

RESOLUTION NO. 5247-15

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE PERMIT TO ALLOW CONSTRUCTION OF A FENCE IN RIGHT-OF-WAY FOR SW ALABAMA STREET

WHEREAS, there is currently no construction timeline for construction of SW Alabama Street; and

WHEREAS, Mr. Eimon has requested to place a fence over the right-of-way, which is adjacent to Mr. Eimon's property located at the southwest corner of SW Boones Ferry Road and SW Alabama Street, 22475 SW Boones Ferry Road, until such time as the City uses the right-of-way; and

WHEREAS, Mr. Eimon has requested to plant and maintain to City specifications the right-of-way between his fence and the paved access within SW Alabama Street;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute a Revocable Permit, which is attached as Exhibit 1 and incorporated by reference.

Section 2. The City Manager is authorized to revoke the permit at any time and for any reason deemed appropriate by the City Manager.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 24th day of August, 2015.

CITY OF TUALATIN, OREGON

BY

Mayor

APPROVED AS TO FORM

BY

City Attorney

ATTEST:

BY

City Recorder

After recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



**REVOCABLE PERMIT
(Right-of-Way)**

The City of Tualatin ("City"), pursuant to Resolution No. [5247-15], hereby grants Mark and Tanya Eimon ("Permitee") the right to encroach upon and occupy a portion of public right-of-way, as more particularly described in Exhibit A ("Legal Description") and as depicted on Exhibit B ("Map") for the purpose of [Fencing and landscaping to City specifications within SW Alabama Street north of 22475 SW Boones Ferry Road] ("Encroachment"), subject to the terms and conditions set forth herein.

The City grants the permit on the condition that Permitee promises and agrees to comply with the following terms, conditions, and restrictions:

1. The Encroachment must comply with all applicable Codes of the City of Tualatin including, but not limited to, structural safety, traffic, sanitation, land use, and fire requirements.
2. Permitee agrees to comply with the plans and specifications approved by the City and all applicable permits.
3. The street tree species may be either Scanlon/Bowhall Maple and Eastern Redbud. The shrub species and general theme should at least be similar to the design concepts used around the house and to include the following: Barbery, Viburnum, Knockout Rose, Lavender, Feather Reed Grass.

COPY

Sent for Recording
By: N. Morris

4. Permittee must maintain the Encroachment in good order and must immediately notify the City of any dangers to person or property, or any dangerous conditions, that exist with regard to the Encroachment, which are either known or discovered by Permittee.
5. Permittee is responsible for installing and maintaining an automatic irrigation system, for providing water and all materials, and for maintaining landscaping within the right-of-way.
6. Permittee assumes all risk of damage to its Encroachment, and any buildings, structures, utilities, or other appurtenances connected to the Encroachment, resulting from, or arising out of, any and all uses of the public right-of-way by the City, its officers, employees, agents, and the general public.
7. Permittee must defend, indemnify, and hold harmless the City, its officers, agents, and employees, against any and all claims for damages of any kind caused or alleged to have been caused as a result of the Encroachment or this Permit, whether such damage or injury results from normal operation or accident or any other cause.
8. The placing of the Encroachment in a portion of the aforesaid public right-of-way will not give to Permittee, or anyone else, any permanent right to its continued or exclusive occupancy.
9. This Permit is revocable for any reason and, when requested to do so by the City, Permittee, at Permittee's own expense, will remove the Encroachment from City's right-of-way; and, failing to do so, the City may cause removal of the Encroachment at the cost and expense of Permittee.
10. Permittee's obligations under the provisions of this Permit are binding upon all of the heirs, successors, and assigns of Permittee.
11. In the event Permittee includes more than one person or entity, all such persons or entities are jointly and severally liable for all conditions herein.
12. Any private construction within the right-of-way requires a Public Works Permit and compliance with all applicable codes and regulations.

ACCEPTED, and the conditions hereof acknowledged and agreed to 24th day of August, 2015.



Mark and Tanya Eimon

By: Mark and Tanya Eimon
Permitee

STATE OF OREGON)
) ss.
County of WASHINGTON)

This instrument was acknowledged before me on August 10, 2015, by CHRISTINA SAMONTRY.

Christina Samontry

Notary Public—State of Oregon
My commission expires: MARCH 02, 2019

Witness my hand this 24 day of August, 2015.

By: Sherilyn Lombos
City Manager

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on August 24, 2015, by Sherilyn Lombos, as the City Manager for the City of Tualatin, Oregon.

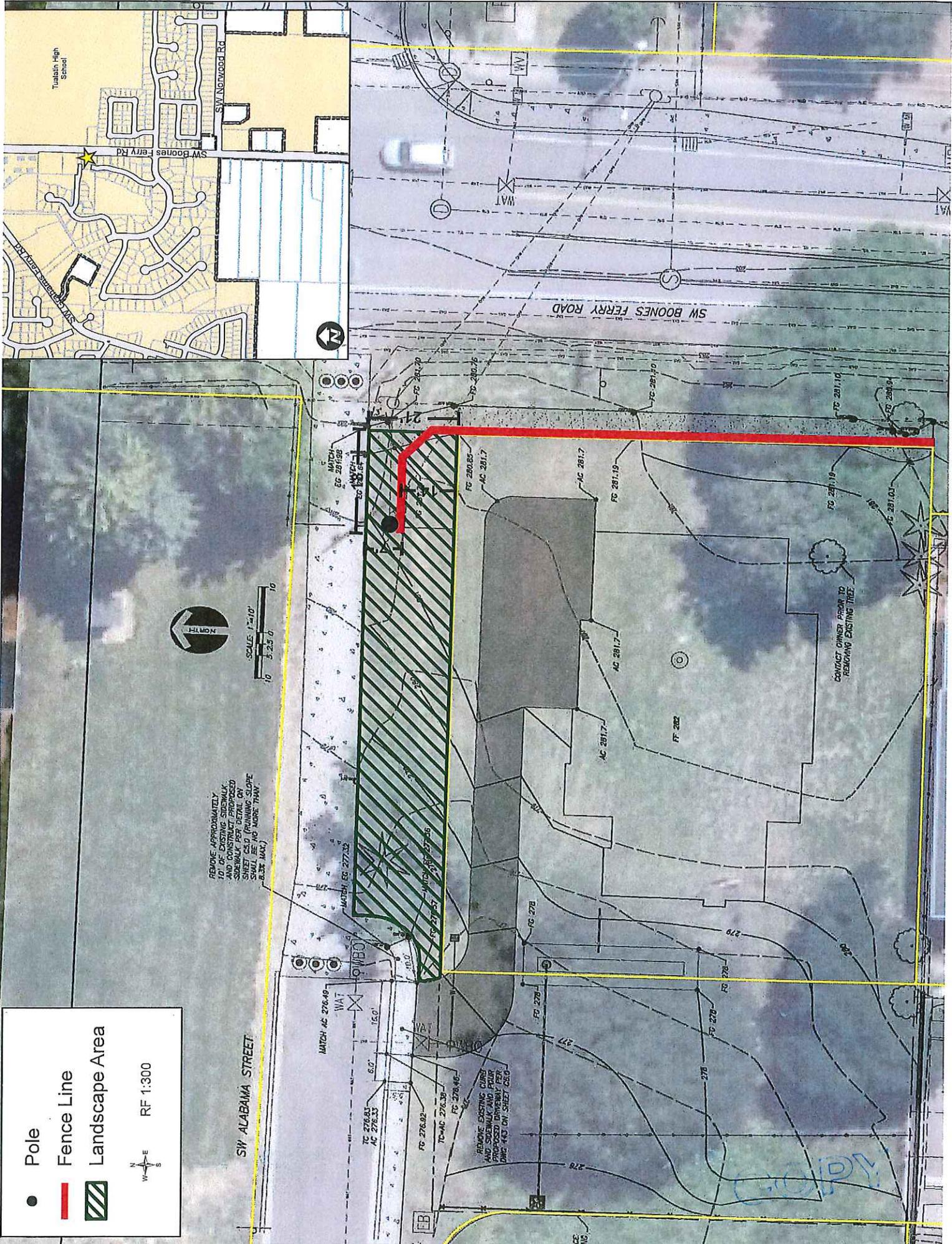


Nicole Morris

Notary Public—State of Oregon
My commission expires: 9-18-16

APPROVED AS TO FORM:
By: S-B
City Attorney

COPY



● Pole
 — Fence Line
 Landscape Area

N
 W E
 RF 1:300

REMOVE APPROXIMATELY
 10' OF EXISTING SIDEWALK.
 CONSTRUCT PROPOSED
 SIDEWALK PER DETAIL ON
 SHEET C5.0. FINISH SLOPE
 SHALL BE AS SHOWN (MAX.
 8.3% MAX.)

REMOVE EXISTING CURB
 AND SIDEWALK AND PRIOR
 TO CONSTRUCTION OF
 CONC. DRIVEWAY PER
 DMC 443 ON STREET C5.0

CONDUCT OWNER PRIOR TO
 REMOVING EXISTING TREE

SCALE 1"=10'
 10 5 2.5 0

MATCH AC 276.49
 WAT

MATCH EG 277.32
 WAT

MATCH EG 277.25
 WAT



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR, WA & ID

1815 NW 169th Place, Suite 2090
Beaverton, OR 97006

Telephone: 503-848-2127
Fax: 503-848-2179

Property Description

November 20, 2014
NWS Project Number 1165
Combined Dedication
Page 1 of 2

SW Boones Ferry Road Right-of-way Dedication

A portion of that tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, and being more particularly described as follows:

Commencing at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northeast corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records, said point also being at the intersection of the southerly line of said Kilgore property and the westerly right-of-way line of SW Boones Ferry Road (51.00 feet westerly from the centerline thereof, when measured at right angles); Thence along said southerly, North 89°36'14" East 14.00 feet to a point located 37.00 feet westerly from the centerline of SW Boones Ferry Road, when measured at right angles, and the Point of Beginning;

Thence parallel with and 37.00 feet westerly from said centerline, when measured at right angles, North 00°13'37" West 100.15 feet to the north line of said Kilgore property, said line also being the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right angles), from said point a 5/8 inch iron rod with a yellow plastic cap stamped "Westlake Consultants" bears South 89°32'58" West 13.89 feet; Thence along said southerly right-of-way line, North 89°32'58" East 7.00 feet to the westerly right-of-way line of SW Boones Ferry Road (30.00 feet westerly from the centerline thereof, when measured at right angles); Thence along said westerly right-of-way line, South 00°13'37" East 100.16 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the southeast corner of said Kilgore property; Thence along the south line of said Kilgore property, South 89°36'14" West 7.00 feet to the Point of Beginning.

The above described tract of land contains 701 square feet, more or less.

COPY

November 20, 2014
NWS Project Number 1165
Combined Dedication
Page 2 of 2

SW 96th Drive Right-of-way Dedication

A portion of that tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County, Oregon, and being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northwest corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records, said point also being at the intersection of the southerly line of said Kilgore property and the easterly right-of-way line of SW 96th Drive (25.00 feet easterly from the centerline thereof, when measured at right angles); Thence along said southerly line, South 89°36'14" West 50.00 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the southwest corner of said Kilgore property, also being the most easterly southeast corner of Tract 'B' of "Chilkat Meadow"; Thence along the west line of said Kilgore property, North 00°16'22" West 100.00 feet to the northwest corner thereof, said point also being an angle point on the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right-angles); Thence along said southerly right-of-way line, North 89°32'58" East 50.00 feet to a point located 50.00 feet easterly from the west line of said Kilgore property; when measured at right angles; Thence parallel with and 50.00 feet easterly from said west line, when measured at right angles, South 00°16'22" East 100.05 feet to the Point of Beginning.

The above described tract of land contains 5,001 square feet, more or less.

The basis of bearings for this description is the north line of Parcel 1, Partition Plat No. 2008-032.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

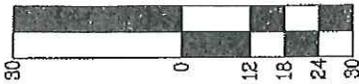
RENEWAL DATE: 6/30/16

COPY

EXHIBIT MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 35,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON
DATE: NOVEMBER 20, 2014

SCALE 1" = 30 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWAL DATE: 06/30/16

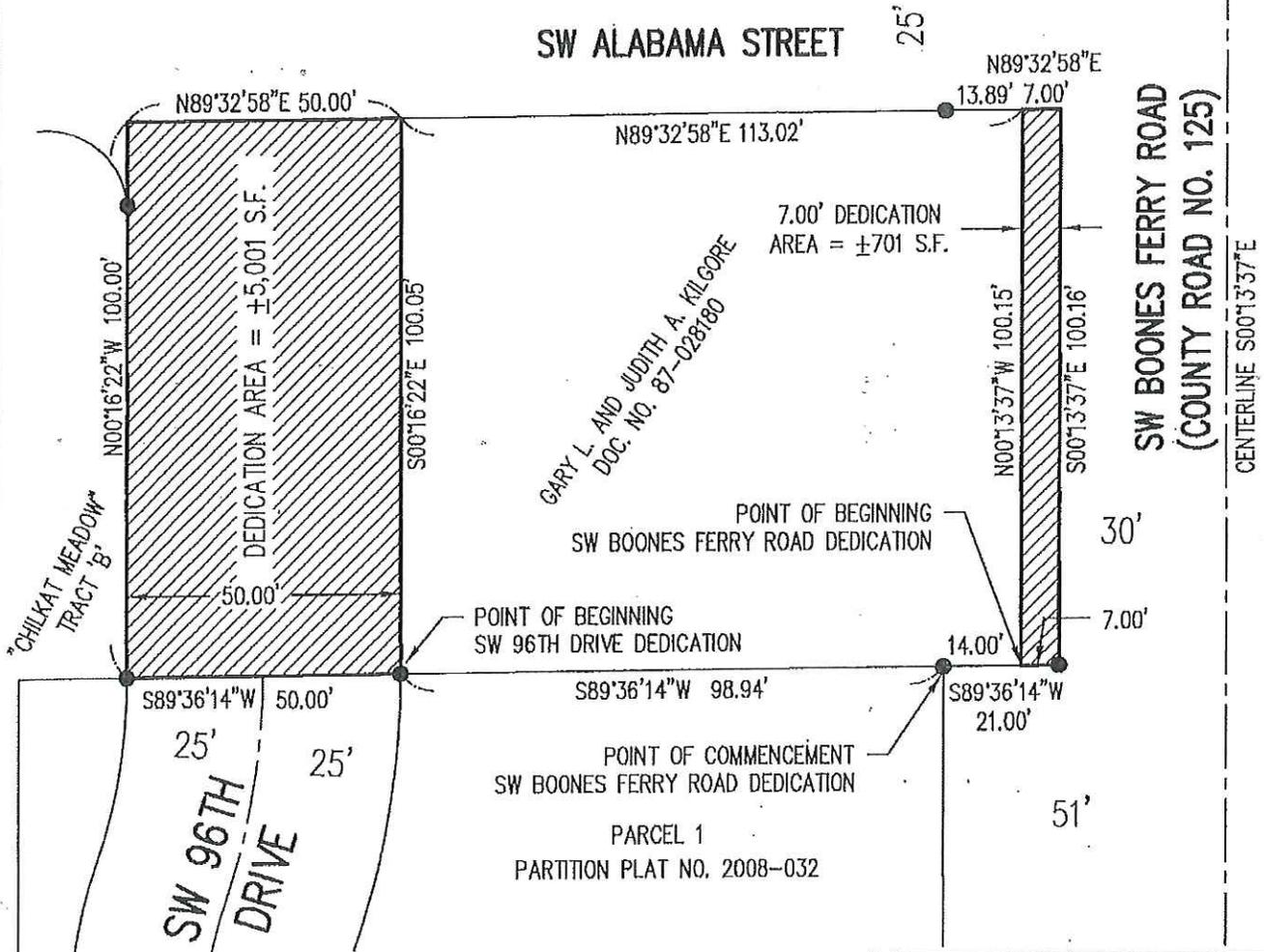
30'

SW ALABAMA STREET

25'

SW BOONES FERRY ROAD
(COUNTY ROAD NO. 125)

CENTERLINE S00°13'37"E



PREPARED FOR:

A-MARK CONSTRUCTION
22389 SW 103RD AVENUE
TUALATIN, OR 97067

JOB NAME: AMARK TUALATIN

JOB NUMBER: 1165

DRAWING NUMBER: 1165 EXHIBITS

DRAWN BY: CHS

CHECKED BY: SFF

NORTHWEST

SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

COPY