

RESOLUTION NO. 5338-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE PERMIT FOR A PRIVATE FIBER OPTIC NETWORK CONNECTION FOR LAM RESEARCH IN SW LEVETON DRIVE

WHEREAS, LAM Research requested to place a private fiber optic network connection within the right-of-way of SW Leveton Drive adjacent to 11361 SW Leveton Drive; and

WHEREAS, LAM Research needs to construct this fiber optic network connection to provide communication between buildings on opposite sides of SW Leveton Drive located at 11361 SW Leveton Drive and 18625 SW 108th Avenue; and

WHEREAS, granting the revocable permit is in the public good;

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 for any reason and at any time with 180 days prior notice to the permittee.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 25th day of September, 2017.

CITY OF TUALATIN, OREGON

BY



Mayor

APPROVED AS TO FORM

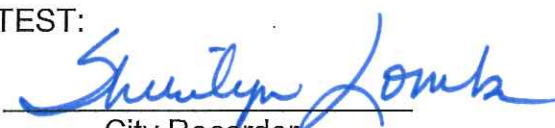
BY



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. 5338-17, hereby grants LAM Research ("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 crossing the right-of-way with a private fiber optic network connection ("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 as constructed must pass inspection by the City confirming it complies with all applicable Codes of the City of Tualatin including, but not limited to, structural safety, traffic, sanitation, land use, and fire requirements.
2. In constructing and maintaining the Encroachment, Permitee agrees to comply with the plans and specifications approved by the City and all applicable permits.
3. Permitee 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 Permitee.
4. Permitee 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.

5. Permittee must defend, indemnify, and hold harmless the City, its officers, agents, and employees, against any and all claims for damages of any kind attributable to Permittee and which is 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.
6. 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.
7. This Permit is revocable by the City, in its sole discretion, for any reason. City will provide Permittee at least 180 days prior written notice and provide the effective date of the revocation in the notice, on or before the effective date of the revocation, Permittee, at its 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, including any and all legal costs and attorney fees..
8. Permittee's obligations under the provisions of this Permit are binding upon all of the heirs, successors, and assigns of Permittee.
9. 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.
10. Any construction within the right-of-way requires a Public Works Permit and compliance with all applicable codes and regulations.

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ACCEPTED, and the conditions hereof acknowledged and agreed to the _____ day of _____, 2017.

Permitee:

LAM Research

By: _____

Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by _____, known to me to be the _____ of LAM Research.

Notary Public—State of Oregon
My commission expires: _____

Witness my hand this _____ day of _____, 20____.

By: _____
City Manager

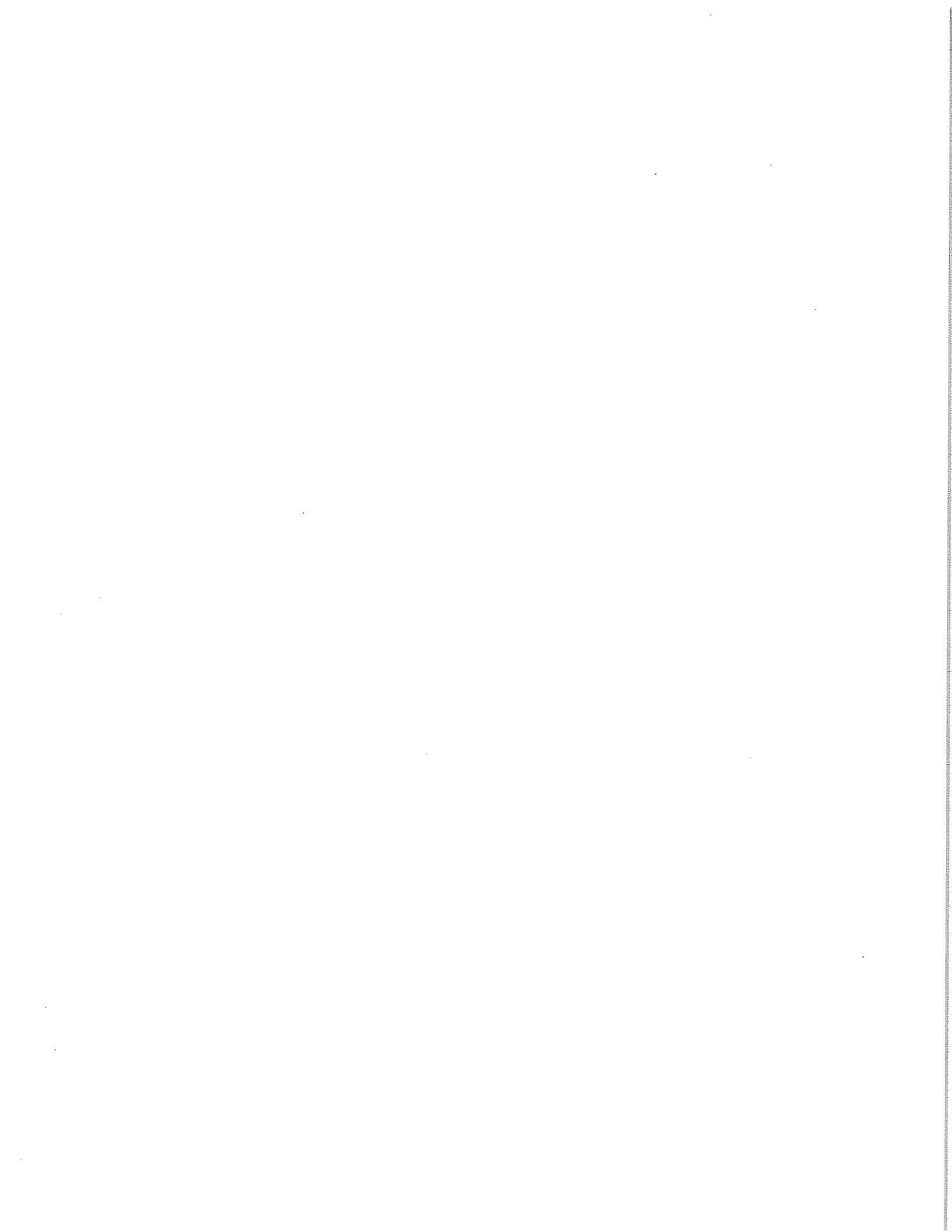
STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Sherilyn Lombos, as the City Manager for the City of Tualatin, Oregon.

Notary Public—State of Oregon
My commission expires: _____

APPROVED AS TO FORM:

By: _____
City Attorney





9715 SW Buckskin Ter.
Beaverton, Oregon 97008
Ph: 503-590-7158
Fax: 503-521-8372
Email: dave@davemillsconsulting.com

EXHIBIT A

A 10 foot strip of land located within the Right of Way of SW Leveton Drive in the Northeast 1/4 of Section 22, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County Oregon, being more particularly described as follows:

Beginning at a point on the North Right of Way Line of SW Leveton Drive being S. 89°41'51" E. 482.33 feet from the Southwest corner of Parcel 2 of Partition Plat No. 2001-058. Thence along the centerline of said strip of land being 5.00 feet each side of centerline, S. 0°18'09" W. a distance of 79 feet to the South Right of Way Line of said SW Leveton Drive, the terminus being easterly 136.99 feet from the Northwest corner of Parcel 1 of Partition Plat No. 2001-024.



PARTITION PLAT NO. 2001-058

PARCEL 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
DAVID W. MILLS
01915
EXPIRES 12-31-18

FD. BRASS PIN W/ WASHER

FD. BRASS NAIL W/ WASHER

S. 89° 41' 51" E., 482.33'

55.83'

30'

49'

N. 89° 41' 51" W.

SW LEVETON DRIVE

5'

5'

S. 0° 18' 09" W.

79'

FD. 5/8" IR W/ YPC

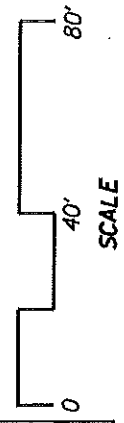
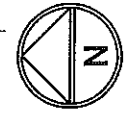
136.99'

FD. 5/8" IR W/ YPC

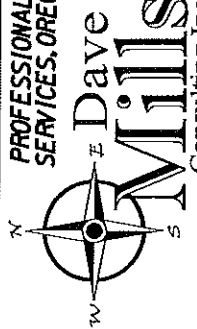
PARTITION PLAT NO. 2011-024

PARCEL 1

SW 108TH AVENUE



PROFESSIONAL LAND SURVEYING
SERVICES, OREGON & WASHINGTON



Dave Mills
Consulting Inc.
dave@davemillsconsulting.com
9715 SW BUCKSKIN TER., BEAVERTON, OR 97008

PHONE 503-590-7158
FAX 503-521-8372

**EXHIBIT B
ROAD CROSSING**

IN
THE NE 1/4 OF SECTION 22, T. 2 S., R. 1 W., WM.
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

JOB NO. 17-11
SCALE: 1" = 40'
FILED: LEVETON EXHIBIT.DWG
DATE: 5-6-17

