

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING AN) RESOLUTION NO. 92-1555
EASEMENT FOR THE CITY OF OREGON CITY)
FOR THE 10-INCH WATERLINE ALONG THE) Introduced by Rena Cusma,
NORTHERLY SIDE OF THE METRO SOUTH) Executive Officer
STATION AND FOR FIRE HYDRANTS)

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 for Fire Hydrants; and

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

WHEREAS, Resolution No. 89-1163 granting this easement was not acceptable to the City of Oregon City; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby approves an easement for the City of Oregon City for the waterline and fire hydrants located at the Metro South Station site, attached to this Resolution as Attachment 1, and authorizes execution of the easement by the Executive Officer.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of
January, 1992.



Jim Gardner, Presiding Officer

ATTACHMENT 1

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 except those of record or otherwise disclosed by an inspection of the site.

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.

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

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

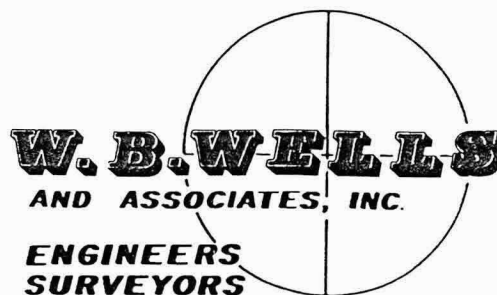
Signer's Name

Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Signer's Name, Title

Signer's Name, Title



DECEMBER 20, 1991

LEGAL DESCRIPTION

W.B. WELLS & ASSOC., INC. - FILE NO. 91-226

WATER LINE EASEMENT

A 15.00 foot strip of land for the purpose of a water line easement, situated in the Hiram Straight D.L.C. #42 in Section 29, Township 2 South, Range 2 East of the Willamette Meridian, County of Clackamas and State of Oregon, being 7.50 feet on each side of the following described centerline:

Beginning at the intersection of the Westerly right-of-way line of Highway 213 (as described in Judgement Order in Suit No. 68930, Parcel No. 4) with the Northerly line of a bargain and sale deed dated December 22, 1982, recorded as Fee No. 83-2628, Clackamas County Records; thence South $14^{\circ}30'00''$ East, a distance of 0.37 feet to an angle point that is 150.00 feet right of O.D.O.T. Centerline Station "E" 666 + 41.50; thence South $10^{\circ}06'35''$ East, a distance of 41.33 feet to a point on an existing water line and the TRUE POINT OF BEGINNING of the aforementioned easement centerline; thence along said existing water line the following courses and distances: South $52^{\circ}15'07''$ West, a distance of 5.93 feet to Point "A"; thence South $55^{\circ}34'45''$ West, a distance of 42.22 feet; thence South $52^{\circ}05'00''$ West, a distance of 376.36 feet to Point "B"; thence South $52^{\circ}05'00''$ West, a distance of 168.85 feet; thence South $45^{\circ}16'39''$ West, a distance of 29.04 feet to Point "C"; thence South $50^{\circ}54'53''$ West, a distance of 149.99 feet; thence South $49^{\circ}42'16''$ West, a distance of 149.28 feet to Point "D"; thence South $48^{\circ}44'34''$ West, a distance of 63.71 feet to Point "E"; thence South $41^{\circ}37'02''$ West, a distance of 255.93 feet to Point "F"; thence South $39^{\circ}40'04''$ West, a distance of 389.10 feet to the terminus of said easement centerline.

The side lines of said 15.00 foot easement to be extended or shortened to meet at angle points, to begin and end at the hereinabove mentioned right-of-way lines.

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LEGAL DESCRIPTION

W.B. WELLS & ASSOC., INC. - FILE NO. 91-226

WATER LINE EASEMENT

TOGETHER WITH: A 15.00 foot easement being 7.50 feet on each side of the following described centerlines:

CENTERLINE A:

Beginning at the hereinabove described Point "A"; thence South $16^{\circ}31'44''$ East, a distance of 22.58 feet; thence South $5^{\circ}43'27''$ West, a distance of 155.96 feet.

EXCEPTING THEREFROM that portion lying within the Right-of-Way of Highway 213.

CENTERLINE B:

Beginning at the hereinabove described Point "B"; thence South $40^{\circ}12'05''$ East, a distance of 217.61 feet.

CENTERLINE C:

Beginning at the hereinabove described Point "C"; thence South $35^{\circ}01'10''$ East, a distance of 27.19 feet.

CENTERLINE "D":

Beginning at the hereinabove described Point "D"; thence South $43^{\circ}12'27''$ East, a distance of 12.90 feet.

CENTERLINE "E":

Beginning at the hereinabove described Point "E"; thence South $34^{\circ}55'30''$ East, a distance of 38.00 feet.

CENTERLINE "F":

Beginning at the hereinabove described Point "F"; thence South $46^{\circ}19'53''$ East, a distance of 31.27 feet.

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DECEMBER 20, 1991
LEGAL DESCRIPTION
W.B. WELLS & ASSOC., INC. FILE NO. 91-226
WATER LINE EASEMENT

TOGETHER WITH THE FOLLOWING DESCRIBED WATER LINE EASEMENT:

Beginning at an angle point on the Westerly right-of-way line of Highway 213 (as described in Judgement Order in Suit No. 68930, Parcel No. 4), said point being 115.00 feet right of O.D.O.T. Station "E" 672 + 50; thence along said Westerly right-of-way line, South 29°55'26" West, a distance of 39.75 feet to the TRUE POINT OF BEGINNING of the following described waterline easement; thence South 41°29'57" West, a distance of 64.48 feet; thence South 38°24'39" West, a distance of 118.79 feet to a point on said Westerly right-of-way line; thence along said Westerly right-of-way line, North 47°52'05" East, a distance of 98.91 feet to an angle point in said Westerly right-of-way line, said point being 110.00 feet right of O.D.O.T. Station "E" 674 + 00; thence along said Westerly right-of-way line, North 29°55'26" East, a distance of 86.56 feet to the True Point of Beginning.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER LINE EASEMENT:

Beginning at an angle point on the Westerly right-of-way line of Highway 213 (as described in Judgement Order in Suit No. 68930, Parcel No. 4) said angle point being 110.00 feet right of O.D.O.T. Station "E" 678 + 00; thence along said Westerly right-of-way line, South 66°55'52" West, a distance of 122.54 feet to the TRUE POINT OF BEGINNING of said water line easement, being 15.00 foot wide and 7.50 feet on each side of the following described center line: North 23°02'58" West, a distance of 11.55 feet.

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LEGAL DESCRIPTION

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WATER LINE EASEMENT

TOGETHER WITH THE FOLLOWING DESCRIBED WATER LINE EASEMENT:

Beginning at an angle point on the Westerly right-of-way line of Highway 213 (as described in Judgement Order in Suit No. 68930, Parcel No. 4) said angle point being 90.00 feet right of O.D.O.T. Station "E" 682 + 00; thence along the chord of a spiral curve South 65°34'23" West, a distance of 31.22 feet to the TRUE POINT OF BEGINNING of said waterline easement, being 15.00 feet wide and 7.50 feet on each side of the following described centerline: North 24°19'58" West, a distance of 10.25 feet.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 13, 1984
RANDY L. ROHNER
2107

SKETCH SHOWING WATER LINE EASEMENTS for THE METRO SOUTH TRANSFER STATION

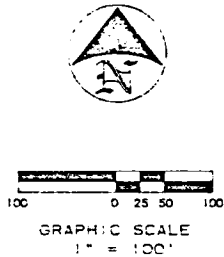
NE & NW 1/4 OF SEC. 29 T. 1S, R. 2E, W. M.
COUNTY OF CLACKAMAS, STATE OF OREGON

W. B. WELLS
AND ASSOCIATES INC.

**ENGINEERS
SURVEYORS**

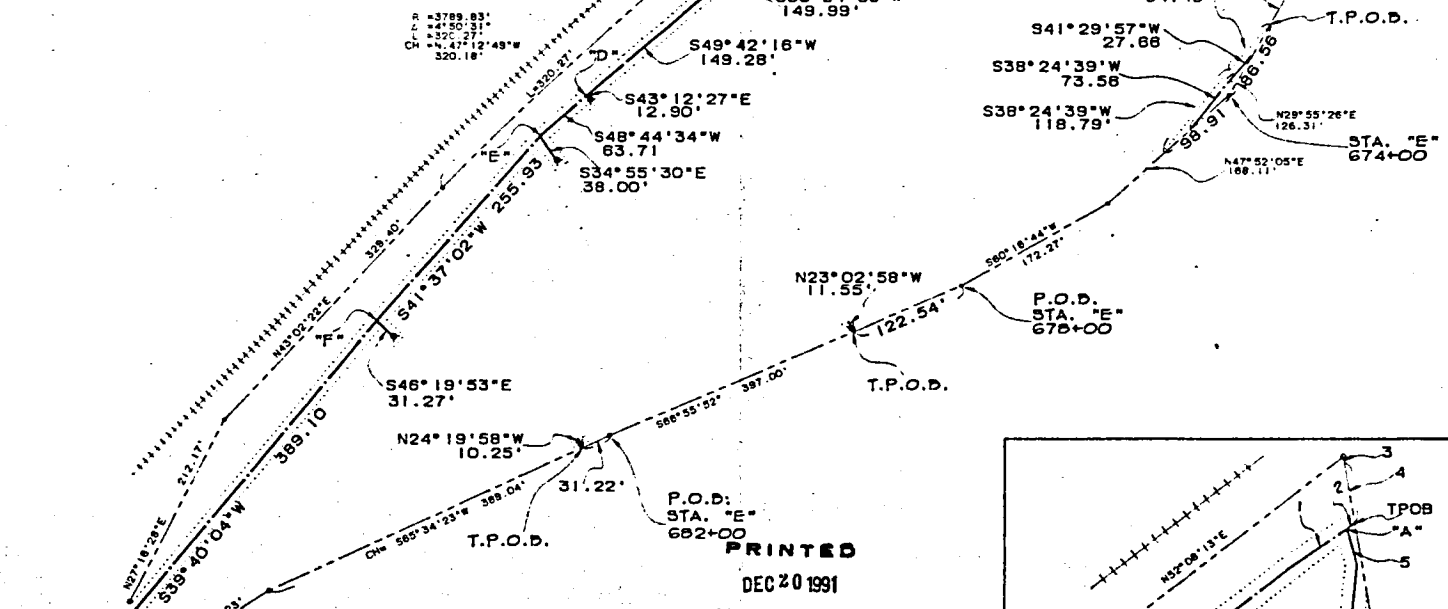
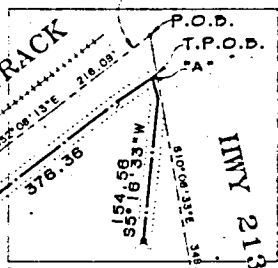
4230 N.E. FREMONT ST.
PORTLAND OREGON 97213
PHONE: (503) 284-5896

DRAWN: R.R.
RESOLVED: R.M.
CHECKED: R.R.
JOB NO. 91-226



NORTHERLY LINE
FEE NO. 83-2628

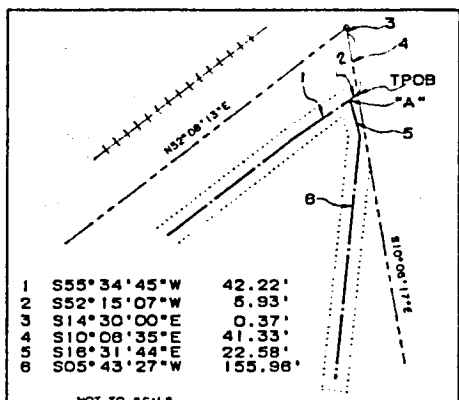
SOUTHERN PACIFIC TRANS. CO. R.R. TRACK



**PRINTED
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REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
RENEWED 12/15/91



SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 92-1555, 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 AND FOR FIRE HYDRANTS

Date: January 22, 1992

Presented by: Councilor Buchanan

Committee Recommendation: At the January 21 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 92-1555. Voting in favor: Councilors Buchanan, Hansen, Van Bergen and Wyers.

Committee Issues/Discussion: The purpose of the resolution is to approve an easement requested by the City of Oregon City as a condition for Metro to receive an occupancy permit for the new household hazardous waste disposal facility at the Metro South Station.

Jim Watkins explained that Metro had attempted to grant such an easement earlier (in 1989) but that the description in the resolution had not matched the survey description and the approval was rejected by Oregon City. He noted that the easement provides that Metro cannot build on the affected land and that Metro will not be responsible for any repair costs for the waterline or hydrants.

Councilor Van Bergen asked if Metro will be charged for the installation of the waterline. Watkins noted that the waterline was already in existence and that Metro had not been charged for any installation-related costs.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 92-1555 FOR THE PURPOSE OF APPROVING AN EASEMENT FOR THE CITY OF OREGON CITY FOR THE 10-INCH WATERLINE ALONG THE NORTHERLY SIDE OF THE METRO SOUTH STATION AND FOR FIRE HYDRANTS

Date: January 13, 1992

Presented by: Jim Watkins

PROPOSED ACTION

That the Council of the Metropolitan Service District grant an easement for the waterline located on the northerly part of the Metro South Station site and fire hydrant lines as described in Exhibits "A" and "B" to the easement.

FACTUAL BACKGROUND AND 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.

Resolution No. 89-1163 was passed by the Metro Council November 9, 1989. The legal description on the easement did not match the survey. The City of Oregon City did not accept the easement. The current easement for the waterline and fire hydrants has been approved by the City of Oregon City.

Metro has constructed 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 the easement has no budget impact.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends granting the City of Oregon City an easement for a waterline and fire hydrants on the Metro South Station site and approval of Resolution No. 92-1555.