

## RESOLUTION NO. 2495

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

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

1. The City 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 circumstance.

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

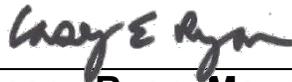
Section 1. The City of Troutdale quitclaim the right to divert outflow from Spring 1 of Buxton Springs located in the Urban Renewal Area included herewith as Attachment A

Section 2. The City of Troutdale quitclaim and grants the full release of Spring 2 of Buxton Springs Easement located in the Urban Renewal Area included herewith as Attachment A

**YEAS: 6**

**NAYS: 0**

**ABSTAINED: 0**



Casey Ryan, Mayor

Date: June 11, 2020



Sarah Skroch, City Recorder

Adopted: June 9, 2020

**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 this day and year last above written.

Received for Record (notarial) J. W. Dawson  
Oct. 30<sup>th</sup> 1904 - 35<sup>th</sup> (seal) Notary Public for Oregon

2120  
Duxton  
to  
Union Meat  
Co.

Shew all men by these presents that D. Duxton and Annie Duxton 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 release and forever quit claim unto the said Union Meat Company and unto its successors and assigns, all their right, title and interest in and to the following described parcel of real estate, 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 1667 1/2 feet east of the corner to sections twenty three (23), twenty four (24), twenty five (25) and twenty six (26) thence south easterly along low water mark in said Sandy River to a point in the middle 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 south west corner 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 228 feet thence north 11° 38' east 304 4/100 feet thence north 25° 09' west 350 feet thence north 9° 59' west 300 feet thence north 23° 24' west 100 feet thence north 20° 04' west 250 feet thence north 32° 39' west 150 feet thence north 26° 03' west 50 feet thence north 19° 28' west 200 feet thence north 19° 36' west 200 feet thence north 0° 39' west 110 5/100 feet to a stone monument in the line between sections twenty four and twenty five (25) 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



of deeds of Multnomah County and also includes a one acre tract of land deeded by D. J. Burston 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 A.D. 1894 Signed sealed and delivered in presence of us as witnesses

C. H. Light }  
Mary C. Burston }  
State of Oregon } ss. This certifies that on this second day of October A.D. 1894 before me the undersigned as Justice of the Peace for the Precinct of Dundragon and for said County and State personally appeared the within named David J. Burston and Fanny Burston 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 David J. Burston and Fanny Burston wife of the said David J. Burston on an examination made by me separate and apart from her said husband. Now 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.  
C. H. Light (seal)  
Recorded Record Oct 4 - 1894 - 11/20 Justice of the Peace

2134  
Goebel  
to  
Richman

Know all men by these presents that I George Goebel of Duwamish Mendocino County New York have made constituted and appointed and by these presents do make constitute and appoint Pauline Richman of Multnomah Oregon my true and lawful attorney for me and in my name place and stead to sell and convey the real estate owned by me known and distinguished and being lot number nine (9) in block number two (2) in Market Daboville Annex Oregon to any person whomsoever she may seem fit and to give in good and sufficient deed of conveyance of the same to any person or persons whatsoever she desires giving and granting unto her my said attorney full power and authority to do and perform all and every act and thing whatsoever legal and necessary to be done in and about the premises so fully to all intents and purposes as I might or could

Gua  
Caro  
Loa

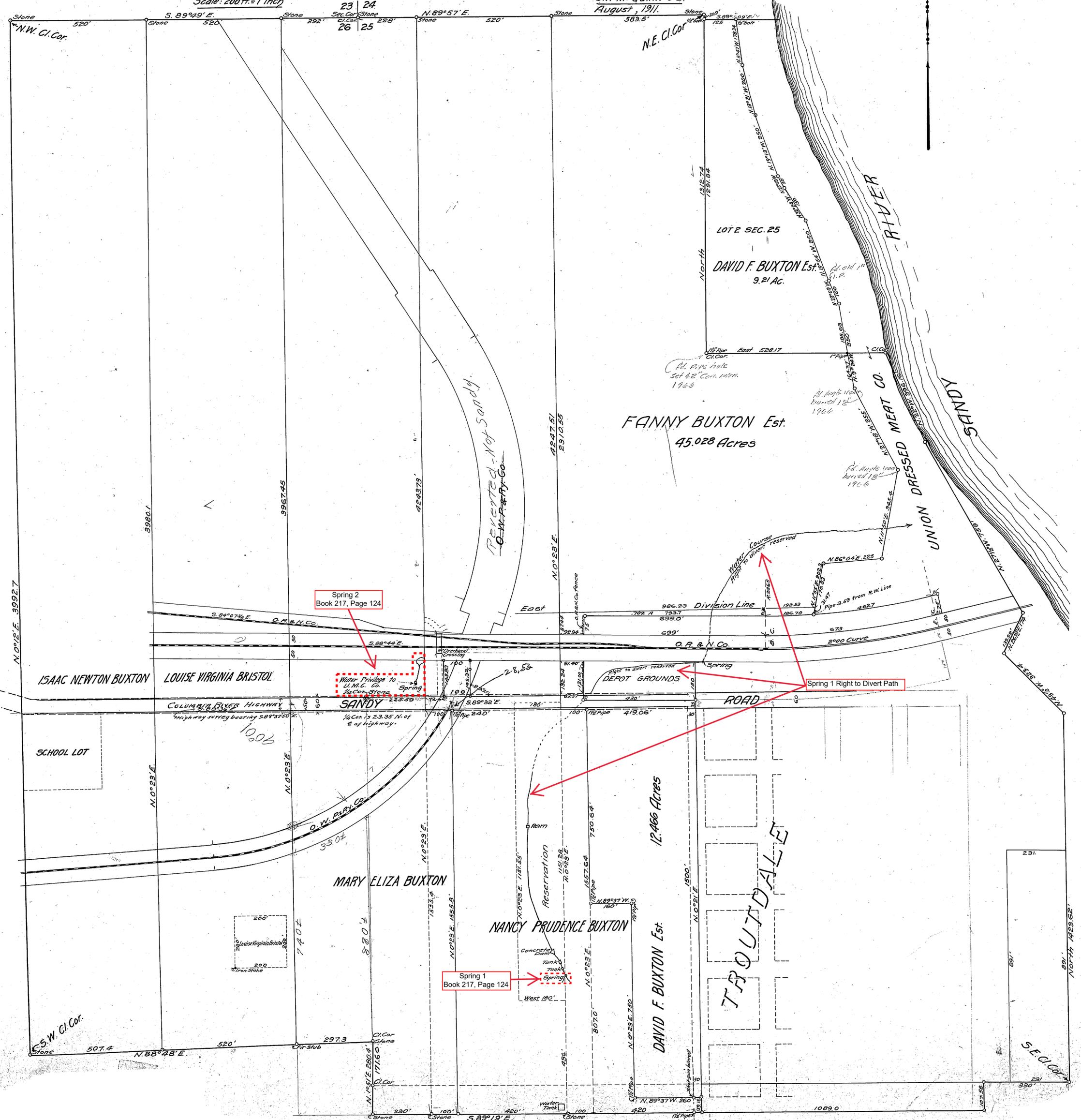
# MAP

OF  
**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. McQuinn C.E.  
August, 1911.



Spring 2  
Book 217, Page 124

Water Privilege to  
U.M.C. Co.  
Spring

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124

Reverted - Not Sandy.  
O.W.P. & Co.

LOT 2 SEC. 25

DAVID F. BUXTON Est.  
9.21 Ac.

FANNY BUXTON Est.  
45.028 Acres

RIVER

UNION DRESSED MEAT CO.

SANDY

ROAD

TROUTDALE

12.466 Acres

DAVID F. BUXTON Est.

ISAAC NEWTON BUXTON

LOUISE VIRGINIA BRISTOL

MARY ELIZA BUXTON

NANCY PRUDENCE BUXTON

231.

330.

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Detail

Set 42" Cor. Iron  
1966

Pd. Angle Iron  
buried 12"  
1966

Pd. Angle Iron  
buried 18"  
1966

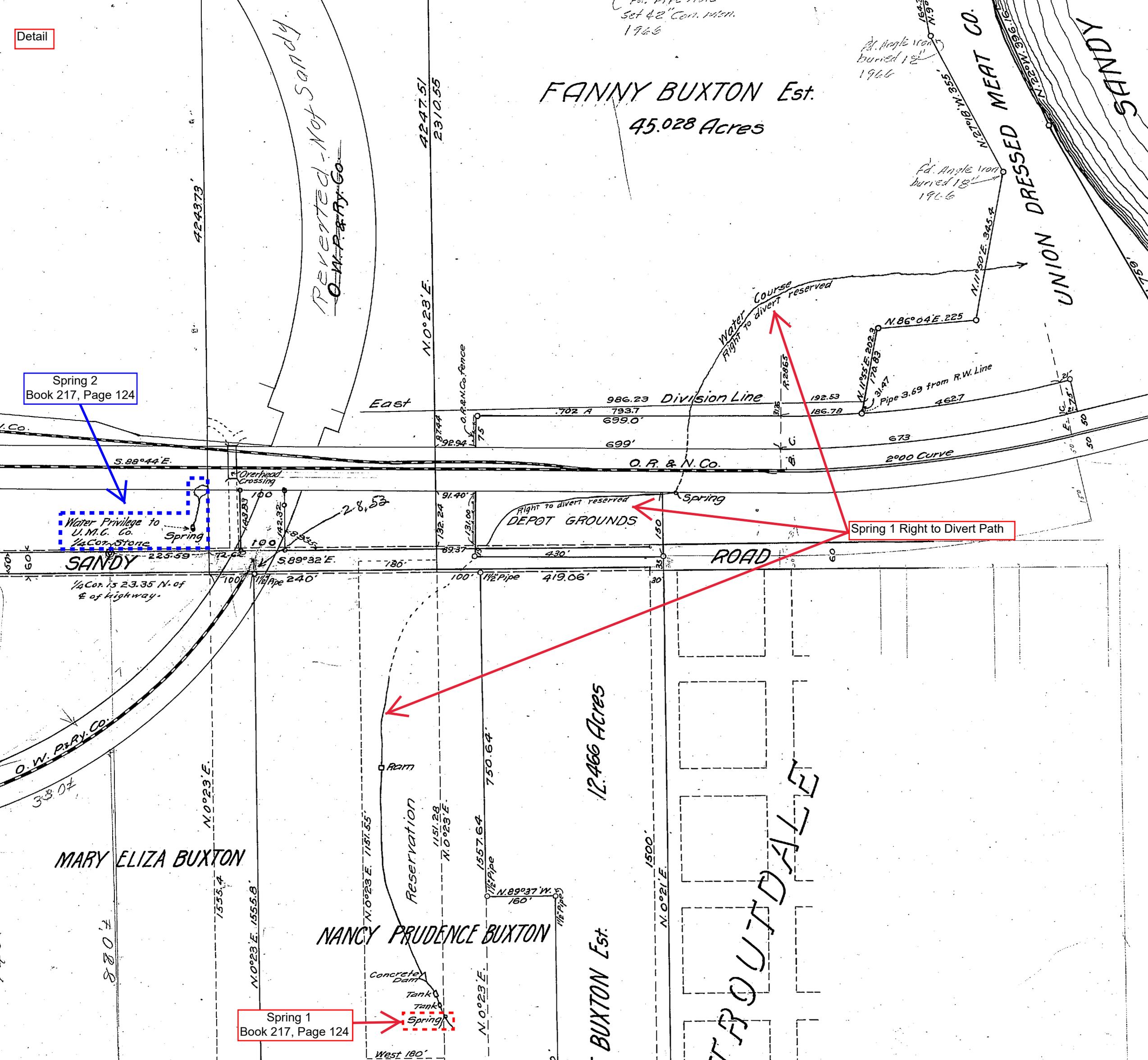
FANNY BUXTON Est.  
45.028 Acres

UNION DRESSED MEAT CO.  
SANDY

Spring 2  
Book 217, Page 124

Spring 1 Right to Divert Path

Spring 1  
Book 217, Page 124



Reverted - Not Sandy  
O.W.P. & Ry. Co.

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

Right to divert reserved  
DEPOT GROUNDS

Reservation

12.466 Acres

BUXTON Est.

FOUNDATIONS

MARY ELIZA BUXTON

NANCY PRUDENCE BUXTON

Concrete Dam

Tank

Tank

Spring

West 180'

4243.73'

4247.51'  
2310.55'

N.0°23'E.

East

986.23 Division Line

702 A 793.7  
699.0'

O. R. & N. Co.

673

2000 CURVE

5.88°44'E.

Overhead Crossing

100'

100'

100'

100'

100'

100'

100'

100'

100'

100'

100'

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100'

N.0°23'E.

N.0°23'E. 1555.8'

N.0°23'E.

N.0°23'E. 7157.55'

N.0°23'E. 1151.28'

N.0°23'E.

750.64'

1557.64'

N.89°37' W. 160'

N.0°23'E.

1500'

N.0°21'E.

Water Course  
Right to divert reserved

N.86°04'E. 225'

N.11°55'E. 202.3'

172.83'

91.97'

Pipe 3.69 from R.W. Line

462.7'

N.11°50'E. 345.4'

R. 2865'

192.53'

186.79'

673'

60'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

E. 2.75'

50'

50'

50'

50'

50'

50'

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50'

50'

50'

50'

50'

50'

50'

50'

50'

# MAP

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

Scale: 200 ft. = 1 inch

SHOWING AREA NOT DISPOSED OF

