

## O'DONNELL, RHOADES, GERBER, SULLIVAN &amp; RAMIS

ATTORNEYS AT LAW

1727 N. W. HOYT STREET

PORTLAND, OREGON 97209

(503) 222-4402

MARK P. O'DONNELL  
GARY E. RHOADES  
THOMAS A. GERBER  
EDWARD J. SULLIVAN  
TIMOTHY RAMIS

RECEIVED

AUG 12 4 15 PM 1980

GEORGE W. SULLIVAN, AUDITOR  
CITY OF PORTLAND, ORE.

CANBY OFFICE

181 N. GRANT, SUITE 202  
CANBY, OREGON 97013  
(503) 266-1149

PLEASE REPLY TO  
PORTLAND OFFICE

August 12, 1980

BY \_\_\_\_\_

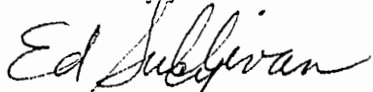
City Commissioners  
City of Portland, Oregon  
1220 S. W. Fifth Avenue  
Portland, Oregon 97204

Dear Commissioners:

We have already brought an action in Multnomah County Circuit Court because you failed to notify us of an action affecting the livability of the Goose Hollow Neighborhood, the City's plan to sell the Washington Park property (described as Lots 8 and 9 and the west 28.7 ft. of Lot 10 in Block 2, ARDMORE).

The Goose Hollow Foothills League was not notified of the item on the Council Agenda identified as Calendar No. 29-38 regarding donation of water easements. We request that you set the item over for two weeks to give the Goose Hollow Foothills League an opportunity to consider it.

Sincerely,



Edward J. Sullivan  
EJS:mch

## WATER LINE EASEMENT

7/11/80, 1980

In consideration of the sum of One and 00ths Dollars (\$1.00), Robert C. Warren (Grantor) conveys to the City of Portland, a municipal corporation of the State of Oregon, a perpetual easement to use a strip of land for the purpose of constructing, reconstructing, inspecting and maintaining a water line and its necessary appurtenances, which is located across the Grantor's property as described in Exhibit "A", which is attached hereto.

The terms of this easement are as follows:

1. No surface or underground structures, permanent or temporary, shall be constructed upon the easement without giving thirty (30) days prior written advice to the Chief Engineer of the City's Bureau of Water Works in which time he may respond and negotiate. Those landscaping structures now on the property or being constructed thereon are specifically approved.
2. No grade change in excess of one (1) foot in elevation shall be allowed without giving thirty (30) days prior written notice to the Chief Engineer of the City's Bureau of Water Works in which time he may respond and negotiate.
3. No trees shall be planted on the easement without giving thirty (30) days prior written advice to the Chief Engineer of the City's Bureau of Water Works in which time he may respond and negotiate.
4. No materials storage shall be permitted upon the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works.
5. Grantor may place fences upon and across the easement; however, such fences shall have gates or removable panels so as to allow access for the purpose of maintaining and repairing the water line.
6. The Grantor retains the right to use the easement area for a garden.
7. The City will restore as nearly as practicable the surface of the easement within a reasonable time after completion of construction or maintenance work.

## WATER LINE EASEMENT

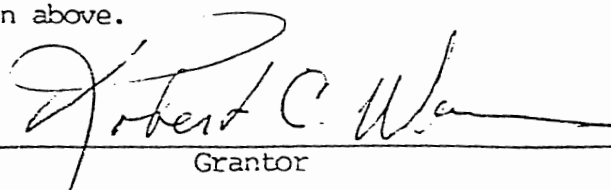
7/11/80, 1980

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5. Grantor may place fences upon and across the easement; however, such fences shall have gates or removable panels so as to allow access for the purpose of maintaining and repairing the water line.
6. The Grantor retains the right to use the easement area for a garden.
7. The City will restore as nearly as practicable the surface of the easement within a reasonable time after completion of construction or maintenance work.
8. In the event that Grantor desires at some future date the abandonment of this easement and the water line hereunder, it shall be so abandoned upon Grantor paying for all costs involved with the abandonment.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

  
Grantor

## EXHIBIT "A" - DESCRIPTION

Easement - Parcel 2

Map No: 3027  
Lot No. 10, Block 2, Ardmore

Robert C. Warren  
2373 S.W. Madison Avenue  
Portland, Oregon

## A PERMANENT EASEMENT

A portion of that tract of land in Section 33, Township 1 North, Range 1 East, of the Willamette Meridian, Multnomah County, Oregon, conveyed to Robert C. Warren, Jr. and Elizabeth Warren as described and recorded in Book 1411, pages 1600 and 1601, deed records of said Multnomah County, more particularly described as follows:

The Westerly 6 feet of the above described lot.

Said permanent easement being 6.0 feet wide, and containing 600 square feet, more or less.

APPROVAL AS TO DESCRIPTION:



William M. Elliott

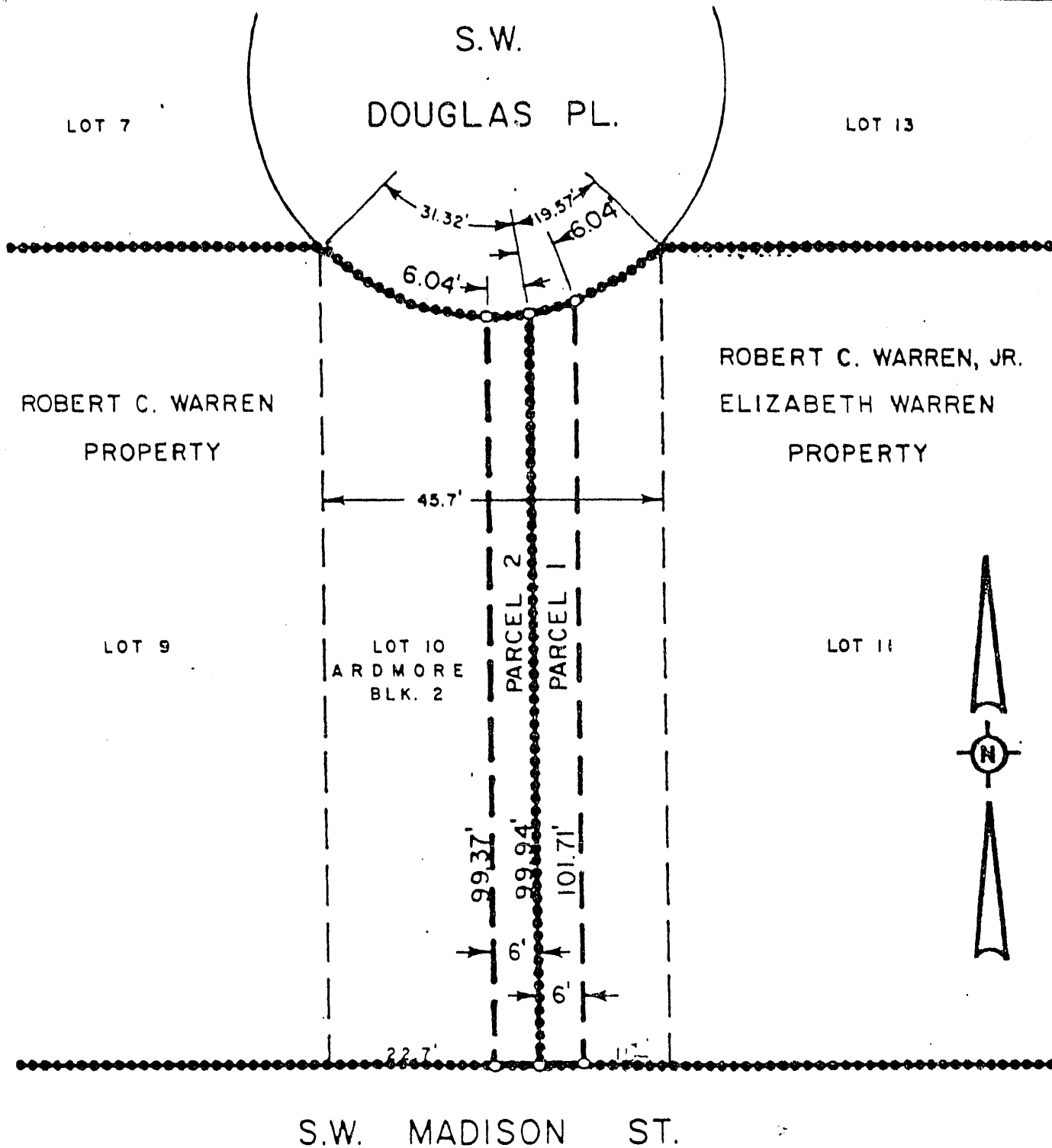


REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
OCT 6, 1978  
WILLIAM M. ELLIOTT  
1690

Attached Map No. 1-N-11, dated May 29, 1980 is herewith attached and made a part of this description.

I-N-11



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]*

OREGON  
WILLIAM M. ELLIOTT  
S.R.S.

CITY OF PORTLAND  
**BUREAU OF WATER WORKS**  
1800 SW 8TH AVE PORTLAND OREGON 97201

**WATER MAIN EASEMENTS**  
PARCEL 1, LOT 10, BLK. 2, ARDMORE  
PARCEL 2, LOT 10, BLK. 2, ARDMORE

APPROVED

DATE 5 29 80	W SEC 3027
SCALE 1"=20'	ACTIVITY NOS
DESIGNED F.D.	PROJ. NO 1625
DRAWN F.D.	FILE NO. I-N-11
CHECKED	
SUB	

## WATER LINE EASEMENT

EXHIBIT 2

July 14, 1980

In consideration of the sum of One and 00ths Dollars (\$1.00), Robert C. Warren, Jr., and Elizabeth Warren (Grantors) conveys to the City of Portland, a municipal corporation of the State of Oregon, a perpetual easement to use a strip of land for the purpose of constructing, reconstructing, inspecting and maintaining a water line and its necessary appurtenances, which is located across the Grantors' property as described in Exhibit "A", which is attached hereto.

The terms of this easement are as follows:

1. No surface or underground structures, permanent or temporary, shall be constructed upon the easement without giving thirty (30) days prior written advice to the Chief Engineer of the City's Bureau of Water Works in which time he may respond and negotiate. Those landscaping structures now on the property or being constructed thereon are specifically approved.
2. No grade change in excess of one (1) foot in elevation shall be allowed without giving thirty (30) days prior written notice to the Chief Engineer of the City's Bureau of Water Works in which time he may respond and negotiate.
3. No trees shall be planted on the easement without giving thirty (30) days prior written advice to the Chief Engineer of the City's Bureau of Water Works in which time he may respond and negotiate.
4. No materials storage shall be permitted upon the easement without the written consent of the Chief Engineer of the City's Bureau of Water Works.
5. Grantors may place fences upon and across the easement; however, such fences shall have gates or removable panels so as to allow access for the purpose of maintaining and repairing the water line.
6. The Grantors retain the right to use the easement area for a garden.
7. The City will restore as nearly as practicable the surface of the easement within a reasonable time after completion of construction or maintenance work.
8. In the event that Grantors desire at some future date the abandonment of this easement and the water line hereunder, it shall be so abandoned upon Grantors paying for all costs involved with the abandonment.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Robert C. Warren, Jr.  
Elizabeth Warren  
Grantors

## EXHIBIT "A" - DESCRIPTION

Easement - Parcel 1

Map No: 3027  
Lot 10, Block 2, Ardmore

Robert C. Warren, Jr. and  
Elizabeth Warren  
2373 S.W. Madison Ave.  
Portland, Oregon 97201


## A PERMANENT EASEMENT

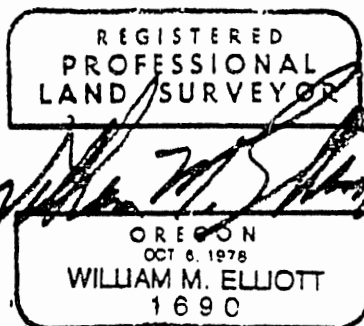
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The Westerly 6 feet of the above described lot.

Said permanent easement being 6.0 feet wide, and containing 600 square feet, more or less.

APPROVAL AS TO DESCRIPTION:

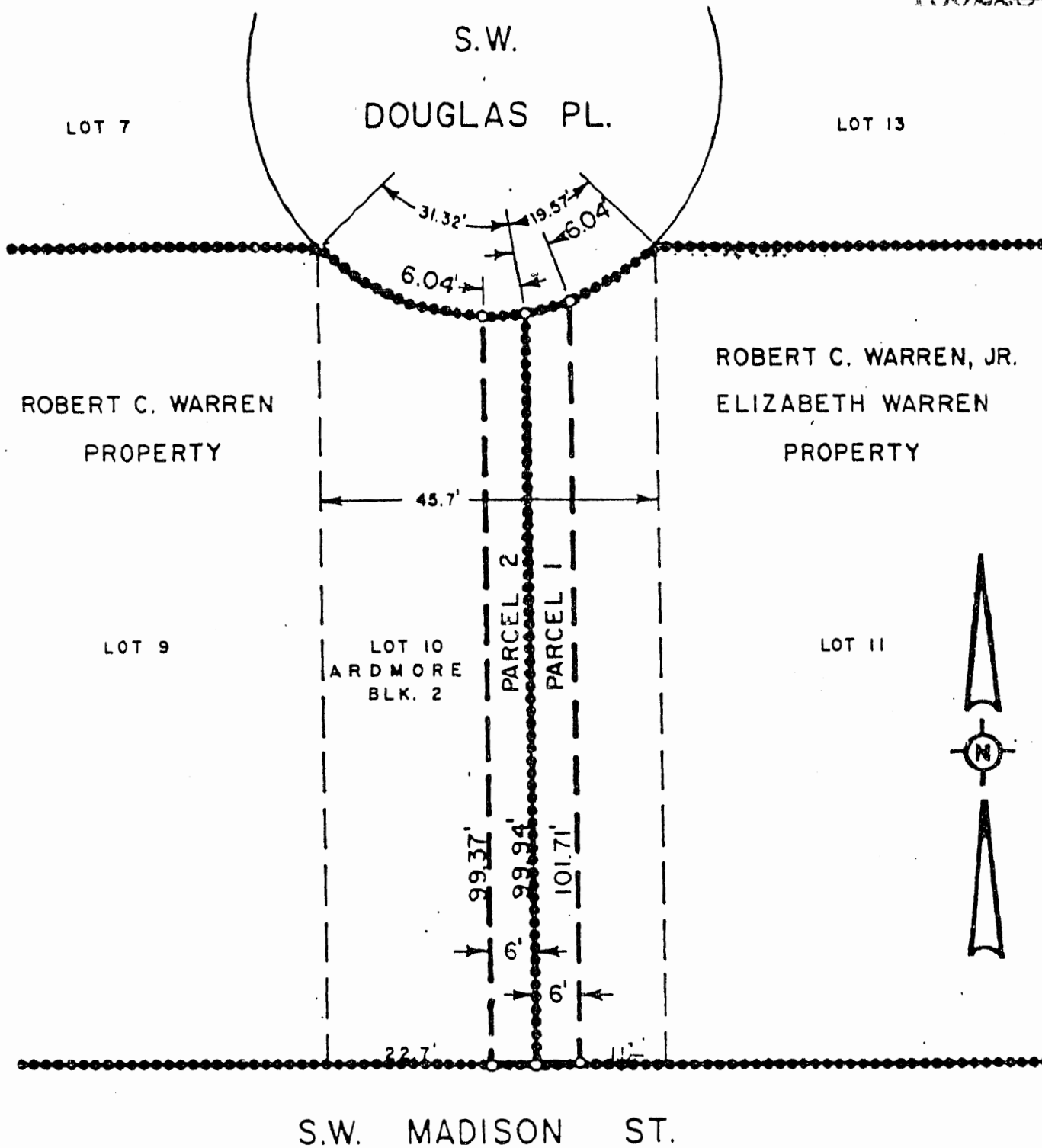
  
William M. Elliott



Attached Map No.1-N-11, dated May 29, 1980 is herewith attached and made a part of this description.

150928

I-N-11



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*[Signature]*  
OREGON  
WILLIAM M. ELLIOTT  
1991

CITY OF PORTLAND  
**BUREAU OF WATER WORKS**  
1800 SW 6TH AVE PORTLAND OREGON 97201  
**WATER MAIN EASEMENTS**  
PARCEL 1, LOT 10, BLK. 2, ARDMORE  
PARCEL 2, LOT 10, BLK. 2, ARDMORE

DATE 5 29 80	VA SEC 3027
SCALE 1"=20'	ACTIVITY NO 5
DESIGNED F.D.	PROJ. NO 1625
DRAWN F.D.	FILE NO. I-N-11
CHECKED <i>[Signature]</i>	
SUB <i>[Signature]</i>	



## ORDINANCE No. 150228

An Ordinance accepting two (2) permanent easements for a water line in the Portland Heights area from Robert C. Warren, Robert C. Warren, Jr., and Elizabeth Warren for \$1.00 each, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Water Works requires an easement for an existing water distribution main through Lot 10, Block 2, Ardmore subdivision in Section 33, Township 1 North, Range 1 East, W.M., Multnomah County, as described in the water line easements which have been signed and are similar to the copy attached to the original ordinance only, marked Exhibits 1 & 2 and by this reference made a part hereof.
2. The owners of Parcel 1, Robert C. Warren, Jr. and Elizabeth Warren, have agreed to grant the City the easement for \$1.00, said easement to be 6 feet wide and containing 600 square feet, more or less.
3. The owner of Parcel 2, Robert C. Warren, has agreed to grant the City the easement for \$1.00, said easement to be 6 feet wide and containing 600 square feet, more or less.

NOW, THEREFORE, the Council directs:

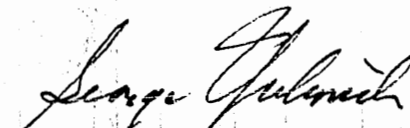
- a. Easements for Parcels 1 and 2 for a water distribution main are accepted for the amount of \$1.00 each.

Section 2. The Council further directs that an emergency exists in that any delay in proceeding with the acceptance of these easements may result in additional expense to the City; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, AUG 13 1980

Commissioner Ivancie  
W.M. Elliott:cw  
August 5, 1980  
BUC 18600374  
O.C. 610  
Proj. 1625

Attest:

  
Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	1	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No. 2938

# ORDINANCE No. 150228 Title

An Ordinance accepting two (2) permanent easements for a water line in the Portland Heights area from Robert C. Warren, Robert C. Warren, Jr., and Elizabeth Warren for \$1.00 each, and declaring an emergency.

Filed AUG 8 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY
COMMISSIONER IVANCIE

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>FJE May</i>
Works

BUREAU APPROVAL
Bureau: WATER WORKS
Prepared By: W.M. Elliott: cw Date: August 5, 1980
Budget Impact Review:
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>Carl Goebel</i>

Carl Goebel, Administrator

CALENDAR
Consent Regular YES

NOTED BY
City Attorney
City Auditor
City Engineer