

# RESOLUTION NO. 2431

## A RESOLUTION ACCEPTING A RIGHT-OF-WAY DEED FROM FIREBIRD INDUSTRIAL LLC FOR NE HARLOW ROAD RIGHT-OF-WAY

### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Firebird Industrial LLC is the owner of the real property at 803 NE Harlow Road 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 NE Harlow Road.
3. Firebird Industrial 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 from Firebird Industrial LLC, included herewith as Attachment A, for NE Harlow Road right-of-way.

Section 2. This resolution is effective upon adoption.

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**



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**Casey Ryan, Mayor**  
**Date: September 26, 2018**



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**Sarah Skroch, City Recorder**  
**Adopted: September 25, 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**

Firebird Industrial 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:

( See Exhibit "A" and "B" )

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 attorney's 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 7 day of Aug, 2019.

Harlon Rip Easwell  
Grantor's Name Harlon Rip Easwell

STATE OF Oregon, County of Multnomah

Dated August 7, 2018. Personally appeared the above named Harlon Rip Easwell

who acknowledged the foregoing instrument to be their voluntary act.

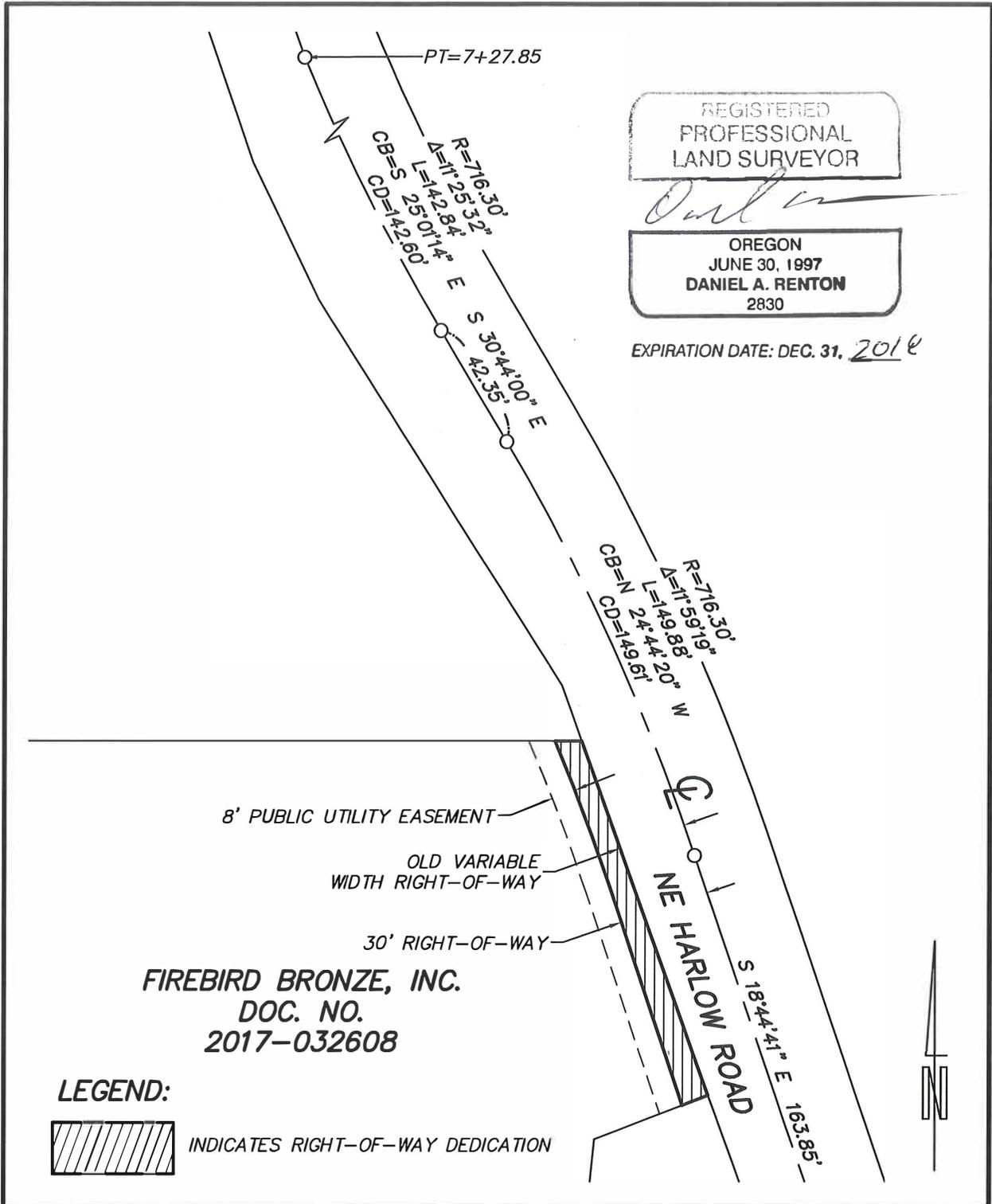
Before me:



Molly Boggioni  
Notary Public for State of Washington  
My Commission expires 12-4-2021

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

\_\_\_\_\_  
Debbie Stickney, City Recorder



2008 C Street, Vancouver, WA 98663 | PH (360) 944-6519

**PLS ENGINEERING**

**EXHIBIT 'B'**

FOR RIGHT OF WAY DEDICATION  
LOCATED IN THE NORTHWEST 1/4  
OF SECTION 25, TOWNSHIP 1 NORTH,  
RANGE 3 EAST OF W.M.,  
CITY OF TROUTDALE,  
MULTNOMAH COUNTY, OREGON

SCALE: N. T. S.

JOB NO. 2526

DATE: 08-01-18

DWG FILE: 2526L1.dwg

DRAWN BY: NG

LEGAL DESCRIPTION

FOR RIGHT OF WAY DEDICATION

All that property in the Northwest Quarter of Section 25, Township 1 North, Range 3 East, of the Willamette Meridian, conveyed to Firebird Bronze Incorporation in Document #2017-032608, Multnomah County Records. Lying between a line that is 30.00 feet offset to the right (Westerly) of the following described Centerline:

Beginning at Engineer's Station 7 + 27.85 per Multnomah County Survey Record 60417, said point being on the Centerline of Harlow Road (County Road Number 1728)

THENCE along a 716.30 foot radius curve to the left through a central angle of 11° 25' 32" an arc distance of 142.84 feet and a chord of which bears South 25° 01' 14" East, 142.60 feet;

THENCE South 30° 44' 00" East, for a distance of 42.35 feet;

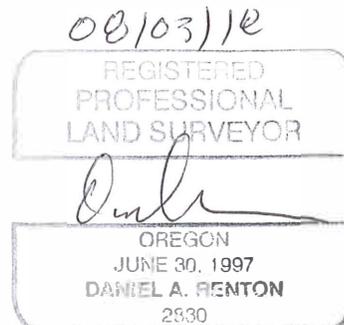
THENCE along a 716.30 foot radius curve to the right through a central angle of 11° 59' 19" an arc distance of 149.88 feet and a chord of which bears South 24° 44' 20" East, 149.61 feet;

THENCE South 18° 44' 41" East, for a distance of 163.85 feet and end of described centerline;

Bearings are based on Record of Survey number 60417.

The above described land contains 3628 ± Square Feet

Subject to and Together with Public Roads, Easements and Restrictions of Record.



EXPIRATION DATE: DEC. 31, 2018