

RESOLUTION. NO. 959

It appearing in the judgment of the Common Council of the City of West Linn, Oregon, that for the purpose of acquiring and constructing sewage works, including all facilities necessary for collecting, pumping, treating and disposing of sanitary sewage within the City limits of the City of West Linn, Oregon, that in the interest of public health and safety it is necessary to procure permanent and sometimes temporary easements over property within said City to lay down, construct, reconstruct, replace, operate, inspect and perpetually maintain a sewer and all related facilities through, under and along said required easements, and being fully advised,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF WEST LINN, OREGON, hereby

RESOLVES, that:

1. It is, in the interest of the public health and safety, required and necessary that the following described easements be obtained in order to lay down, construct, reconstruct, replace, operate, inspect and perpetually maintain a sewer and all related facilities through, under and along the properties described in Exhibit "A" attached hereto and by this reference made a part hereof, being all located in the City of West Linn, Oregon.

2. That the City Administrator and/or such right-of-way agent or agents as he shall employ attempt to agree with the owners of the foregoing properties with respect to compensation to be paid

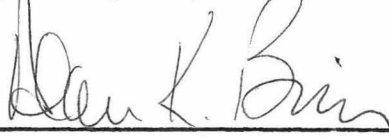
therefor, if any, and the damages, if any, for the taking thereof and report promptly to the Common Council of the City of West Linn the results of negotiations.

3. The fee simple to the land to be used for the easement described herein is not sought by the City of West Linn, Oregon, and full use and domain thereof is retained in the owners provided that such retention and use shall not be permitted to interfere with the purpose for which the easement is sought and no building may be erected on said easement without the written consent of the City of West Linn, Oregon, and the City of West Linn, Oregon shall replace, as near as practicable, the surface of said easement premises after construction and maintenance work upon any sewer installed therein. The easement sought does not prevent the owners or their successors or assigns from using the surface of the ground for vehicular, railroad, foot or other right-of-way on the surface of the land so long as the same does not impede the City of West Linn, Oregon, in the foregoing purposes and the easement sought shall not conflict with easements and rights-of-way of record as of the date of this resolution or any existing pipe or utility line serving the owners property or impede any surface drainage ditches or flows or prevent the installation of future similar utilities and the maintenance thereof so long as the City of West Linn, Oregon, has access to said easement premises for its purposes hereinbefore alleged.

This resolution adopted by the Common Council and

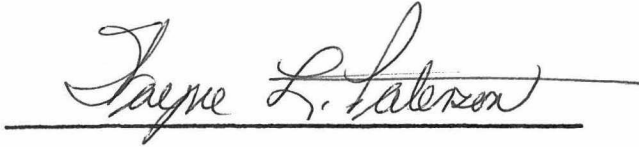
R-959
20f3

approved by the Mayor this 14th day of April, 1976.



Mayor

ATTEST:



Recorder.

R-959
30f3

In the County of Clackamas and State of Oregon:

Parcel A: A permanent utility easement over the westerly 15 feet of that portion of Lot 2, Tract D, WILLAMETTE FALLS ACREAGE TRACTS lying Northeasterly of Dollar Street.

Parcel B: A temporary construction easement over a strip of land ten feet in width abutting on the easterly side of Parcel A. above