

RESOLUTION NO. 1976

A RESOLUTION OF THE CITY OF WILSONVILLE EXCHANGING AND ADOPTING EASEMENTS, ARBOR VILLEBOIS LLC, GRANTOR

WHEREAS, the City of Wilsonville approved the subdivision plat known as "Arbor Villebois", Case File 04AR056, which required that a public utility easement be conveyed to the City; and

WHEREAS, the developer provided an easement on the property known as Lot 40 an easement recorded as Plat #4002 in Book 131, Page 14, Clackamas County, Oregon. However, the location of this easement was larger and did not track the requirements of the easement described above; was in excess of the needs and requirements of the Public Works Department and, therefore, a portion of said easement is no longer needed by the City of Wilsonville; and

WHEREAS, the City Council finds that it is in the public interest to exchange a quitclaim deed for a public utility easement of the appropriate size pursuant to ORS 271.310.

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

1. Based on the above recitals and findings, the City of Wilsonville adopts, approves and, authorizes the following conveyances to achieve an exchange of easements:

(a) The City's release, by a Reconveyance and Quitclaim, of all its interest in the Public Utility Easement described in Exhibit 1, attached hereto and incorporated herein, in exchange for

(b) Arbor Villebois LLC's conveyance to the City of the Public Utility Easement described in Exhibit 2, attached hereto and incorporated herein.

2. The City Manager is authorized to sign these instruments on behalf of the City.

3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6th day of February, 2006, and filed with the Wilsonville City Recorder on this date.


CHARLOTTE LEHAN, Mayor

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes

Attachments:

- Exhibit 1 – Reconveyance and Quitclaim of Easement, City of Wilsonville, Grantor
- Exhibit 2 – Public Utility Easement, Arbor Villebois, Grantor

**RECONVEYANCE AND QUITCLAIM
OF EASEMENT**

After recording, return to:
CITY RECORDER
CITY OF WILSONVILLE
30000 SW Town Center Loop E.
Wilsonville, OR 97070

KNOW ALL MEN BY THESE PRESENTS that the **City of Wilsonville**, a municipal corporation, Grantor, releases and quitclaims to **Arbor Villebois, LLC**, an Oregon Limited Liability Company, Grantee, for the consideration hereinafter stated, all right, title and interest in and to the following real property easement, described as follows:

The legal description is set forth in "EXHIBIT A" attached hereto, and incorporated by reference herein.

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, in terms of dollars, is None. However, the actual consideration consists of other property of equal or superior value, which is the whole consideration.

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 Reconveyance and Quitclaim of Easement this ___ day of _____, 2006.

GRANTOR: CITY OF WILSONVILLE

By _____
Arlene Loble, City Manager

STATE OF OREGON)
) ss
County of Clackamas)

This instrument was acknowledged before me on _____, 2006,
by Arlene Loble as City Manager of the City of Wilsonville.

Notary Public for Oregon
My Commission Expires: _____

APPROVED AS TO FORM
this 1st day of February, 2006.

Paul A. Lee

Paul A. Lee, Assistant City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION
this _____ day of _____, 2006.

Michael A. Stone, P.E., City Engineer
City of Wilsonville, Oregon

AUTHORIZED on behalf of the City of Wilsonville, Oregon,
this _____ day of _____, 2006.

Arlene Loble, City Manager

ATTESTED TO:

Sandra C. King, MMC, City Recorder Date



EXHIBIT "A"

LEGAL DESCRIPTION
LOT 40, "ARBOR VILLEBOIS"
10' X 10' PUE TO BE RELEASED

JOB NO. 394-008

A TRACT OF LAND LOCATED IN LOT 40, "ARBOR VILLEBOIS", BEING LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 40; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT, SOUTH 42° 56' 37" EAST, 10.00 FEET; THENCE LEAVING SAID LOT LINE, SOUTH 47° 03' 23" WEST, 10.00 FEET; THENCE NORTH 42° 56' 37" WEST, 10.00 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 40; THENCE ALONG SAID LOT LINE, NORTH 47° 03' 23" EAST, 10.00 FEET, TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 100 SQUARE FEET. THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE PLAT OF "ARBOR VILLEBOIS", CLACKAMAS COUNTY PLAT RECORDS.

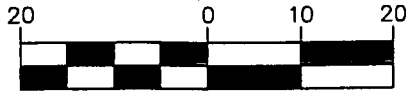


VALID UNTIL 6-30-07

LOT 40, ARBOR VILLEBOIS

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP
3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF
WILSONVILLE, CLACKAMAS COUNTY, OREGON

GRAPHIC SCALE



SCALE: 1" = 20'

LEGEND

PUE PUBLIC UTILITY EASEMENT

- 5/8" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "ALPHA COM. DEV." PER PLAT OF "ARBOR VILLEBOIS"

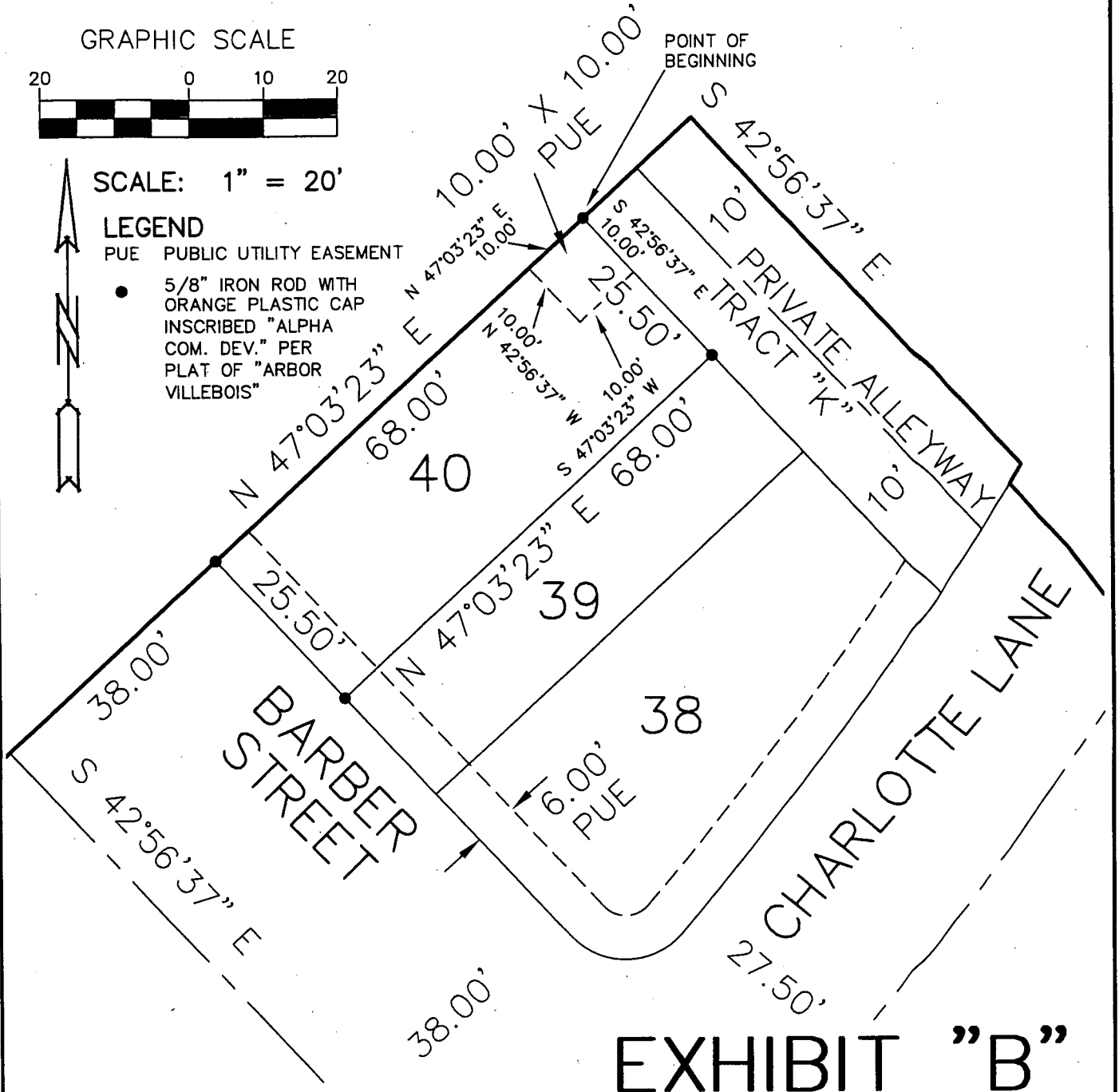


EXHIBIT "B"

N:\proj\394-008\dwg\survey\PLATT\394008SKCA.dwg - SHEET: EXIST. ESMT Jan 03, 2006 - 5:16pm rlm

DRAWN BY: RLMc DATE: 01-03-06
 REVIEWED BY: MRG DATE: 01-03-06
 PROJECT NO.: 394-008
 SCALE: 1" = 20'



PUBLIC UTILITY EASEMENT
Grantor - Limited Liability Company

After recording, return to:
CITY RECORDER
CITY OF WILSONVILLE
30000 SW Town Center Loop, E.
WILSONVILLE OR 97070

KNOW ALL MEN BY THESE PRESENTS, that ARBOR VILLESBOIS, AN OREGON
LIMITED LIABILITY COMPANY,

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" 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.

together with a temporary construction easement as follows: NONE

The temporary construction easement shall be effective only for and during the time of the initial construction of the below described public improvements, and shall under any circumstances be extinguished and expire on N/A, 200__ (specific date).

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/~~part of the~~) consideration (indicate which)*. (If not applicable, the sentence between the symbols * should be deleted. ORS 93.030.)

In the event the permanent right-of-way and easement shall no longer serve a public purpose, it shall revert back to the Grantor(s), his/her/their heirs, 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 Grantee, through its officers, employees and agents, shall have the right to enter upon said lands in such a manner and at such times from this date as may be reasonably necessary for the purpose of constructing, building, patrolling, replacing and maintaining thereon a sidewalk and public utilities easement along said right-of-way for the conveyance of pedestrian, power, electric, natural gas, telephone or cable, including such renewals, repairs, replacements and removals as may be from time to time required. Said right shall be perpetual for so long as

grantee shall operate or cause or enable to be operated a sidewalk and a public utility for said purposes as herein provided.

2. Immediately after any construction or repair of said public utility the surface of the ground shall be restored equal to its original condition so that the Grantor(s) and his/her/their heirs, successors and/or assigns shall have the free and unobstructed use thereof, subject to rights of Grantee herein provided.

3. Grantee will make no unreasonable interference with such use of the surface of said land by Grantor(s) and his/her/their heirs, successors and/or assigns.

4. Grantor(s) and his/her/their heirs, successors and/or assigns will not be responsible for damage by others to said public utilities.

5. To the extent allowed by law, Grantee will indemnify and hold harmless the Grantor(s), his/her/their heirs, successors and/or assigns from claims or 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 easement for sidewalk and public utilities.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 12th day of January, 2008.

GRANTOR:

ARBOR VILLESBOIS, LLC
(Name of Limited Liability Company)

By:

[Signature]
(Agent)

(Agent)

STATE OF OREGON)
County of Washington) ss



On this 12th day of January, 2008, before me, a notary public in and for said County and State, personally appeared WALTER E. REMERS, known to me to be the person whose name he 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.



Terry P. Kinney
NOTARY PUBLIC FOR OREGON
My Commission Expires: March 7, 2007

STATE OF OREGON)
County of _____) ss

On this _____ day of _____, 200__, before me, a notary public in and for said County and State, personally appeared _____, known to me to be the person whose name _____ subscribed to the within instrument and acknowledged that _____ 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.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

APPROVED AS TO FORM

this 18th day of January, 2006.

Paul A. Lee
Paul A. Lee, Assistant City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this _____ day of _____, 200__.

Michael A. Stone, P.E., City Engineer
City of Wilsonville, Oregon

ACCEPTED on behalf of the City of Wilsonville,
OR, this ____ day of _____, 200__.

Arlene Loble
City Manager

ATTESTED TO:

Sandra C. King, CMC, City Recorder
Date: _____

STATE OF OREGON)
) ss
County of Clackamas)

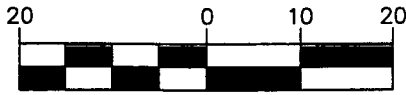
On this ____ day of _____, 200__, before me personally appeared
Arlene Loble, personally known to me to be the person whose name is
subscribed to this instrument, and acknowledged that she executed the same.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

LOT 40, ARBOR VILLEBOIS

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

GRAPHIC SCALE



SCALE: 1" = 20'

LEGEND

PUE PUBLIC UTILITY EASEMENT

- 5/8" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "ALPHA COM. DEV." PER PLAT OF "ARBOR VILLEBOIS"

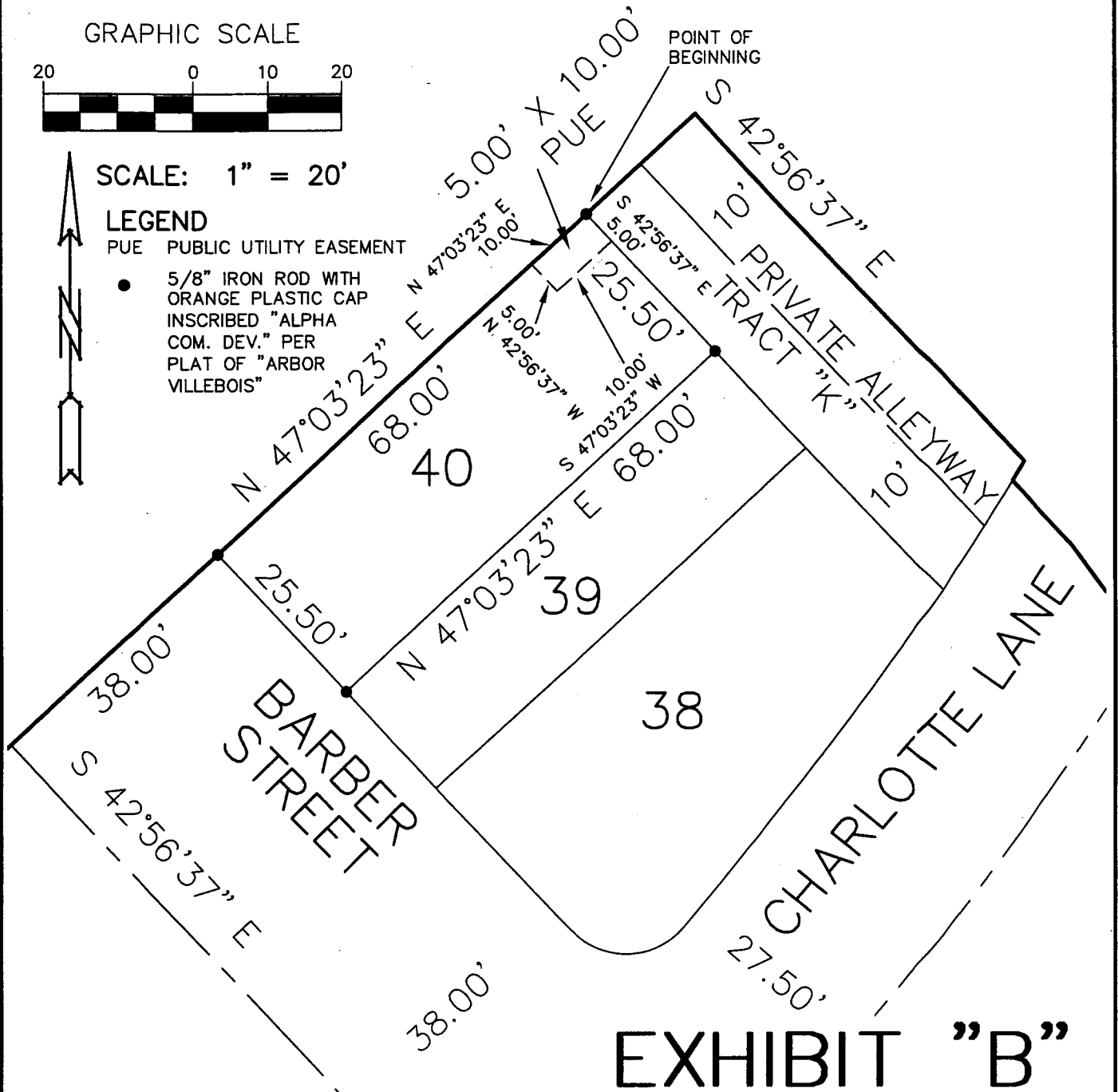


EXHIBIT "B"

N:\proj\394-008\dwg\survey\PLAT1\394008SKCA.dwg - SHEET: ESMT TO REMAIN Jan 03, 2006 - 5:18pm rlm

DRAWN BY: RLMc DATE: 01-03-06
 REVIEWED BY: MRG DATE: 01-03-06
 PROJECT NO.: 394-008
 SCALE: 1" = 20'

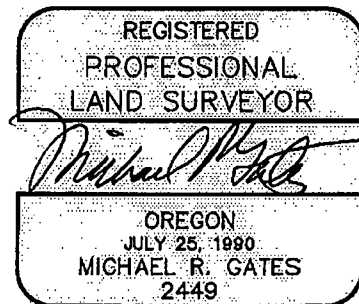


EXHIBIT "A"

LEGAL DESCRIPTION
LOT 40, "ARBOR VILLEBOIS"
10' X 5' PUE

JOB NO. 394-008

A TRACT OF LAND LOCATED IN LOT 40, "ARBOR VILLEBOIS", BEING LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 40; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT, SOUTH $42^{\circ} 56' 37''$ EAST, 5.00 FEET; THENCE LEAVING SAID LOT LINE, SOUTH $47^{\circ} 03' 23''$ WEST, 10.00 FEET; THENCE NORTH $42^{\circ} 56' 37''$ WEST, 5.00 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 40; THENCE ALONG SAID LOT LINE, NORTH $47^{\circ} 03' 23''$ EAST, 10.00 FEET, TO THE POINT OF BEGINNING.
CONTAINING APPROXIMATELY 50 SQUARE FEET.
THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE PLAT OF "ARBOR VILLEBOIS", CLACKAMAS COUNTY PLAT RECORDS.




VALID UNTIL 6-30-07



MEMORANDUM

DATE: January 27, 2006

TO: Honorable Mayor and City Council

FROM: Dee M. Staten Senior Engineering Technician 

RE: Reconveyance and Quitclaim of Easement – Lot 40, Arbor Villebois

The project known as Lot 40 Arbor Villabois , owned by the Developer Arbor Villebois, a Limited Liability Company, has requested to reduce an existing Public Utility Easement in order to construct the desired home on this lot. This 10 foot by 10 foot Public Utility Easement surrounds a Portland General Electric Transformer. The existing Public Utility Easement is over and above what is required to properly maintain this transformer. Documentation has been provided to support the reduction of this Public Utility Easement.

The attached Public Utility Easement, Reconveyance and Quitclaim of Easement documents are a required component of final approval for Building Permits. When executed by the City of Wilsonville and recorded by Clackamas County, this condition of building permit # VB05-0070 will be considered complete.

January 27, 2006

Dee Staten
City of Wilsonville
30000 Town Center Loop E
Wilsonville, OR 97070

Dear Mr. Staten:

PGE authorizes the modification to the public utility easement at the northwest corner of Lot 40, Villabois. If you have any questions, please feel free to give me a call at 503-570-4416.

Sincerely,



Jim Van Kleek