

**RESOLUTION NO. 1535**

**A RESOLUTION OF THE CITY OF WILSONVILLE EXCHANGING AND ADOPTING  
EASEMENTS ASSOCIATED WITH THE CHARBONNEAU VILLAGE CENTER  
CONDOMINIUMS.**

WHEREAS, the City of Wilsonville approved the development of the Charbonneau village Center Condominiums, 97DB30, which conditions of approval included the direction and general location of water line easements; and

WHEREAS, the water line easements previously dedicated to the City, attached hereto and incorporated herein, must be relocated to conform to requirements and the needs of the City's Public Works Department; and

WHEREAS, the City Council finds that the existing referenced real property easements are being exchanged pursuant to ORS 271.310(3) for real property easements which are of equal or superior useful value for public use for the City's water lines; therefore, extinguishment by vacation is unnecessary.

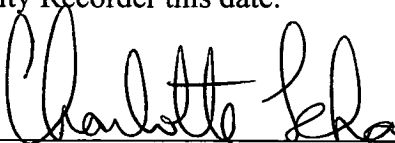
**NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:**

Based upon the above recitals and findings, the City of Wilsonville adopts the following property exchange:

(1) The City's release of its interest in a water line easement as described in Exhibit A and B, "Water Easement To Be Released", attached hereto and incorporated herein, in exchange for

(2) The Charbonneau Village Center Condominium conveyance to the City of Wilsonville of a water line easement as described in Exhibit A and B, "Water Easement To Be Granted", attached hereto and incorporated herein.

ADOPTED by the Wilsonville City Council at a special meeting there of this 14<sup>th</sup> day of January, 1999, and filed with the Wilsonville City Recorder this date.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

## **PIPELINE EASEMENT AND RELEASE OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that WAND-NELSON CONTRACTORS, INC., an Oregon Corporation d. b. a. Willamette Valley Homes, Jerome B. Wand, President, and the CHARBONNEAU VILLAGE CENTER CONDOMINIUM UNIT OWNERS ASSOCIATION, Robert Brunmeier, Chairman, and W. O. Traphagen, Secretary, hereinafter referred to as "Grantor", for the consideration hereinafter stated, does forever grant unto the CITY OF WILSONVILLE, a municipal corporation, hereinafter referred to as "Grantee", a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

1. Legal description is set forth in EXHIBIT "A", "WATER EASEMENT TO BE GRANTED", attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT "B" and incorporated by reference herein.

The Grantee does hereby release the permanent right-of-way and easement over and along the full length of the premises described as follows:

1. Legal description is set forth in EXHIBIT "A", "WATER EASEMENT TO RELEASED", attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT "B" and incorporated by reference herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In the event the permanent right-of-way and easement shall no longer serve a public purpose, it shall revert back to the Grantor, its successors and/or assigns; and

TO HAVE AND TO HOLD the above described permanent right-of-way and easement unto said Grantee in accordance with the conditions and covenants as follows:

1. The permanent right-of-way and easement shall include the right, privilege, and authority, to the said City of Wilsonville, to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove an underground water pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, including above ground valve boxes or fire hydrants, for the purpose of carrying and conveying potable water in, under, and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted. No building shall be constructed over the pipeline easement right-of-way.

2. Grantee will indemnify and hold harmless the Grantor, its successors and/or assigns from claims for injury to person or property as a result of the negligence of the Grantee, its agents or employees in the construction, operation, or maintenance of said pipeline.

3. The City of Wilsonville, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises of the Grantor, and any improvements disturbed by the City, to as good condition as they were prior to any such installation work, including, but not limited to, the restoration of any topsoil, lawn and nursery stock of like kind and quality subject to reasonable substitution as may be necessitated by obstruction or interference with the use granted herein.

4. Grantor may, at its option and expense, relocate said right-of-way, easement and associated public appurtenances and utilities, provided such relocation is accepted by the City as complying with applicable codes and standards, land use laws and regulations.


THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

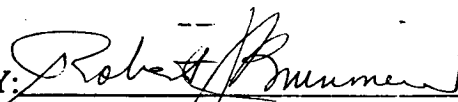
IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 30<sup>th</sup> day of December, 19 98.


GRANTOR(S):

Wand-Nelson Contractors, Inc.  
d.b.a. Willamette Valley Homes

Charbonneau Village Center Condominium  
Unit Owners Association

BY:   
Jerome B. Wand, President

BY:   
Robert Brunmeier, Chairman

BY:   
W. O. Traphagen, Secretary

STATE OF OREGON            )  
  ) ss  
County of Clackamas        )

On this 29<sup>th</sup> day of December, 1998, before me, a notary public in and for said County and State, personally appeared Jerome B. Wand, President of Wand-Nelson Contractors, Inc., d.b.a. Willamette Valley Homes, known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

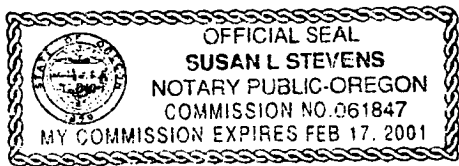


*Susan L. Stevens*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 2-17-2001

STATE OF OREGON            )  
  ) ss  
County of Clackamas        )

On this 28<sup>th</sup> day of December, 1998, before me, a notary public in and for said County and State, personally appeared Robert Brunmeier, Chairman of the Charbonneau Village Center Condominium Unit Owners Association, known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same on behalf of the Association for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.



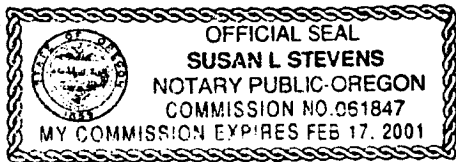
*Susan L. Stevens*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 2-17-2001

After recording, return to:  
CITY RECORDER, CITY OF WILSONVILLE  
30000 SW TOWN CENTER LOOP, E.  
WILSONVILLE OR 97070\_\_

STATE OF OREGON )  
 ) ss  
County of Clackamas )

On this 30<sup>th</sup> day of December, 1998, before me, a notary public in and for said County and State, personally appeared W. O. Traphagen, Secretary of the Charbonneau Village Center Condominium Unit Owners Association, known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same on behalf of the Association for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.



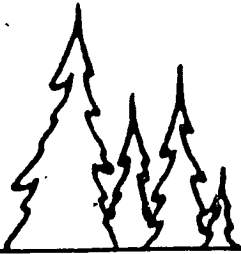
*Susan L. Stevens*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 2-17-2001

APPROVED AS TO LEGAL DESCRIPTION  
this 20<sup>th</sup> day of January, 1999.  
*Mike Stone*  
Mike Stone, P.E., City Engineer

APPROVED AS TO FORM  
this 20 day of January, 1999.  
*Michael E. Kohlhoff*  
Michael E. Kohlhoff, City Attorney

City of Wilsonville, Oregon ACCEPTED the Easement to be Granted and RELEASED the Easement to be Released on behalf of the City of Wilsonville, Oregon  
this 14<sup>th</sup> day of January, 1999.  
*Charlotte Lehan*  
Charlotte Lehan, Mayor

ATTESTED TO:  
Sandra C. King, City Recorder *Sandra C. King* Date: 1-19-99



**LEONARD A. RYDELL, P.E., P.L.S., W.R.E.** Consulting Civil Engineer - Land Surveyor

**601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625  
(503) 538-5700 FAX 538-9167**

**EXHIBIT "A"**

**LEGAL DESCRIPTION - Water Easement**  
Prepared for Willamette Valley Homes

W.O. No. 9814  
24 December 1998  
Page 1 of 2

A public water easement across Variable Property "A" of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM", a condominium recorded 29 November 1990 in Book 94, Page 30, Plat Number 2908, Clackamas County Plat Records, and located in a portion of the George L. Curry Donation Land Claim No. 43 in the Northwest Quarter of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described based on the recorded plat of the "CHARBONNEAU VILLAGE CENTER CONDOMINIUM" by Leonard A. Rydell, Professional Land Surveyor No. 1437 as follows:

**WATER EASEMENT TO BE RELEASED**

A portion of Water Easement No. 1 of Pipeline Easement from Willamette Factors, Inc., to the City of Wilsonville recorded by Fee No. 87-54106, and more fully described as follows:

Beginning at a one-inch iron pipe at the Southwest corner of Variable Property "A" of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM"; thence North  $02^{\circ} 10' 58''$  East along the West boundary of said Variable Property "A" 4.37 feet to the centerline of said Water Easement No. 1; thence North  $00^{\circ} 00' 00''$  East 45.42 feet along the centerline of said Water Easement No. 1 to the True Point of Beginning of a 15.00 foot wide easement to be released, 7.50 feet wide on each side of the following described centerline; thence North  $90^{\circ} 00' 00''$  East 130.93 feet along the centerline of said Water Easement No. 1; thence North  $43^{\circ} 35' 58''$  East 99.22 feet along the centerline of said Water Easement No. 1 to the Terminus Point of the water easement to be released.

**WATER EASEMENT TO BE GRANTED**

A 15.00 foot non-exclusive public water easement across a portion of Variable Property "A", 7.50 feet wide on each side of the centerline more fully described as follows:

Beginning at a one-inch iron pipe at the Southwest corner of Variable Property "A" of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM"; thence North 02° 10' 58" East along the West boundary of said Variable Property "A" 4.37 feet to the centerline of said Water Easement No. 1; thence North 90° 00' 00" East 45.42 feet along the centerline of said Water Easement No. 1 to the True Point of Beginning; thence South 86° 02' 89" East 157.57 feet; thence North 82° 44' 42" East 41.50 feet; thence North 02° 07' 26" East 79.58 feet to the Terminus Point on the centerline of said Water Easement No. 1. The sidelines of said easement are to be lengthened where needed to meet the location of the unreleased portion of the existing easement.



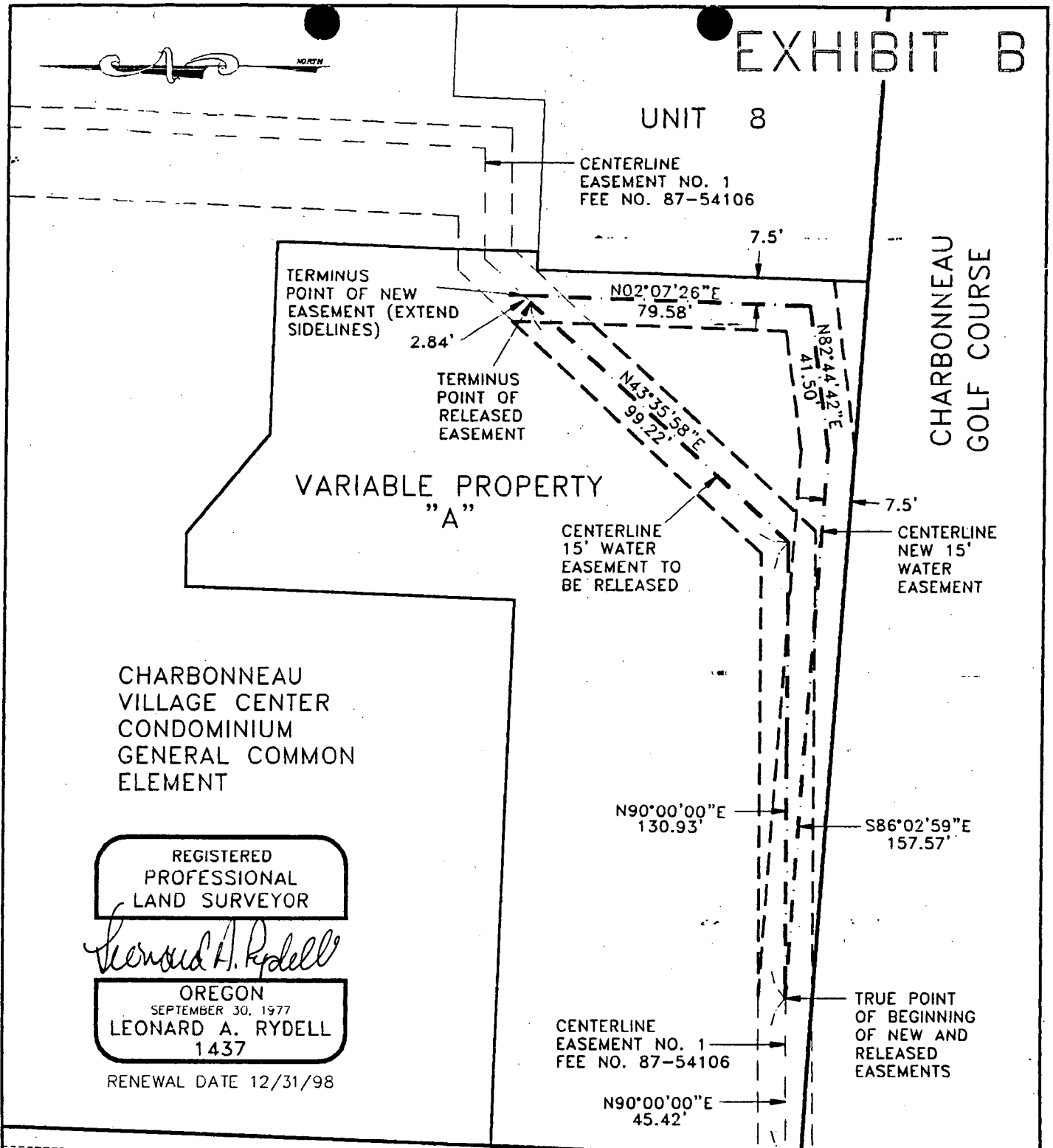
*Leonard A. Rydell*



RENEWAL DATE 12/31/98



# EXHIBIT B



CHARBONNEAU VILLAGE CENTER CONDOMINIUM GENERAL COMMON ELEMENT

REGISTERED PROFESSIONAL LAND SURVEYOR

*Leonard A. Rydell*

OREGON  
SEPTEMBER 30, 1977  
LEONARD A. RYDELL  
1437

RENEWAL DATE 12/31/98

CHARBONNEAU VILLAGE CONDOMINIUMS

N02°10'58"E 4.37'

FOUND 1" IRON PIPE, S.W. CORNER VARIABLE PROPERTY "A"

CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE III  
Charbonneau The Village at Wilsonville

REVISED 23 DECEMBER 1998 LAR  
DWG: 9814WEAS.DWG

PUBLIC WATER LINE EASEMENT MAP

PREPARED BY:  
LEONARD A. RYDELL, PE, PLS, WRE  
601 Pinehurst Drive  
Newberg, Oregon 97132  
Phone: (503) 538-5700  
W.O. No. 9814

Scale: 1" = 40' Date: 11 Sept. 1998 Drawn: *Jan R. Jacon*

Prepared For Willamette Valley Homes  
P. O. Box 760 Wilsonville, Oregon 97070 Phone: (503) 678-5205