCTOBER 23, 1995, MULTNOMAH COUNTY DEED RECORDS;**

**THENCE, DEPARTING SAID SOUTH DONATION LAND CLAIM LINE AND ALONG THE EAST LINE OF SAID HANDY INVESTMENT GROUP PARCEL IV, NORTH 00°27'57" EAST FOR A DISTANCE OF 186.00 FEET TO THE NORTHWEST CORNER THEREOF, AND THE SOUTHEAST CORNER OF PARCEL V, OF SAID HANDY INVESTMENTS GROUP, INC., DEED DOCUMENT 95-130327, AND THE POINT OF BEGINNING;**

**THENCE, CONTINUING ALONG THE EAST LINE OF SAID HANDY INVESTMENTS GROUP, INC., PARCEL V, NORTH 00°27'57" EAST FOR A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER THEREOF, BEING THE SOUTHEAST CORNER OF THAT TRACT CONVEY TO HANDY INVESTMENT GROUP, INC., BY DEED DOCUMENT 95-127947, RECORDED OCTOBER 17, 1997, RECORDS OF MULTNOMAH COUNTY;**

**THENCE, ALONG THE EAST LINE OF SAID HANDY GROUP INC., DEED DOCUMENT 95-127947, NORTH 00°27'57" EAST FOR A DISTANCE OF 441.25 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTHEAST HALSEY STREET (BARR ROAD), PRESENTLY 100 FEET IN WIDTH;**

**THENCE, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 86°34'52" EAST FOR A DISTANCE OF 1.00 FEET TO THE WEST RIGHT OF WAY OF S.W. HALSEY LOOP AS SHOWN ON THE FORMER "HALSEY STATION, A CONDOMINIUM", IN PLAT BOOK 1216 AT PAGES 26-27, SAID CONDOMINIUM TERMINATED BY DECLARATION, JULY 20, 1987 IN BOOK 2025 AT PAGE 198, RECORDS OF MULTNOMAH COUNTY, S.W. HALSEY REMAINS A PUBLIC ROADWAY;**

**THENCE**, DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID ISAAC NEWTON BUXTON TRACT, BEING ALONG THE WEST RIGHT OF WAY OF SAID S.W. HALSEY LOOP, SOUTH 00°27'57" WEST FOR A DISTANCE OF 481.64 FEET TO A POINT OF CURVATURE;

**THENCE**, CONTINUING ALONG SAID WEST RIGHT OF WAY A CURVE TURNING TO THE LEFT WITH A RADIUS OF 167 FEET, A CENTRAL 03°18'33", AN ARC LENGTH OF 9.65 FEET, A CHORD BEARING OF SOUTH 01°11'20 EAST AT A DISTANCE OF 9.64 FEET;

**THENCE**, DEPARTING SAID WEST RIGHT OF WAY AND CURVE, SOUTH 88°48'00" WEST FOR A DISTANCE OF 1.28 FEET TO THE POINT OF BEGINNING;

DESCRIPTION CONTAINS 491 SQUARE FEET MORE OR LESS

The City of Troutdale, an Oregon Municipal Corporation, Grantee, does hereby accept Grantor's dedication of the real property for use as a public right-of-way, effective upon approval by the City Council.

Grantor and Grantee agree that the consideration recited herein is good and other valuable consideration and just compensation (if any compensation were owed) for the real property that is being conveyed.

Grantor covenants to Grantee, its successors and assigns, and warrants that:

1. Grantor is the owner of said property which is free from all liens and encumbrances, and Grantor and its successors shall warrant and defend the same to the City of Troutdale against all lawful claims and demands whatsoever.
2. Grantor has disclosed all knowledge of any release of hazardous substances onto or from the property, and disclosed any known report, investigation, survey, or environmental assessment regarding the subject property. "Release" and "hazardous substance" shall have the meaning as defined under Oregon law.
3. There are no underground storage tanks, as defined under Oregon law, presently on or under the property.

It is understood and agreed that Grantee, by accepting this dedication, is not accepting any liability for any release of hazardous substances onto or from the property and that Grantor is not attempting to convey any such liability.

Grantor and its successors and assigns, agree to defend, indemnify and hold harmless the Grantee, its officers, agents and employees against all liabilities, damages, losses, claims, demands, actions, and suits (including attorneys fees and costs) resulting from the presence or release of hazardous substances onto or from the property. This provision shall not apply to the release of hazardous substances onto or from the property caused by Grantee's officer, agents or employees. Any action taken pursuant to this provision shall not constitute an admission of liability or a waiver of any defenses to liability.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the City of Troutdale, unless and until accepted and approved by the City Council.

Dated this 22 day of MAY, 2019.

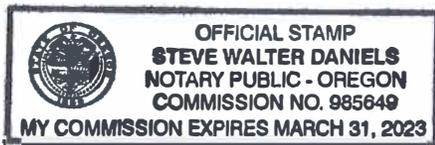


Grantor's Name

STATE OF OREGON, County of Yamhill

Dated 22 MAY, 2019. Personally appeared the above named Charles R. Padot, who acknowledged the foregoing instrument to be their voluntary act.

Before me:

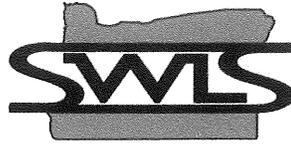


Notary Public for Yamhill, Oregon

My Commission expires 31 March 2023

Accepted by the City of Troutdale, via Resolution No. \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Sarah Skroch, City Recorder



STATEWIDE LAND SURVEYING INC.

EXHIBIT A – DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF TROUTDALE, COUNTY OF MULTNOMAH, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** FROM THE SOUTHWEST CORNER OF THE D.F. BUXTON DONATION LAND CLAIM AS PER BT BOOK H, PAGE 589, MULTNOMAH COUNTY BEARING TREE BOOK RECORDS;

**THENCE**, ALONG THE SOUTH LINE OF SAID DONATION LAND CLAIM, NORTH 88°48'00" EAST FOR A DISTANCE OF 507.40 FEET TO THE PRIOR RECORD OF THE SOUTHEAST CORNER OF THAT TRACT CONVEYED TO ISAAC NEWTON BUXTON BY DEED RECORDED APRIL 30, 1894, IN BOOK 210, PAGE 316, PRESENTLY THE SOUTHEAST CORNER OF PARCEL IV CONVEYED TO HANDY INVESTMENT GROUP, INC., BY DEED DOCUMENT 95-130327, RECORDED OCTOBER 23, 1995, MULTNOMAH COUNTY DEED RECORDS;

**THENCE**, DEPARTING SAID SOUTH DONATION LAND CLAIM LINE AND ALONG THE EAST LINE OF SAID HANDY INVESTMENT GROUP PARCEL IV, NORTH 00°27'57" EAST FOR A DISTANCE OF 186.00 FEET TO THE NORTHWEST CORNER THEREOF, AND THE SOUTHEAST CORNER OF PARCEL V, OF SAID HANDY INVESTMENTS GROUP, INC., DEED DOCUMENT 95-130327, AND THE **POINT OF BEGINNING**;

**THENCE**, CONTINUING ALONG THE EAST LINE OF SAID HANDY INVESTMENTS GROUP, INC., PARCEL V , NORTH 00°27'57" EAST FOR A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER THEREOF, BEING THE SOUTHEAST CORNER OF THAT TRACT CONVEY TO HANDY INVESTMENT GROUP, INC., BY DEED DOCUMENT 95-127947, RECORDED OCTOBER 17, 1997, RECORDS OF MULTNOMAH COUNTY;

**THENCE**, ALONG THE EAST LINE OF SAID HANDY GROUP INC., DEED DOCUMENT 95-127947, NORTH 00°27'57" EAST FOR A DISTANCE OF 441.25 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTHEAST HALSEY STREET (BARR ROAD), PRESENTLY 100 FEET IN WIDTH;

**THENCE**, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 86°34'52" EAST FOR A DISTANCE OF 1.00 FEET TO THE WEST RIGHT OF WAY OF S.W. HALSEY LOOP AS SHOWN ON THE FORMER "HALSEY STATION, A CONDOMINIUM", IN PLAT BOOK 1216 AT PAGES 26-27, SAID CONDOMINIUM TERMINATED BY DECLARATION, JULY 20, 1987 IN BOOK 2025 AT PAGE 198, RECORDS OF MULTNOMAH COUNTY, S.W. HALSEY REMAINS A PUBLIC ROADWAY;

**THENCE**, DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE AND PARALLEL WITH THE EAST LINE OF SAID ISAAC NEWTON BUXTON TRACT, BEING ALONG THE WEST RIGHT OF WAY OF SAID S.W. HALSEY LOOP, SOUTH 00°27'57" WEST FOR A DISTANCE OF 481.64 FEET TO A POINT OF CURVATURE;

**THENCE**, CONTINUING ALONG SAID WEST RIGHT OF WAY A CURVE TURNING TO THE LEFT WITH A RADIUS OF 167 FEET, A CENTRAL 03°18'33", AN ARC LENGTH OF 9.65 FEET, A CHORD BEARING OF SOUTH 01°11'20 EAST AT A DISTANCE OF 9.64 FEET;

**THENCE**, DEPARTING SAID WEST RIGHT OF WAY AND CURVE, SOUTH 88°48'00" WEST FOR A DISTANCE OF 1.28 FEET TO **THE POINT OF BEGINNING**;

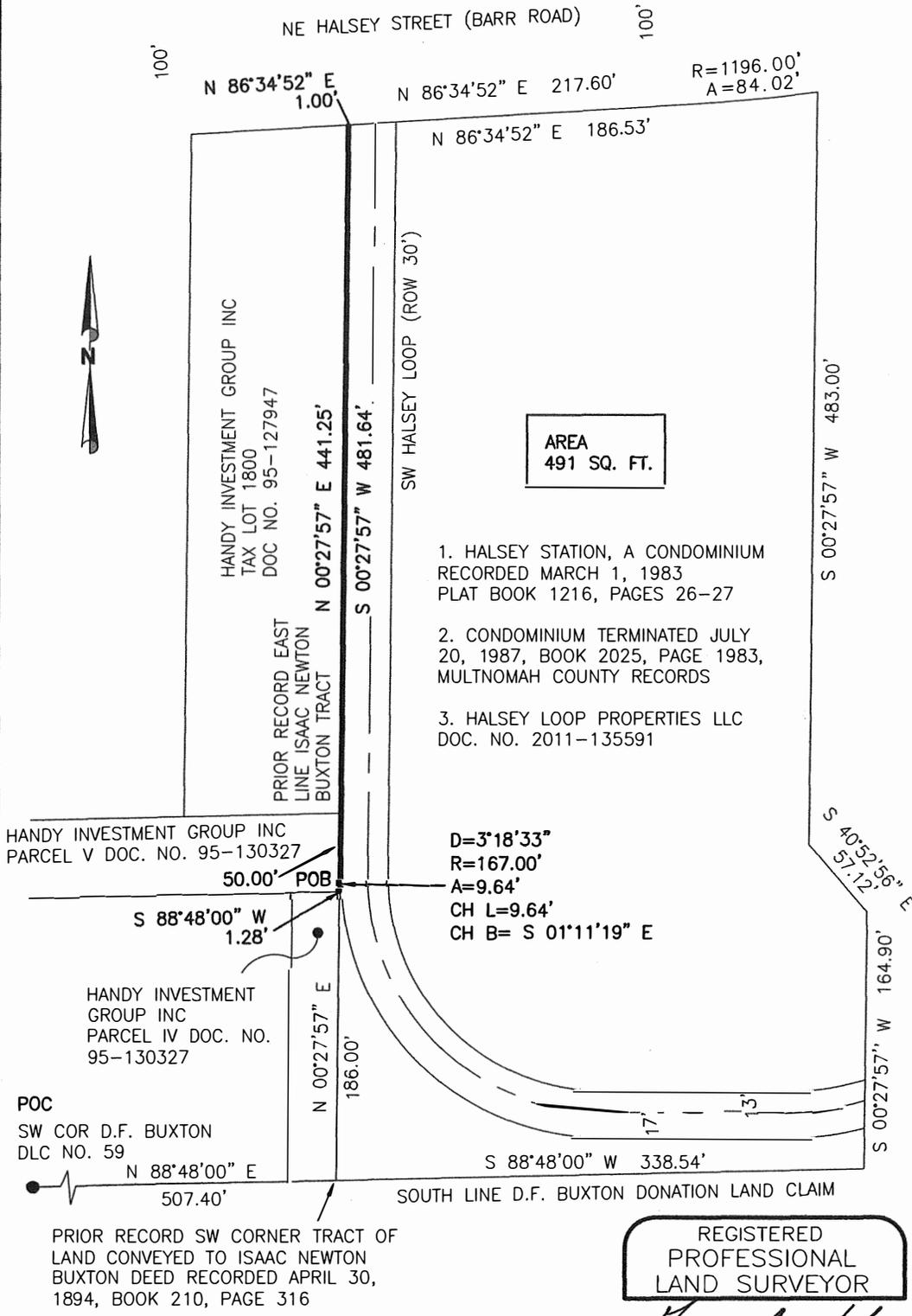
DESCRIPTION CONTAINS 491 SQUARE FEET MORE OR LESS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

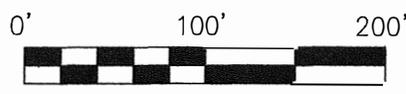
OREGON  
JULY 29, 1988  
GREGORY D. SPURLOCK  
2370

EXPIRES: 06/30/20

# EXHIBIT B



**SCALE: 1" = 100'**



REGISTERED PROFESSIONAL LAND SURVEYOR

*Gregory D. Spurlock*

OREGON  
JULY 29, 1988  
GREGORY D. SPURLOCK  
2370

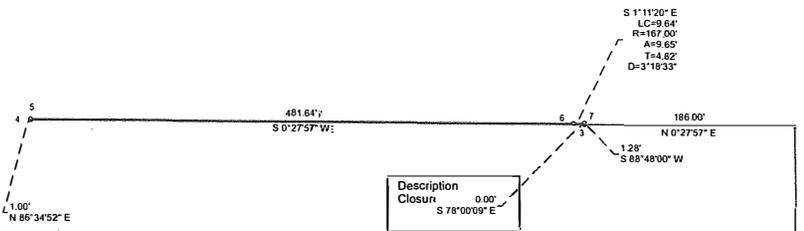
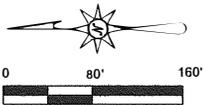
EXPIRES: 06/30/20

# STATEWIDE LAND SURVEYING INC.

43 NW AVA AVE. GRESHAM, OR 97030 O: 503-665-7777 F: 503-665-7988 EMAIL: SURVEY@STATEWIDESURVEYING.COM WEB: WWW.STATEWIDESURVEYING.COM	CLIENT: CITY_OF_TROUTDALE JOB NUMBER: 19-075 SCALE: 1"=100'	DRAWN: G.W.E. REVIEWED: G.D.S. SHEET: 1/1	DRAWN DATE: 02/28/19 REVIEW DATE: 02/29/19 SURVEY DATE: NA
------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------	-------------------------------------------------	------------------------------------------------------------------



SWLS JOB NO. 09075, City of Troutdale SW Halsey Loop Spite Strip Description, CLOSURE DIAGRAM, by GDS 3-29-2019



CLOSURE REPORT

[[ Traverse: 19075\_Description\_Closure ]]  
 Friday, March 29, 2019 11:03:47  
 491.04SqFt 0.011Acres Grid Dist (grid or local Cartesian coordinates)  
 Grid Bearing (grid or local Cartesian coordinates)

Point	Type	Grid Bearing	Grid Dist	Radius	Delta	Arc Length	Northing	Easting	Description
1		N88°48'00\"/>							

[[ Closure View - 19075\_Description\_Closure ]]  
 Friday, March 29, 2019 11:03:23  
 Feet Factor=1.00000000  
 Grid Dist (grid or local Cartesian coordinates)  
 Grid Bearing (grid or local Cartesian coordinates)

[ Traverse Summary ]  
 Closed Loop 6 Points From 3 To 8  
 Horizontal Distance: 984.82 Feet Slope Distance: 984.82 Feet  
 Area: 491.04 SqFt 0.011 Acres

[ Error Summary ]  
 Relative: 1.292414 (Closed Loop) Linear: 0.00 Feet Direction: S78°00'09\"/>

[ Warnings ]

[ Rectangular Limits (PLSS) ]  
 Latitude 1:1403541 Departure 1:3153

[ Closing Points ]

Point	Northing	Easting	Elevation
From 3	14864.81442863	5800.00	
To 8	14864.81442863	5760.00	

[ Adjustments ]

JOB: 19075	SCALE 1" = 80'	RVS'D:
DRWN: GDS	DATE: 3-29-2019	RVS'D:
APRD: GDS	DATE: 3-29-2019	RVS'D:
SHEET 1 OF 1	SURVEY DATE: OFFICE	RVS'D:
<b>STATEWIDE LAND SURVEYING INC.</b>		
43 NW AWA AVENUE SURVEY@STATEWIDESURVEYING.COM		
GRESHAM OR 97030		
O 503-665-7777		
F 503-665-7888		
CLIENT: City of Troutdale		