

RESOLUTION NO. 5214-14

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE PERMIT TO ALLOW CONSTRUCTION OF A FENCE OVER CITY RIGHT-OF-WAY AT SW 96TH AVENUE

WHEREAS, SW 96th Avenue was recently dedicated as right-of-way by Mr. Mark Eimon.

WHEREAS, there is currently no construction timeline for construction of SW 96th Avenue; 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

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.

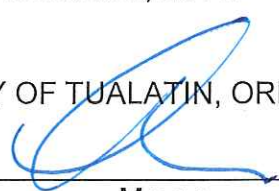
Section 2. The City Manager is authorized to revoke the permit at any time and for any reason deemed appropriate by the City Manager.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 8th day of December, 2014.

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

Sent for Recording
By: N. Morris



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

The City of Tualatin ("City"), pursuant to Resolution No. 5217-14, 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, LANDSCAPE, DRIVEWAY ("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. 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. Permitee 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.

- 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 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.
- 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 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 this 12th day of November, 2014.

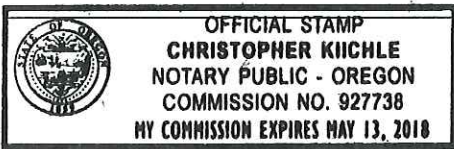
Mark A. Eimon

 By: [Signature]

 Permittee

STATE OF OREGON)
) ss.
)
 County of _____)

This instrument was acknowledged before me on November 12th, 2014, by



Mark A. Eimon

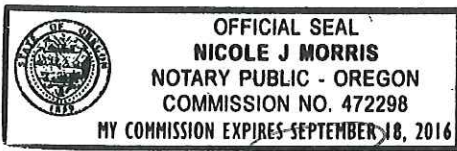
 Notary Public—State of Oregon
 My commission expires: May 13, 2014

Witness my hand this 12th day of November, 2014.

By: *S Lombos*
City Manager


STATE OF OREGON)
County of Washington) ss.

This instrument was acknowledged before me on December 9, 2014, 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

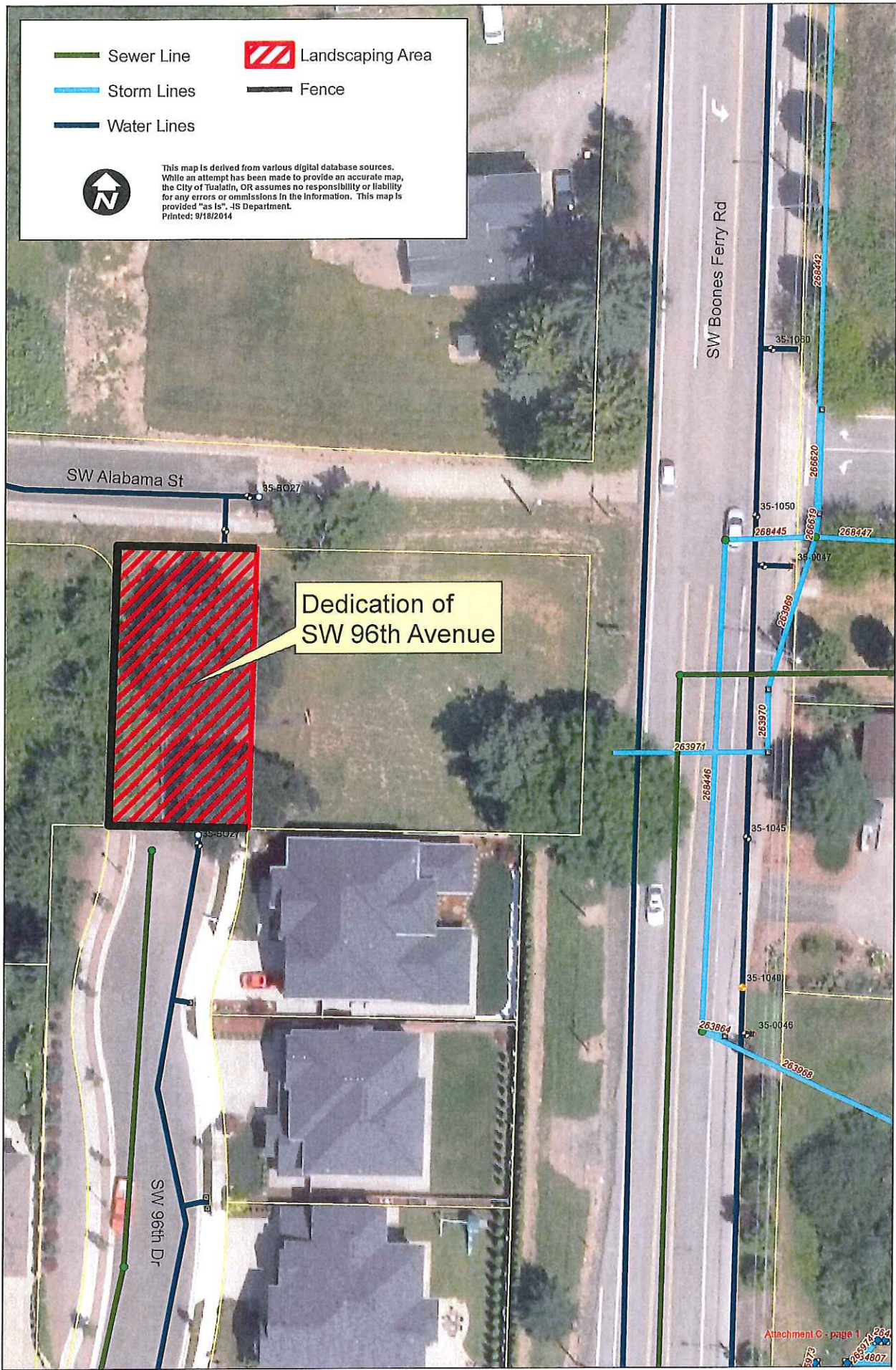
APPROVED AS TO FORM:
By: *S-B*
City Attorney

— Sewer Line  Landscaping Area

— Storm Lines — Fence

— Water Lines

 This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is", -IS Department. Printed: 9/18/2014



Send taxes to and
after recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



**CITY OF TUALATIN, OREGON
DEED OF DEDICATION**

Mark and Tanya Eimon ("GRANTOR"), dedicates to the public, by and through the City of Tualatin (the "CITY"), its successors and assigns, a perpetual right-of way for street, road, public utility, and pedestrian purposes, on, over, across, under, along, and within all of the following real property situated in the County of Washington , State of Oregon, and which is bounded and described as follows, to wit:

The premises described in the legal description attached as Attachment A and as further depicted on the Map attached as Attachment B, both of which are incorporated herein

TO HAVE AND TO HOLD, the above described and granted premises unto the public forever.

The true and actual consideration paid for this conveyance is \$ 0.00 or includes other property or other value given or promised, the receipt of which is acknowledged by GRANTOR.

[Continued on next page for formatting purposes]

GRANTOR covenants to CITY, its successors and assigns, that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrance and that GRANTOR, its heirs, successors and assigns, and personal representatives shall warrant and forever defend the premises against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

GRANTOR agrees that CITY is not accepting any liability for any release of hazardous substances onto or from the premises and that GRANTOR is not attempting to convey any such liability.

EXECUTED this 12 day of NOVEMBER, 2014.

Mark A. Eimon
Name (print or type)

Tanya K. Eimon
Name (print or type)

[Signature]
Signature

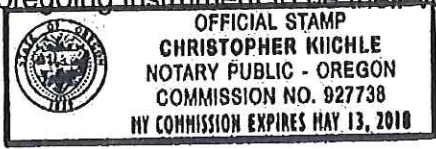
[Signature]
Signature

11.12.14
Date

11.12.14
Date

(STATE OF OREGON)ss
(County of Washington)

On this 12th day of November, 2014, before me, the undersigned, a Notary Public, personally appeared Mark & Tanya Eimon and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: [Signature]
Notary Public for Oregon
My commission expires: May 13, 2018

APPROVED AS TO FORM
By: [Signature]
City Attorney

CITY OF TUALATIN, OREGON
By: [Signature]
City Manager

The City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to TMC 1-3-030, approves and accepts the foregoing document on behalf of the City of Tualatin. Dated this 14th day of November, 2014.

[Signature]
City Manager



**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.

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.

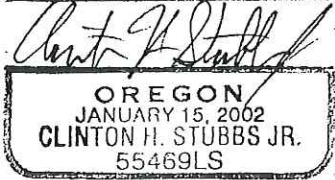
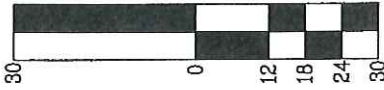


EXHIBIT MAP

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'

N89°32'58"E

N89°32'58"E 50.00'

N89°32'58"E 113.02'

13.89' 7.00'

7.00' DEDICATION
AREA = ±701 S.F.

N00°16'22"W 100.00'

DEDICATION AREA = ±5,001 S.F.

S00°16'22"E 100.05'

GARY L. AND JUDITH A. KILGORE
DOC. NO. 87-028180

N00°13'37"W 100.15'

S00°13'37"E 100.16'

SW BOONES FERRY ROAD
(COUNTY ROAD NO. 125)

CENTERLINE S00°13'37"E

POINT OF BEGINNING
SW BOONES FERRY ROAD DEDICATION

30'

POINT OF BEGINNING
SW 96TH DRIVE DEDICATION

14.00'

S89°36'14"W 21.00'

S89°36'14"W 50.00'

S89°36'14"W 98.94'

POINT OF COMMENCEMENT
SW BOONES FERRY ROAD DEDICATION

51'

PARCEL 1

PARTITION PLAT NO. 2008-032

SW 96TH
DRIVE

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