

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING AN) RESOLUTION NO. 89 - 1163
EASEMENT FOR THE CITY OF OREGON)
CITY FOR THE 10-INCH WATERLINE) Introduced by
ALONG THE NORTHERLY SIDE OF METRO) Executive Officer Rena Cusma
SOUTH STATION)

WHEREAS, it is necessary to construct modifications to the Metro South Station; and

WHEREAS, the City of Oregon City has granted conditional use approval to undertake said modifications upon granting of an easement for the waterline located on the northerly part of the Metro South Station site; and

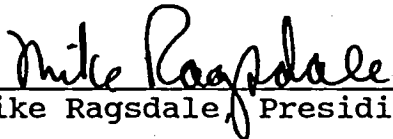
WHEREAS, the granting of the easement by Metro was contemplated when the waterline was constructed; and

WHEREAS, the Executive Officer recommends Council approval; now, therefore,

BE IT RESOLVED,

That the Council hereby approves the easement for the City of Oregon City for the waterline located at the Metro South Station, as described in Exhibit "A".

ADOPTED by the Council of the Metropolitan Service District the 9th day of November, 1989.



Mike Ragsdale, Presiding Officer

EXHIBIT "A"

WILSEY & HAM
ENGINEERING AND PLANNING SERVICES
Public Improvements • Land Development • Transportation

1099 S.W. Columbia
Portland, Oregon 97201
(503) 227-0455

July 27, 1987

Water Line Easement
Metropolitan Service District
Clackamas Transfer and Recycling Center

File: 4-2873-0201

A 15.00 foot wide easement located in the Hirem Straight D.L.C. No. 42 and in Section 29, Township 2 South, Range 2 East of the Willamette Meridian, Oregon City, Clackamas County, Oregon lying 7.50 feet on either side of the following described centerline.

Beginning at a point that bears North 09°15'48" West 17.84 feet and North 51°58'17" East 8.58 feet from the intersection of the easterly line of the Southern Pacific Railroad Company, being 75.00 feet from its main centerline, and the westerly right-of-way line of the Oregon Highway Department Road also called the Gladstone-Oregon City Interchange; thence South 51°58'17" West 444.48 feet; thence South 51°14'43" West 383.76 feet; thence South 48°14'23" West 160.13 feet; thence South 42°59'52" West 657.70 feet to the point of terminus for this description.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Oran D. Abbott

OREGON
JULY 30, 1976
ORAN D. ABBOTT
1066

SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 89-1163, FOR THE PURPOSE OF APPROVING AN EASEMENT FOR THE CITY OF OREGON CITY FOR THE TEN-INCH WATERLINE ALONG THE NORTHERLY SIDE OF METRO SOUTH STATION

Date: November 1, 1989

Presented by: Councilor Gary Hansen

Committee Recommendation: The Solid Waste Committee voted 4 to 0 to recommend Council adoption of Resolution No. 89-1163. Voting: Councilors Hansen, Buchanan, DeJardin and Wyers. Absent: Ragsdale. This action taken October 31, 1989.

Committee Discussion/Issues: During the original construction of the Metro South Station, a waterline was installed on the north portion of the site to serve the planned mass burn facility. It was the stated intention of Metro to grant an easement to Oregon City for the waterline before construction began. Due to cancellation of the mass burn project, however, the easement was never granted.

It is Metro's intention to construct a storage area for transfer vehicles and an entrance to the waste compactors on the northerly portion of the site. Oregon City has approved Metro's condition use application for these improvements, with one of the conditions being that the waterline easement be granted.

The Solid Waste Committee asked what the purpose of the easement was. Solid Waste staff stated that Oregon City needs the easement to maintain their waterline. It was noted there will be no costs to Metro.

There were no issues raised by the Committee and the Committee voted unanimously to recommend Council adoption of Resolution No. 89-1163.

GH:RB:pa
A:\RB.123

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 89-1163 FOR THE PURPOSE OF APPROVING AN EASEMENT FOR THE CITY OF OREGON CITY FOR THE 10-INCH WATERLINE ALONG THE NORTHERLY SIDE OF METRO SOUTH STATION

Date: October 31, 1989

Presented by: Jim Watkins

PROPOSED ACTION

That the Council of the Metropolitan Service District grant an easement (Attachment #1) for the waterline located on the northerly part of the Metro South Station site as described in Attachments #2 and #3.

BACKGROUND AND FACTUAL ANALYSIS

During the original construction of the Metro South Station, a waterline was installed on the north portion of the site to service the planned mass burn facility. It was the stated intention of Metro to grant an easement for the waterline before construction began. However, due to cancellation of the mass burn project, the easement was never granted.

Metro now intends to construct a storage area for transfer vehicles and an entrance to the waste compactors on the northerly portion of the site. Oregon City approved Metro's conditional use application for these improvements, with one of the conditions being that the waterline easement be granted. The easement states that Metro cannot construct any permanent structures within the easement. Metro is not responsible for repair costs. Granting of the easement has no budget impact.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends granting the City of Oregon City an easement for a waterline on the Metro South Station site.

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Metropolitan Service District ("METRO"), a municipal corporation hereinafter called the GRANTOR, does hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate and maintain a water line on the following described land:

See attached Exhibit "A" Legal Description and attached Exhibit "B" Sketch for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

The true consideration of this conveyance is \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

ATTACHMENT #1 (cont.)

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this _____ day of _____, 19__; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Individuals,
general partnerships

Corporation
limited partnership

Signer's Name

Metropolitan Service District
Corporation/Partnership Name

Signer's Name

Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Signer's Name, Title

Signer's Name, Title

ATTACHMENT #1 (cont.)

Personal Acknowledgment

STATE OF OREGON)
County of _____) ss.

Personally appeared the above
named _____ and
acknowledged the foregoing
instrument to be _____
voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

Metropolitan Service District
2000 S. W. First Avenue
Portland, Oregon 97201 - 5398

(Grantor's Name and Address)

City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045

(Grantee's Name and Address)

Accepted on behalf of the City of
Oregon City on the condition that
the easement granted is free and
clear from taxes, liens and
encumbrances.

Mayor

City Recorder

After Recording Return to:

City Engineer
City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

Corporate Acknowledgment

STATE OF OREGON)
County of _____) ss.

Personally appeared _____
and _____
who being duly sworn, each for
himself and not one for the other
did say that the former is the _____
president and that the latter is
the _____ secretary of _____
a corporation, and
that the seal affixed to the
foregoing instrument was signed and
sealed in behalf of said corporation
by authority of its board of
directors; and each of them
acknowledged said instrument to be
its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

Space reserved for County
Record's Office

EXHIBIT "A"

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ENGINEERING AND PLANNING SERVICES
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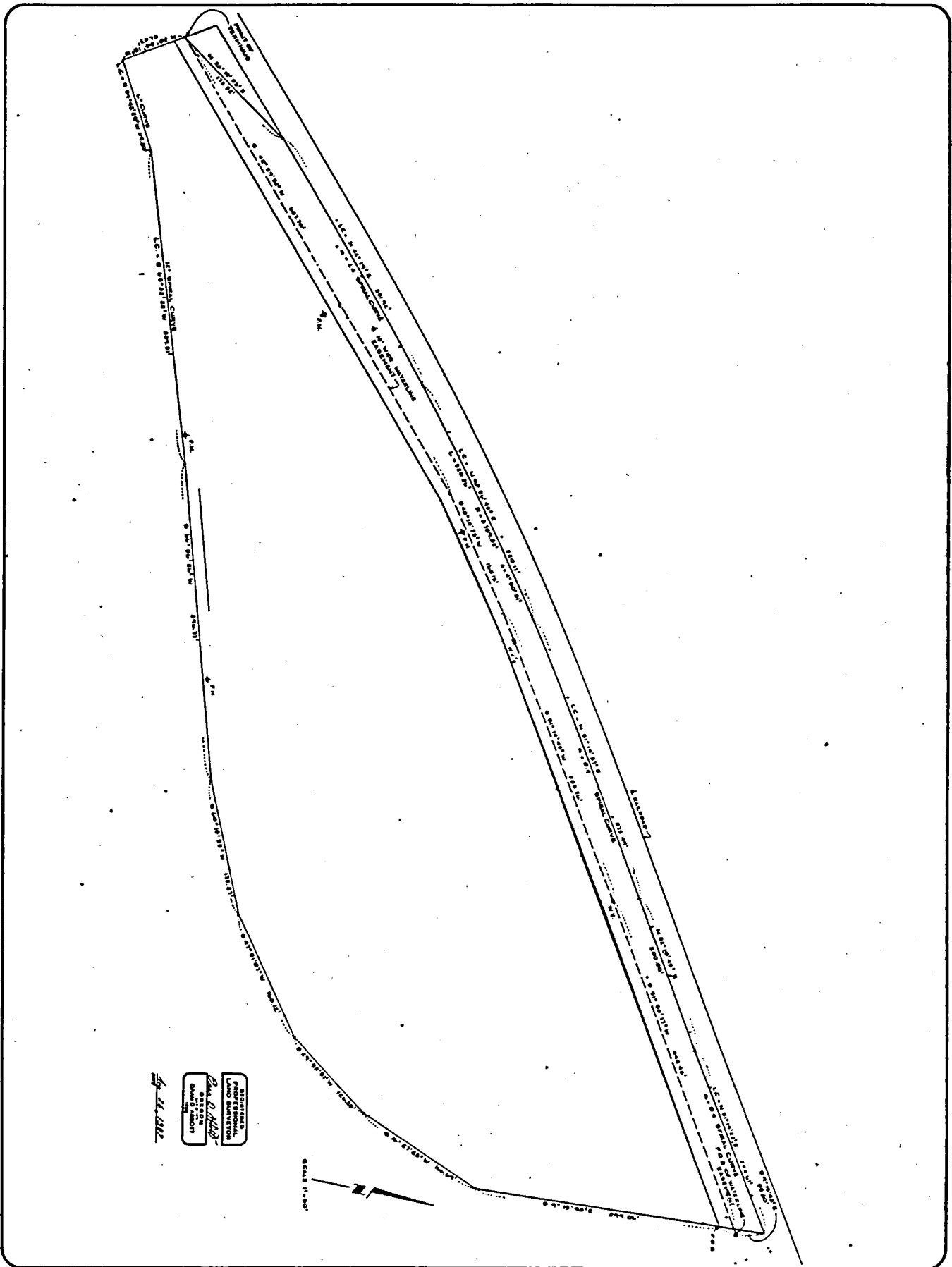
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REGISTERED
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LAND SURVEYOR

Oran D. Abbott

OREGON
JULY 30, 1975
ORAN D. ABBOTT
1066



SHEET NO. _____
DESIGN _____ BY _____
CHECKED _____ BY _____
FILE NO. _____

**METRO CLACKAMAS COUNTY
TRANSFER STATION.**
BOUNDARY and WATERLINE EASEMENT

WILSEY & HAM
ENGINEERING AND PLANNING SERVICES
Public Improvements • Land Development • Transportation
1099 S.W. Columbia Street
Portland, Oregon 97201 (503) 227-0455