



COUNCIL RESOLUTION No. 32-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TERMINATING A UTILITY EASEMENT IN THE BIRNAM OAKS DEVELOPMENT IDENTIFIED AS TAX LOT 11E26 DC02200.

WHEREAS, Tax Lot 11E26 DC02200 in the Southeast One-Quarter of Section 26, Township 1S, Range 1 E (Birnam Oaks) contains a utility easement in the northeast corner of the parcel ("Existing Easement"), where recently it was discovered that there are errors in the legal description that render the Existing Easement obsolete; and


WHEREAS, the Existing Easement is of no practical use to the city due to errors in the description and it benefits the city by terminating this easement; and

WHEREAS, the developer has created a new public waterline easement that accurately describes the location of the waterline on the partition plat for the Birnam Oaks development.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager, or their designee, is authorized to execute any documents that are necessary to terminate the Existing Easement as described in the staff report in exchange for a public waterline easement to be shown on the Partition Plat to be recorded with Clackamas County.

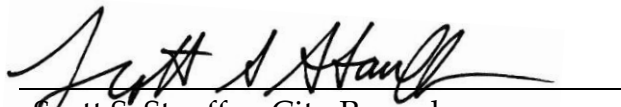
Introduced and adopted by the City Council on **June 1, 2021**.

This resolution is effective immediately.



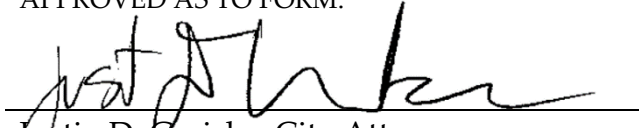
Mark F. Gamba, Mayor

ATTEST:



Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:



Justin D. Gericke, City Attorney