

RESOLUTION NO. 2429

A RESOLUTION ACCEPTING THE RIGHT-OF-WAY DEED FROM BRD LANDING, LLC FOR NE HARLOW ROAD RIGHT-OF-WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. BRD Landing, LLC is the owner of the real property at 853 NE Harlow Road that is being developed.
2. The City requires the dedication of street right-of-way along the property frontage sufficient to provide 60 feet of right-of-way along NE Harlow Road.
3. BRD Landing, LLC has agreed to dedicate the required right-of-way 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, included herewith as Attachment A, for NE Harlow Road right-of-way.

Section 2. This resolution is effective upon adoption.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Casey Ryan, Mayor

8/30/2018

Date



Sarah Skroch, City Recorder
Adopted: August 28, 2018

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

_____ BRD Landing, LLC _____, 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:

All that Property in the NW 1/4 of Section 25, Township 1N, Range 3E, W.M., conveyed to BRD Landing LLC in Document 2016-159877, Multnomah County Records, lying between a line that is a 30' offset to the right (Westerly) of the below described centerline, and a line that is a 30' offset to the left (Easterly) of the below described centerline:

Beginning at Engineer's Station 7+27.85 per Multnomah County Survey Record 60417, a point on the centerline of Harlow Road (County Road No. 1728) which lies S24°55'56"E 620.30' from the Northeast corner of the D.F. Buxton Donation Land Claim 59; continuing thence 142.31' along a curve to the left of radius 716.30', the long chord of which bears S23°41'45"E 142.07' to the point of tangency of said centerline curve; thence S29°19'36" 43.81' along said centerline to the next point of curvature; thence 148.88' along a curve to the right of radius 716.30', the long chord of which bears S23°22'15"E 148.61' to the point of tangency of said curve.

The bearings herein are based on geodetic control ties to the state plane coordinate system, using the Oregon Realtime Geodetic Network as provided by the Department of Transportation. The horizontal datum is NAD 83, Oregon North Zone 3601. The above described land contains an area of 2140 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 13 day of July, 2018.

Scott Bind
Grantor's Name

STATE OF Oregon, County of Multnomah

Dated July 13, 2018. Personally appeared the above named Scott Bind, who acknowledged the foregoing instrument to be their voluntary act.

Before me:

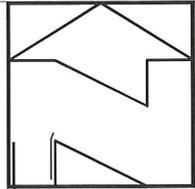
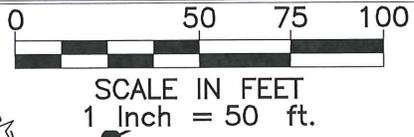


Tina Marie Cranford
Notary Public for Oregon
My Commission expires 11/5/2018

Accepted by the City of Troutdale, via Resolution No. _____, on the _____ day of _____, 20____.

Debbie Stickney, City Recorder

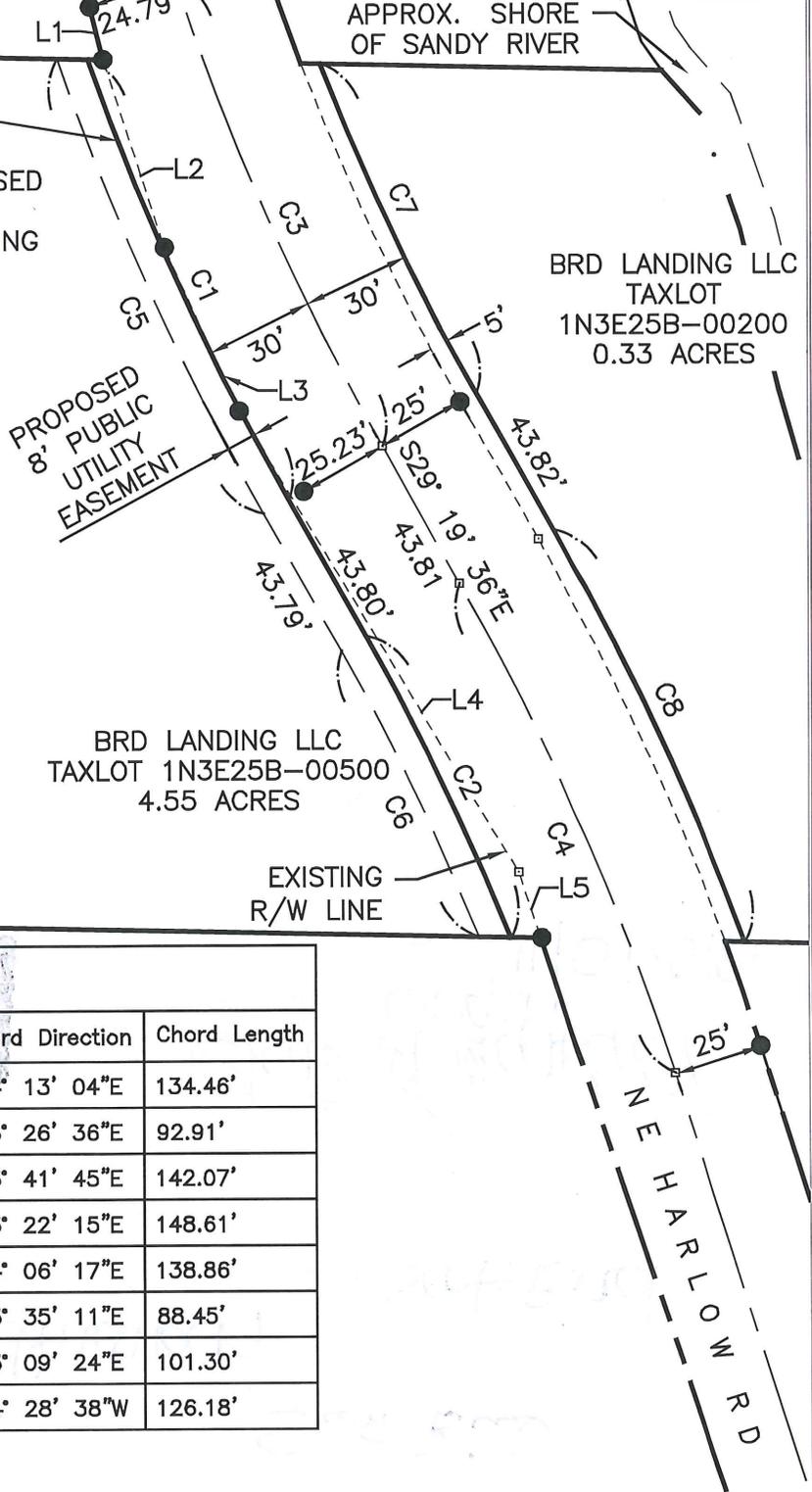
NE CORNER D.F. BUXTON D.L.C. 59
 S24° 55' 56"E 620.30'
 ENGINEER'S STATION
 7+27.85 PER MCSR 60417



PROPOSED R/W DEDICATION LINE

NOTE: THE BASIS OF BEARINGS IS BASED ON GEODETIC CONTROL TIES TO THE STATE PLANE COORDINATE SYSTEM USING THE OREGON REALTIME GEODETIC NETWORK. THE HORIZONTAL DATUM IS NAD 83, OREGON NORTH ZONE 3601.

EXISTING R/W LINES		
Line #	Length	Direction
L1	15.08'	N13° 53' 49"W
L2	54.98'	N17° 47' 23"W
L3	49.94'	N24° 13' 42"W
L4	149.93'	N30° 59' 42"W
L5	19.39'	N18° 29' 42"W



BRD LANDING LLC
 TAXLOT 1N3E25B-00500
 4.55 ACRES

BRD LANDING LLC
 TAXLOT 1N3E25B-00200
 0.33 ACRES

CURVE TABLE

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	134.64'	746.30'	10° 20' 12"	S24° 13' 04"E	134.46'
C2	92.98'	686.30'	7° 45' 46"	S25° 26' 36"E	92.91'
C3	142.31'	716.30'	11° 22' 58"	S23° 41' 45"E	142.07'
C4	148.88'	716.30'	11° 54' 30"	S23° 22' 15"E	148.61'
C5	139.05'	754.30'	10° 33' 44"	S24° 06' 17"E	138.86'
C6	88.51'	678.30'	7° 28' 36"	S25° 35' 11"E	88.45'
C7	101.39'	686.30'	8° 27' 53"	S25° 09' 24"E	101.30'
C8	126.33'	746.30'	9° 41' 55"	N24° 28' 38"W	126.18'

DATE 07.13.2018
 SCALE AS SHOWN
 DRAWN NMT
 FILE 16076

EXHIBIT A - R/W DEDICATION
 853 NE HARLOW RD, TROUTDALE

SHEET
EXH 'A'
 OF 1 SHEETS