

## RESOLUTION NO. 2453

### A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM I.S. PROPERTIES, L.P. FOR NW DUNBAR AVENUE RIGHT-OF-WAY

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

1. I.S. Properties, L.P. is the owner of the real property at 1N3E26B -01000 that is being developed.
2. As a condition of the development, the City requires the dedication of street right-of-way along the property frontage sufficient to provide 30-foot half-width of right-of-way along NW Dunbar Avenue.
3. I.S. Properties L.P. has agreed to dedicate the required right-of-way and has provided a 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 I.S. Properties L.P. included herewith as Attachment A, for NW Dunbar Avenue right-of-way.

Section 2. This resolution is effective upon adoption.

**YEAS: 5**  
**NAYS: 0**  
**ABSTAINED: 0**



Casey Ryan, Mayor  
Date: June 14, 2019



Sarah Skroch, City Recorder  
Adopted: June 11, 2019

**Attachment "A" to  
Resolution #2453**

After recording, return to:  
City of Troutdale  
City Recorder  
104 SE Kibling Avenue  
Troutdale, OR 97060

Until a change is requested, all tax statements shall be sent to the following address:  
City of Troutdale  
104 SE Kibling Avenue  
Troutdale, OR 97060

**RIGHT-OF-WAY DEED**

I.S. Properties L.P.

\_\_\_\_\_, 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:

**See attached: Exhibit A – Right-of-Way Dedication Description, Exhibit B – Right-of-Way Dedication Map**

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 16 day of MAY, 20 19.

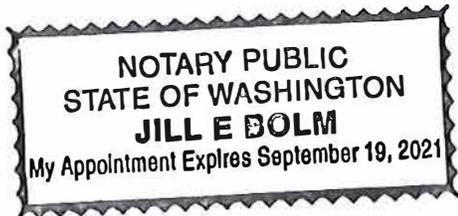
Brian Spencer  
Grantor's Name

STATE OF Washington, County of Clark

Dated May 16, 20 19. Personally appeared the above named Brian Spencer,

who acknowledged the foregoing instrument to be their voluntary act.

Before me:



Jill E Bolm  
Notary Public for Washington  
My Commission expires Sept 19, 2021

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

\_\_\_\_\_  
Sarah Skroch, City Recorder



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #6097

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

## EXHIBIT A

### Right-of-Way Dedication Description

A tract of land located in the Northwest One-Quarter of Section 26, Township 1 North, Range 3 East, Willamette Meridian, City of Troutdale, Multnomah County, Oregon, and being more particularly described as follows:

Commencing at the southwest corner of Lot 7 of the plat "I-84 Corporate Center", also being on the north right-of-way line of NW 7th Street (30.00 feet from centerline); thence leaving said north right-of-way line along the southerly extension of the west line of said Lot 7, South 01°17'40" West 30.00 feet to the centerline of NW 7th Street; thence along said centerline, North 88°36'54" West 862.64 feet to the east right-of-way line of NW Dunbar Avenue (30.00 feet from centerline); thence along said east right-of-way line, South 01°23'06" West 30.00 feet to northwest corner of Document Number 95 73863, also being on the south right-of-way line of NW 7th Street and the Point of Beginning; thence along said south right-of-way line, South 88°36'54" East 23.02 feet; thence leaving said south right-of-way line along a non-tangent curve to the left with a Radius of 18.00 feet, a Delta of 90°04'35", a Length of 28.30 feet, and a Chord of South 46°20'49" West 25.47 feet to a line which is parallel with and 5.00 feet easterly of, when measured at right angles to, said east right-of-way line; thence along said parallel line, South 01°18'31" West 269.64 feet to the easterly right-of-way line of said NW Dunbar Avenue (35.00 feet from centerline); thence along said east right-of-way line, North 88°41'29" West 5.00 feet; thence continuing along said east right-of-way line (30.00 feet from centerline), North 01°18'31" East 287.67 feet to the Point of Beginning.

The above described tract of land contains 1,508 square feet, more or less.

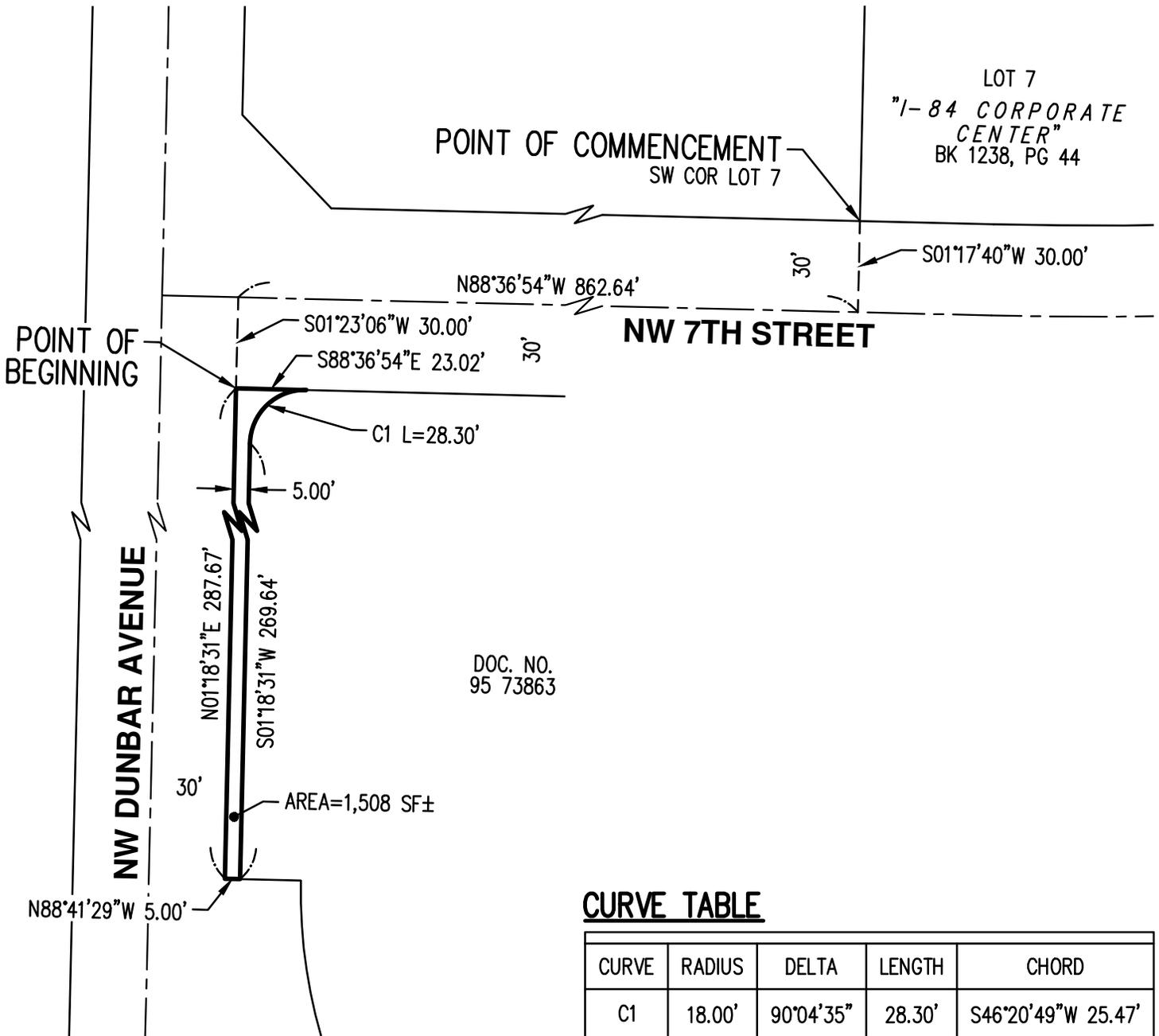
5/28/2019



RENEWS: 12/31/20

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 26,  
TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN,  
CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON



DOC. NO.  
95 73863

## CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	18.00'	90°04'35"	28.30'	S46°20'49"W 25.47'

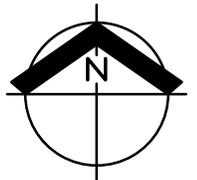
5/28/2019

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

## PREPARED FOR

UNION CORNER CONSTRUCTION INC.  
6500A NE ST. JOHNS ROAD  
VANCOUVER, WA 98661

SCALE: 1" = 50 FEET



*[Signature]*

OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS

RENEWS: 12/31/20

## RIGHT-OF-WAY DEDICATION MAP

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: WCB  
CHKD: RDR  
AKS JOB:  
6097