

**RESOLUTION NO. 2096**

**A RESOLUTION OF THE CITY OF WILSONVILLE DISPOSING OF A PORTION OF A PUBLIC UTILITY EASEMENT NOT NEEDED FOR PUBLIC USE ADJACENT TO ALLEY D AND ALLEY A4, VILLEBOIS, WILSONVILLE**

WHEREAS, West Hills Development Company, Arbor Villebois dedicated public utility easements (the "PUE") to the City of Wilsonville on six (6) lots on the plat of Arbor Villebois No. 4, and,

WHEREAS, portions of the PUE along Alley D and Alley A4, and PDP4 SAP South, Villebois, as more fully described below, are unnecessary for the purposes of locating public utilities to serve adjoining properties, and,

WHEREAS, conveyance of the portions of PUE will avoid encroachments that otherwise inhibit the construction of single-family homes on affected lots, and,

WHEREAS, pursuant to ORS 271.310, the City Council conducted a duly noticed public meeting, at which time the proposed disposition was considered, based upon analysis of the public need for the portions of PUE, the proposed use of the property, its value, and other matters bearing on the continued necessity for the property, and,

WHEREAS, the City has substantial evidence before it from West Hills Development Company that the interest in the PUEs proposed to be conveyed to West Hills Development Company is not necessary for public use and that the public interest is furthered by the conveyance of the interest to West Hills Development Company because it will allow the full residential development of each of the affected lots as anticipated by the Villebois Master Plan, and,

WHEREAS, upon consideration of the record of the meeting, it appears to the City Council that the subject portions of PUE are not needed for public use and the conveyance by

quitclaim deed to the owner of the property dedicating it is necessary, convenient and in the public interest, and,

WHEREAS, for the consideration in the amount of One Dollar (\$1.00) and other good and valuable consideration,

NOW THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Based upon the above recitals and findings, testimony received at the meeting , and the staff report in the is matter, the City hereby quitclaims its interest in that portion of the Public Utility Easement described in Exhibits 1 through 6, attached hereto and incorporated herein by reference, to West Hills Development Company.
2. The City Manager is authorized to sign necessary instruments to accomplish the conveyance of the City's interests on behalf of the City.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof on the 3<sup>rd</sup> day of March, 2008, and filed with the Wilsonville City Recorder this date.



ALAN KIRK, CITY COUNCIL PRESIDENT

ATTEST:

  
Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Charlotte Lehan	Excused
Council President Alan Kirk	Yes
Councilor Tim Knapp	Excused
Councilor Celia Núñez	Yes
Councilor Michelle Ripple	Yes

Attachments:

Exhibit 1 – Quitclaim from City of Wilsonville to Arbor Villebois LLC for a certain portion of the PUE adjacent to Lot 299

Exhibit 2 – Quitclaim from City of Wilsonville to Arbor Villebois LLC for a certain portion of the PUE adjacent to Lot 298

Exhibit 3 – Quitclaim from City of Wilsonville to Arbor Villebois LLC for a certain portion of the PUE adjacent to Lot 297

Exhibit 4 – Quitclaim from City of Wilsonville to Arbor Villebois LLC for a certain portion of the PUE adjacent to Lot 296

Exhibit 5 – Quitclaim from City of Wilsonville to Arbor Villebois LLC for a certain portion of the PUE adjacent to Lot 295

Exhibit 6 – Quitclaim from City of Wilsonville to Arbor Villebois LLC for a certain portion of the PUE adjacent to Lot 302

Exhibit 7 – Hold Harmless and Indemnification Agreement

Exhibit 8 – OTAK Engineering Certificate verifying there are no public utilities located within the proposed PUE for Lots 295, 296, 297, 298, 299 and 302

## MEMORANDUM

To: Honorable Mayor and City Council

From: Michael Stone, City Engineer

Date: March 3, 2007

Re: Resolution Conveying Portions of Public Utility Easements in Villebois

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ORS 271.310 provides that a local government may sell, exchange, convey or lease real property "not needed for public use."

West Hills Development Company dedicated public utility easements ( the "PUE") along alleys in SAP South, PDP 4. Following construction of adjacent homes, engineering staff discovered that several of the structures encroached upon the 3 ½ foot PUE bordering the Alley D and Alley A4 by up to six inches.

West Hills representatives have made a formal request pursuant to ORS 271.310 for conveyance of that part of the PUE underlying the encroaching foundations.

Upon certification by a Professional Engineer that no utility structures underlay any part of an encroaching structure, and the determination that the balance of the PUE amply accommodates the placement and maintenance of new and existing public utilities, staff is of the opinion that the affected portion of PUE "is not necessary for public use."

The portion of the PUE to be conveyed (described in Exhibit 1 to Resolution 2096, is of nominal value, and the conveyance would be to West Hills Development, the property owner dedicating the PUE in the first place. Accordingly, staff is recommending conveyance of the PUE not needed for public use by quitclaim deed, reciting \$1.00 consideration.

Upon setting this matter of the proposed conveyance for public hearing, and having determined the foregoing, staff is recommending the council adopt Resolution No. 2096 approving conveyance of the subject property by quitclaim deed and authorizing the City Manager to execute necessary instruments to accomplish that conveyance.

After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 299 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010050.3

EXHIBIT 1  
PAGE 1 OF 4

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: \_\_\_\_\_, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

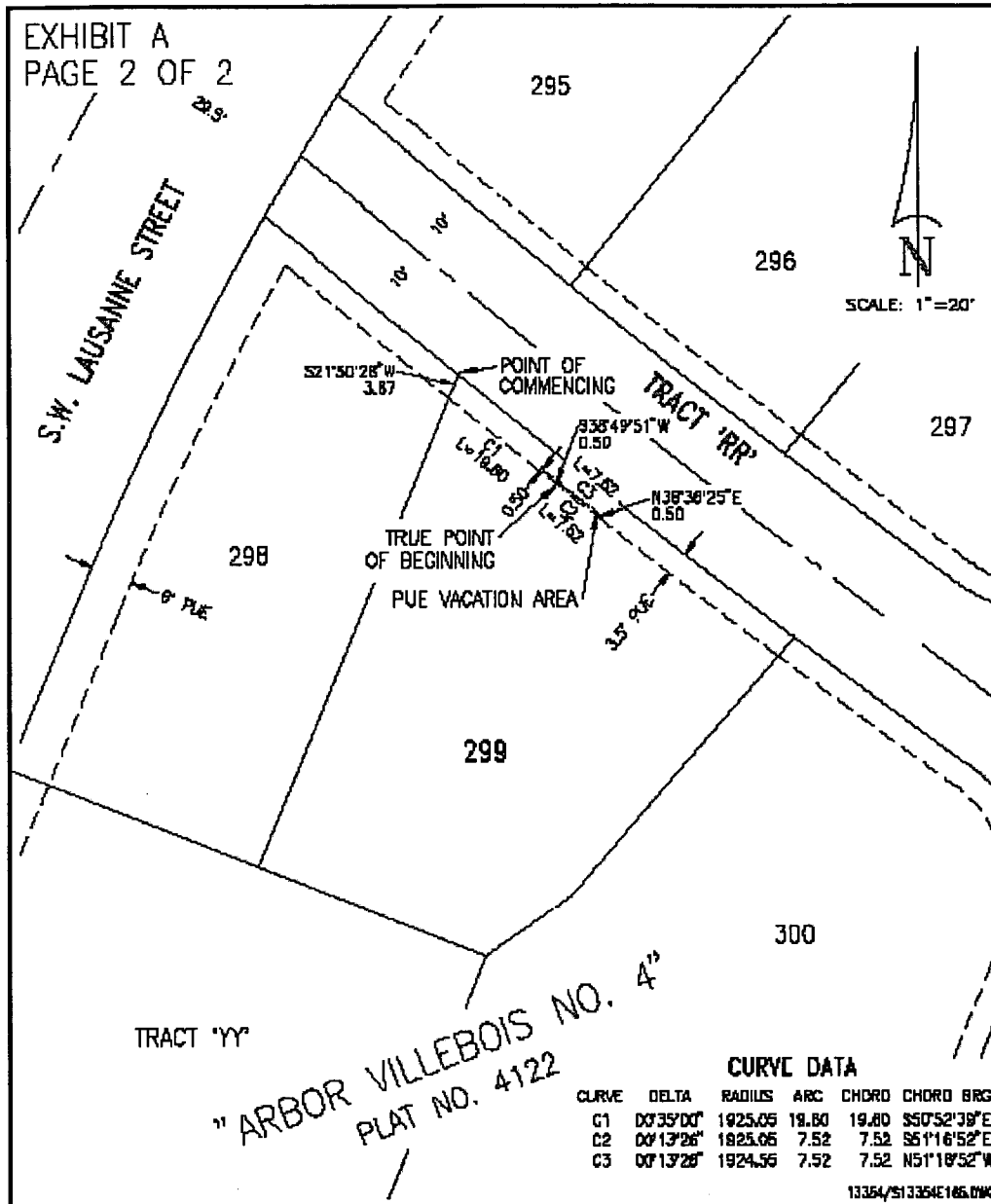
**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Commencing at the most northerly corner of Lot 299, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence S.21°50'28"W. along the northwesterly line of said Lot 299, a distance of 3.67 feet to a point on a line which is parallel with and 3.50 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 299 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1925.05 foot radius curve left (the radius point of which bears N.39°24'51"E.) through a central angle of 00°35'00", 19.60 feet (chord bears S.50°52'39"E., 19.60 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1925.05 foot radius curve left through a central angle of 00°13'26", 7.52 feet (chord bears S.51°16'52"E., 7.52 feet); thence leaving said parallel line N.38°36'25"E., 0.50 feet to a point on a line which is parallel with and 3.00 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 299 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1924.55 foot radius curve right (the radius point of which bears N.38°36'25"E.) through a central angle of 00°13'26", 7.52 feet (chord bears N.51°16'52"W., 7.52 feet); thence leaving said parallel line S.38°49'51"W., 0.50 feet to the True Point of Beginning.

Contains 4 square feet, more or less.

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 299, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 29, 2008**

**otak**  
 Incorporated

surveyors  
 engineers  
 planners

17355 S.W. BOONCS FERRY ROAD  
 LAKE OSWEGO, OREGON 97036  
 (503)638-3618 FAX (503)638-3395

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010050.3

EXHIBIT 1  
 PAGE 4 OF 4



After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 298 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution No. \_\_\_\_\_ the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010033.3

EXHIBIT 2  
PAGE 1 OF 4

APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: \_\_\_\_\_, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

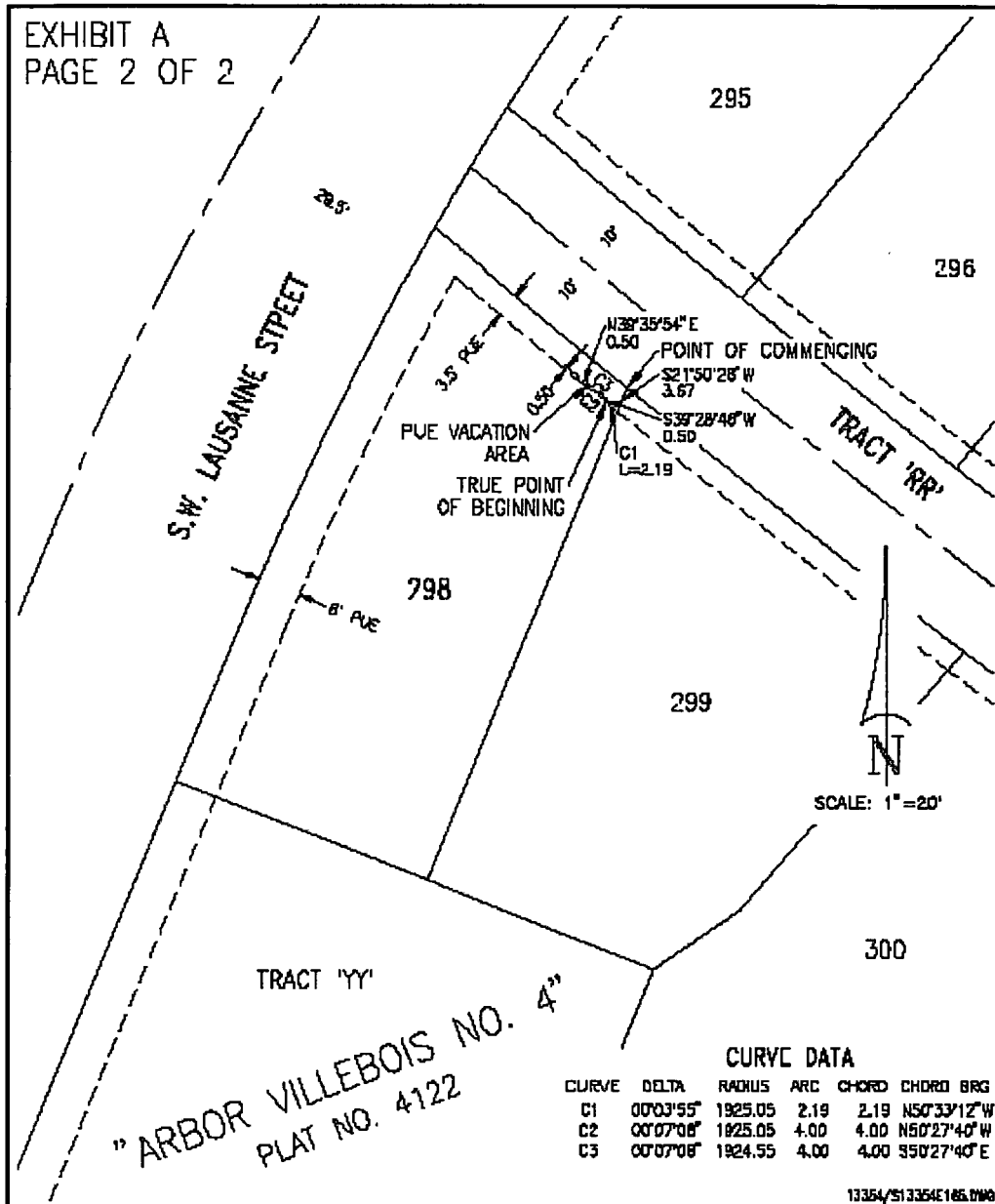
**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Commencing at the most easterly corner of Lot 298, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence S.21°50'28"W. along the southeasterly line of said Lot 298, a distance of 3.67 feet to a point on a line which is parallel with and 3.50 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 298 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1925.05 foot radius curve right (the radius point of which bears N.39°24'51"E.) through a central angle of 00°03'55", 2.19 feet (chord bears N.50°33'12"W., 2.19 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1925.05 foot radius curve right through a central angle of 00°07'08", 4.00 feet (chord bears N.50°27'40"W., 4.00 feet); thence leaving said parallel line N.39°35'54"E., 0.50 feet to a point on a line which is parallel with and 3.00 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 298 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1924.55 foot radius curve right (radius point of which bears S.39°35'54"W.) through a central angle of 00°07'08", 4.00 feet (chord bears S.50°27'40"E., 4.00 feet); thence leaving said parallel line S.39°28'46"W., 0.50 feet to the True Point of Beginning.

Contains 2 square feet, more or less.

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 298, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 29, 2008**

**otak**  
 incorporated  
 17355 S.W. BOONCS FERRY ROAD  
 LAKE OSWEGO, OREGON 97036  
 (503)635-5818 FAX (503)635-6395

surveyors  
 engineers  
 planners

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010033.3

EXHIBIT 2  
 PAGE 4 OF 4

After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 297 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009979.3

EXHIBIT 3  
PAGE 1 OF 4

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: \_\_\_\_\_, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

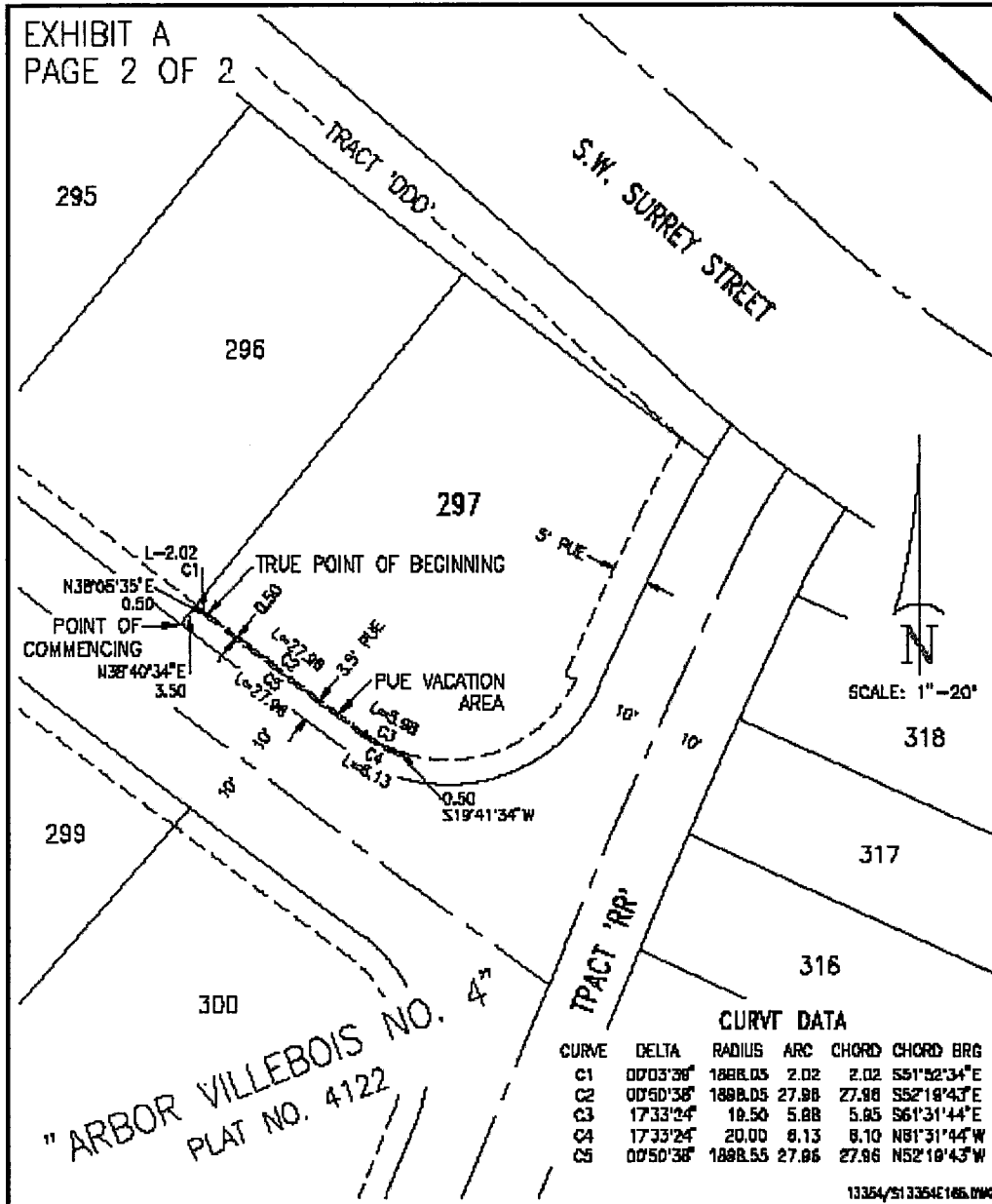
**EXHIBIT A1**  
**legal description**


A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Commencing at the most westerly corner of Lot 297, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.38°40'34"E. along the northwesterly line of said Lot 297, a distance of 3.50 feet to a point on a line which is parallel with and 3.50 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 297 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1898.05 foot radius curve left (the radius point of which bears N.38°09'15"E.) through a central angle of 00°03'39", 2.02 feet (chord bears S.51°52'34"E., 2.02 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1898.05 foot radius curve left through a central angle of 00°50'38", 27.96 feet (chord bears S.52°19'43"E., 27.96 feet) to the point of curve left of a 19.50 foot radius curve; thence continuing along said parallel line on the arc of said curve left through a central angle of 17°33'24", 5.98 feet (chord bears S.61°31'44"E., 5.95 feet); thence leaving said parallel line S.19°41'34"W., 0.50 feet to a point on a line which is parallel with and 3.00 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 297 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 20.00 foot radius curve right (the radius point of which bears N.19°41'34"E.) through a central angle of 17°33'24", 6.13 feet (chord bears N.61°31'44"W., 6.10 feet) to the point of curve right of a 1898.55 foot radius curve; thence continuing along said parallel line on the arc of said curve right through a central angle of 00°50'38", 27.96 feet (chord bears N.52°19'43"W., 27.96 feet); thence leaving said parallel line N.38°05'35"E., 0.50 feet to the True Point of Beginning.

Contains 17 square feet, more or less.

**EXHIBIT A2**  
**Depiction of property**



<p><b>PUBLIC UTILITY EASEMENT VACATION</b>  <b>LOT 297, ARBOR VILLEBOIS NO. 4</b>  <b>SW1/4 OF SECTION 15, T.38., R.1W., W.M.</b>  <b>CITY OF WILSONVILLE,</b>  <b>CLACKAMAS COUNTY, OREGON</b>  <b>FEBRUARY 29, 2008</b></p>	 <p>surveyors engineers planners</p> <p>17355 S.W. BOONES FERRY ROAD  LAKE OSWEGO, OREGON 97036  (503)638-3618 FAX (503)638-6365</p>
---	--

Quitclaim from City of Wilsonville  
37165-0019/LEGAL14009979.3

EXHIBIT 3  
PAGE 4 OF 4



After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

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**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 296 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

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The true consideration for this transfer is \$1.00 and other valuable consideration.

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Quitclaim from City of Wilsonville

37165-0019/LEGAL14009965.3

EXHIBIT 4  
PAGE 1 OF 4

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: \_\_\_\_\_, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

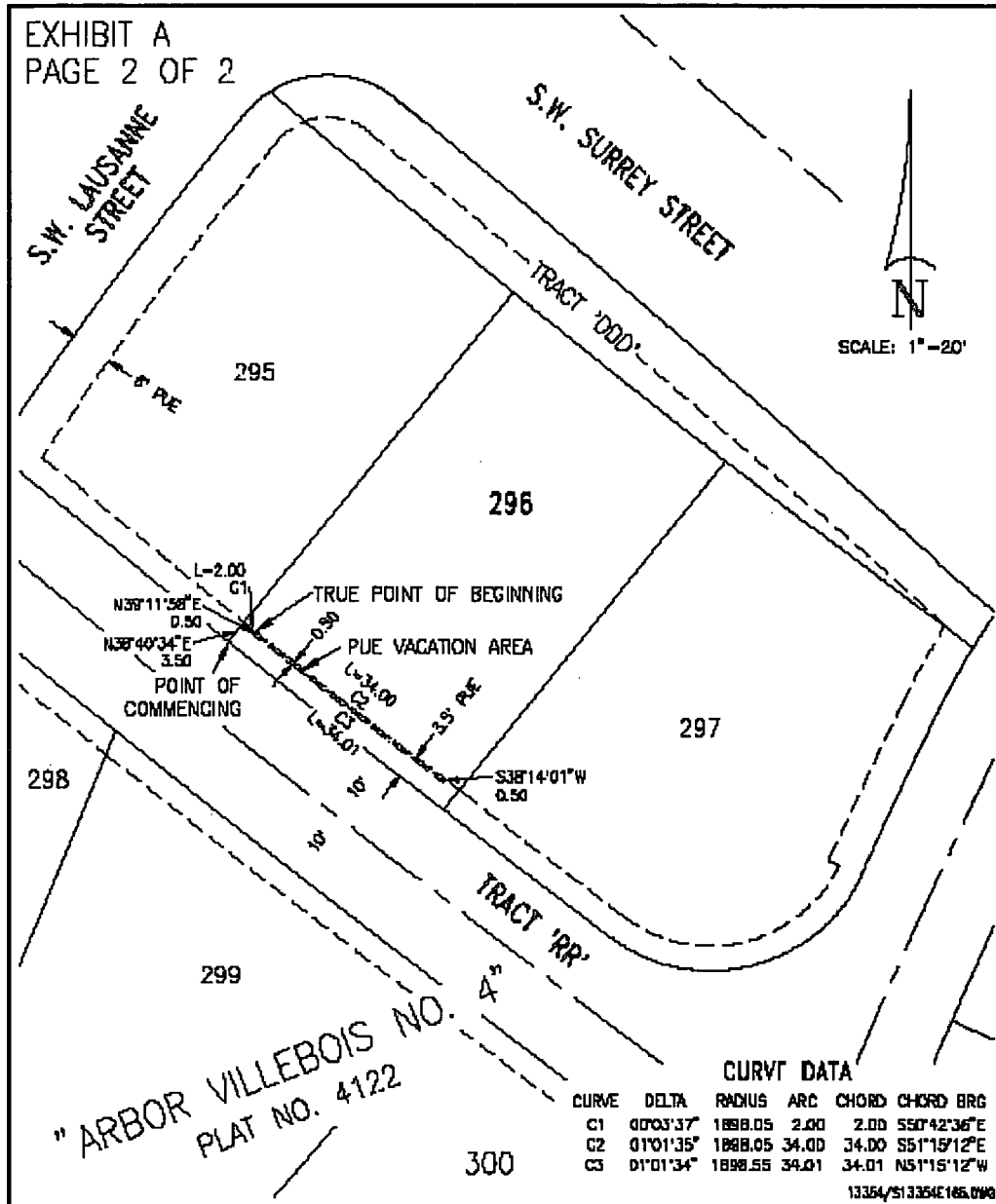
**EXHIBIT A**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Commencing at the most westerly corner of Lot 296, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.38°40'34"E. along the northwesterly line of said Lot 296, a distance of 3.50 feet to a point on a line which is parallel with and 3.50 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 296 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1898.05 foot radius curve left (the radius point of which bears N.39°19'12"E.) through a central angle of 00°03'37", 2.00 feet (chord bears S.50°42'36"E., 2.00 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1898.05 foot radius curve left through a central angle of 01°01'35", 34.00 feet (chord bears S.51°15'12"E., 34.00 feet); thence leaving said parallel line S.38°14'01"W., 0.50 feet to a point on a line which is parallel with and 3.00 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 296 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1898.55 foot radius curve right (the radius point of which bears N.38°14'01"E.) through a central angle of 01°01'34", 34.01 feet (chord bears N.51°15'12"W., 34.01 feet); thence leaving said parallel line N.39°11'58"E., 0.50 feet to the True Point of Beginning.

Contains 17 square feet, more or less.

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 296, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38, R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 29, 2008**

**otak**  
 incorporated  
 surveyors  
 engineers  
 planners

17355 S.W. BOONCS FERRY ROAD  
 LAKE OSWEGO, OREGON 97036  
 (503)635-3618 FAX (503)635-8395

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009965.3

EXHIBIT 4  
 PAGE 4 OF 4

After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 295 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009941.3

EXHIBIT 5  
PAGE 1 OF 4

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: \_\_\_\_\_, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

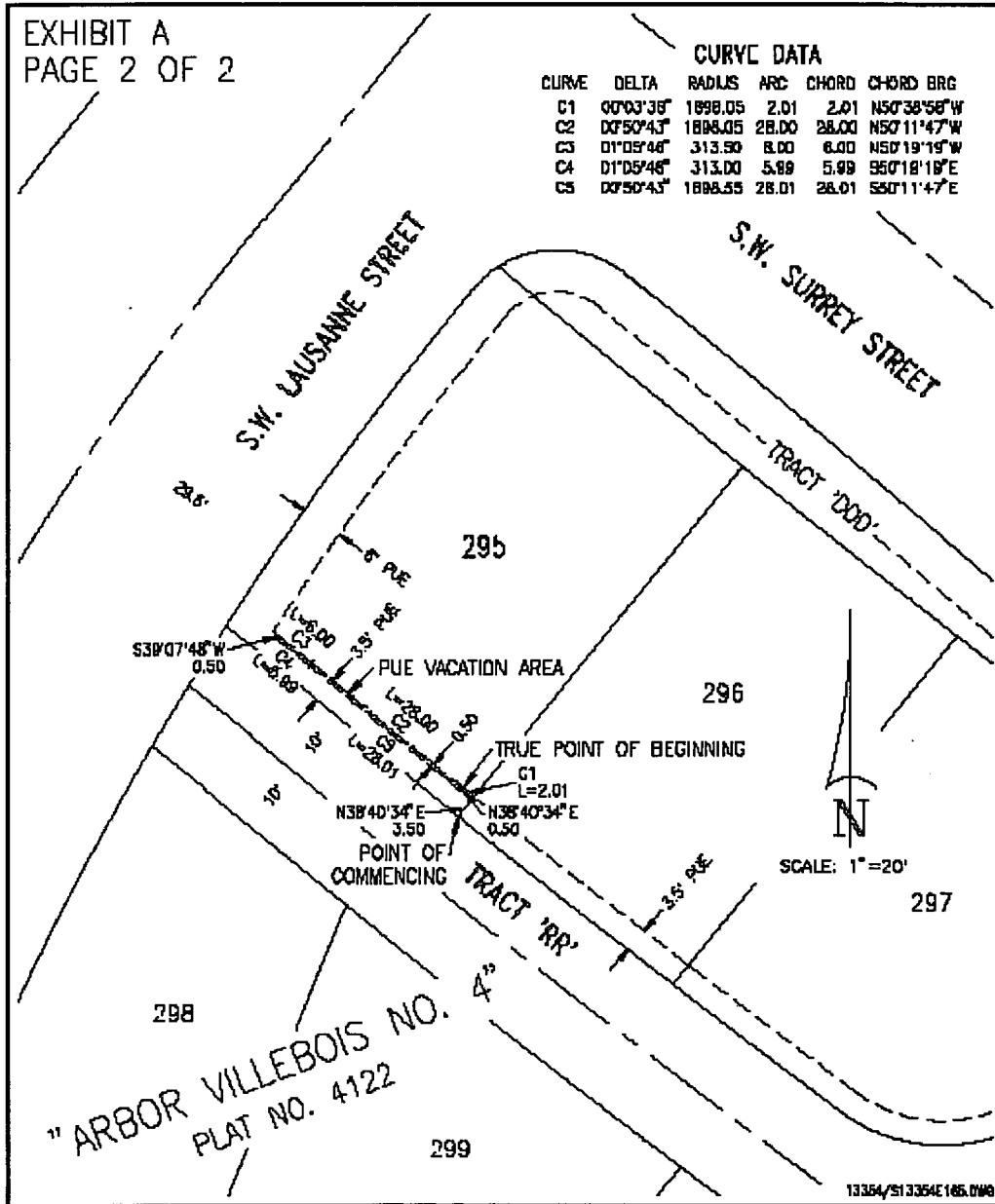
**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Commencing at the most southerly corner of Lot 295, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.38°40'34"E. along the southeasterly line of said Lot 295, a distance of 3.50 feet to a point on a line which is parallel with and 3.50 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 295 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1898.05 foot radius curve right (the radius point of which bears N.39°19'12"E.) through a central angle of 00°03'38", 2.01 feet (chord bears N.50°38'58"W., 2.01 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1898.05 foot radius curve right through a central angle of 00°50'43", 28.00 feet (chord bears N.50°11'47"W., 28.00 feet) to the point of curve left of a 313.50 foot radius curve; thence continuing along said parallel line on the arc of said curve left through a central angle of 01°05'46", 6.00 feet (chord bears N.50°19'19"W., 6.00 feet); thence leaving said parallel line S.39°07'48"W., 0.50 feet to a point on a line which is parallel with and 3.00 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 295 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 313.00 foot radius curve right (the radius point of which bears S.39°07'48"W.) through a central angle of 01°05'46", 5.99 feet (chord bears S.50°19'19"E., 5.99 feet) to the point of curve left of a 1898.55 foot radius curve; thence continuing along said parallel line on the arc of said curve left through a central angle of 00°50'43", 28.01 feet (chord bears S.50°11'47"E., 28.01 feet); thence leaving said parallel line N.38°40'34"E., 0.50 feet to the True Point of Beginning.

Contains 17 square feet, more or less.

**EXHIBIT A2**  
Depiction of property



<p><b>PUBLIC UTILITY EASEMENT VACATION</b>  <b>LOT 295, ARBOR VILLEBOIS NO. 4</b>  <b>SW1/4 OF SECTION 15, T.38., R.1W., W.M.</b>  <b>CITY OF WILSONVILLE,</b>  <b>CLACKAMAS COUNTY, OREGON</b>  <b>FEBRUARY 29, 2008</b></p>	<p><b>otak</b>  <small>incorporated</small>  <small>surveyors engineers planners</small></p> <p>17355 S.W. BOUNCS FERRY ROAD          LAKE OSWEGO, OREGON 97036          (503)638-3618 FAX (503)638-6395</p>
---	--

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009941.3

EXHIBIT 5  
PAGE 4 OF 4



After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 302 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution No. \_\_\_\_\_ the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009926.3

EXHIBIT 6  
PAGE 1 OF 4

APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: \_\_\_\_\_, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

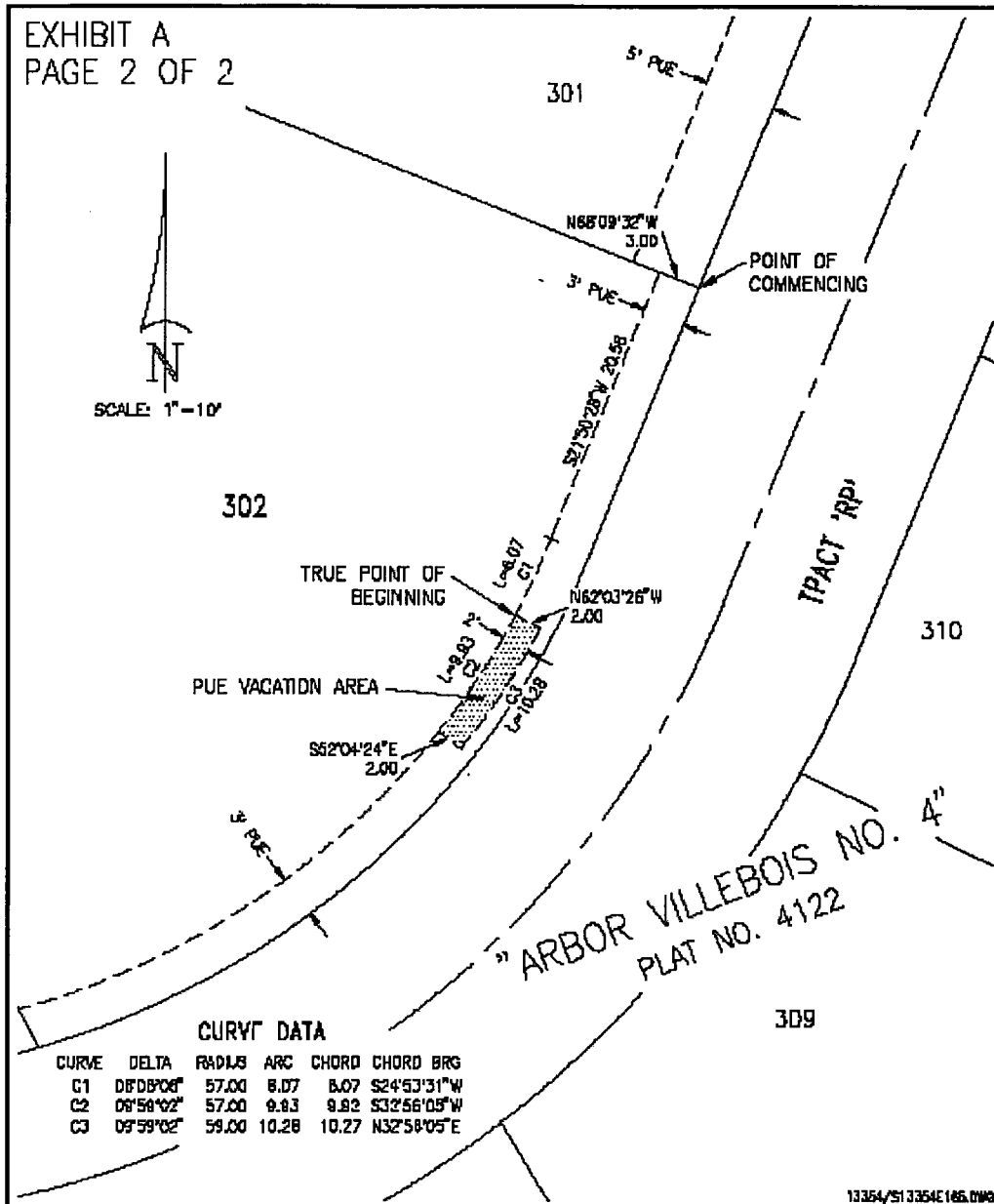
**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Commencing at the most westerly corner of Lot 302, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.68°09'32"W. along the northeasterly line of said Lot 302, a distance of 3.00 feet to a point on a line which is parallel with and 3.00 feet northwesterly of, when measured at right angles to, the southeasterly line of said Lot 302; thence S.21°50'28"W. along said parallel line, 20.56 feet to the point of curve right of a 57.00 foot radius curve; thence continuing along said parallel line on the arc of said curve right through a central angle of 06°06'06", 6.07 feet (chord bears S.24°53'31"W., 6.07 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line and said 57.00 foot radius curve right through a central angle of 09°59'02", 9.93 feet (chord bears S.32°56'05"W, 9.92 feet); thence leaving said parallel line S.52°04'24"E., 2.00 feet to a point on a line which is parallel with and 1.00 feet northwesterly of, when measured at right angles to, the southeasterly line of said Lot 302 and a point of non-tangent curvature; thence northeasterly along said parallel line on the arc of a 59.00 foot radius curve left (radius point of which bears N.52°04'24"W.) through a central angle of 09°59'02", 10.28 feet (chord bears N.32°56'05"E., 10.27 feet); thence leaving said parallel line N.62°03'26"W., 2.00 feet to the True Point of Beginning.

Contains 20 square feet, more or less.

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 302, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 29, 2008**

**otak**  
incorporated

surveyors  
engineers  
planners

17355 S.W. BOUNDS FERRY ROAD  
LAKE OSWEGO, OREGON 97036  
(503)633-3618 FAX (503)633-3395

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009926.3

EXHIBIT 6  
PAGE 4 OF 4



Michael C. Robinson  
PHONE: (503) 727-2264  
FAX: (503) 346-2264  
EMAIL: MRobinson@perkinscoie.com

1120 N.W. Couch Street, Tenth Floor  
Portland, OR 97209-4128  
PHONE: 503.727.2000  
FAX: 503.727.2222  
www.perkinscoie.com

February 29, 2008

**VIA EMAIL**

Mr. Michael A. Stone P.E.  
City Engineer  
City of Wilsonville  
30000 SW Town Center Loop East  
Wilsonville, OR 97070

**Re: My Client, West Hills Development Company;  
Certification of Hold Harmless and Indemnification Agreement by  
West Hills Development Company to City of Wilsonville**

Dear Mr. Stone:

This office represents West Hills Development Company. I have the authorization of my client to extend this certification of hold harmless and indemnification to the City.

In connection with the City's quitclaim and release of its interest in that public utility easement shown on Plat of Arbor Villebois No. 4 as affecting Lot Nos. 295, 296, 297, 298, 299 and 302 of Arbor Villebois No. 4, West Hills Development Company hereby agrees to indemnify and hold harmless the City from and against any and all actions filed or claims asserted by any person (other than the City of Wilsonville) concerning liability arising from or related to the City's quitclaim and release of its interest in the public utility easement, including the City's choice of process in using ORS 271.310 in connection with such quitclaim and release.

37165-0019/LEGAL14011623.2

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES · MENLO PARK  
OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

Exhibit 7  
Page 1 of 2

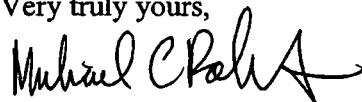
Mr. Michael A. Stone P.E.

February 29, 2008

Page 2

Please let me know if you need additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael C. Robinson". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael C. Robinson

MCR:sv

cc: Mr. Dan Grimberg (via email)  
Mr. Brad Hosmar (via email)  
Mr. Michael E. Kohlhoff (via email)  
Mr. Paul Lee (via email)

# Memorandum



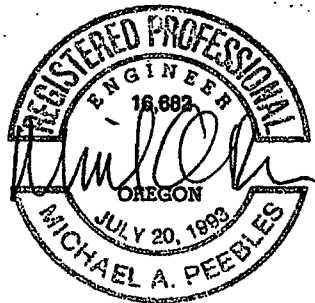
17355 SW Boones Ferry Rd.  
Lake Oswego, OR 97035  
Phone (503) 635-3618  
Fax (503) 635-5395

**To:** Mike Stone, PE – City of Wilsonville  
**From:** Mike Peebles, PE – Otak  
**Copies:** Michael Robinson – Perkins Coie  
Paul Lee – City of Wilsonville  
**Date:** February 27, 2008  
**Subject:** Public Utility Easement Vacation –  
Arbor Villebois No. 4 (Lots 295-299,302)  
**Project No.:** 13354

This memo certifies that there are no public utilities located within the proposed Public Utility Easement vacation areas for Lots 295, 296, 297, 298, 299 and 302. The vacation areas are shown on attached exhibits dated February 22, 2008.

**Exhibits:**

Public Utility Easement Vacation Lot 295, Arbor Villebois No. 4, February 22, 2008  
Public Utility Easement Vacation Lot 296, Arbor Villebois No. 4, February 22, 2008  
Public Utility Easement Vacation Lot 297, Arbor Villebois No. 4, February 22, 2008  
Public Utility Easement Vacation Lot 298, Arbor Villebois No. 4, February 22, 2008  
Public Utility Easement Vacation Lot 299, Arbor Villebois No. 4, February 22, 2008  
Public Utility Easement Vacation Lot 302, Arbor Villebois No. 4, February 22, 2008



EXPIRES: 12-31-08

## MEMORANDUM

To: Honorable Mayor and City Council  
From: Michael Stone, City Engineer  
Date: March 3, 2007  
Re: Resolution Conveying Portions of Public Utility Easements in Villebois

---

ORS 271.310 provides that a local government may sell, exchange, convey or lease real property "not needed for public use."

West Hills Development Company dedicated public utility easements ( the "PUE") along alleys in SAP South, PDP 4. Following construction of adjacent homes, engineering staff discovered that several of the structures encroached upon the 3 ½ foot PUE bordering the Alley D and Alley A4 by up to six inches.

West Hills representatives have made a formal request pursuant to ORS 271.310 for conveyance of that part of the PUE underlying the encroaching foundations.

Upon certification by a Professional Engineer that no utility structures underlay any part of an encroaching structure, and the determination that the balance of the PUE amply accommodates the placement and maintenance of new and existing public utilities, staff is of the opinion that the affected portion of PUE "is not necessary for public use."

The portion of the PUE to be conveyed (described in Exhibit 1 to Resolution 2096, is of nominal value, and the conveyance would be to West Hills Development, the property owner dedicating the PUE in the first place. Accordingly, staff is recommending conveyance of the PUE not needed for public use by quitclaim deed, reciting \$1.00 consideration.

Upon setting this matter of the proposed conveyance for public hearing, and having determined the foregoing, staff is recommending the council adopt Resolution No. 2096 approving conveyance of the subject property by quitclaim deed and authorizing the City Manager to execute necessary instruments to accomplish that conveyance.



**After recording return to:**

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 295 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: MARCH 3rd, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: Alan Kirk

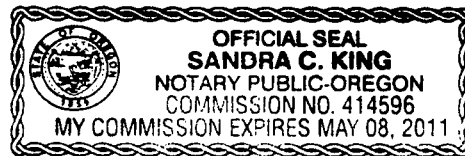
Name: ALAN KIRK

Its: COUNCIL PRESIDENT

STATE OF OREGON )  
 ) ss.  
COUNTY OF CLACKAMAS )

The foregoing instrument was acknowledged before me this 3rd day of MARCH, 2008, by ALAN KIRK, as COUNCIL PRESIDENT of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

Sandra C. King  
Notary Public for Oregon  
My commission expires: 5/8/11



Quitclaim from City of Wilsonville

**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

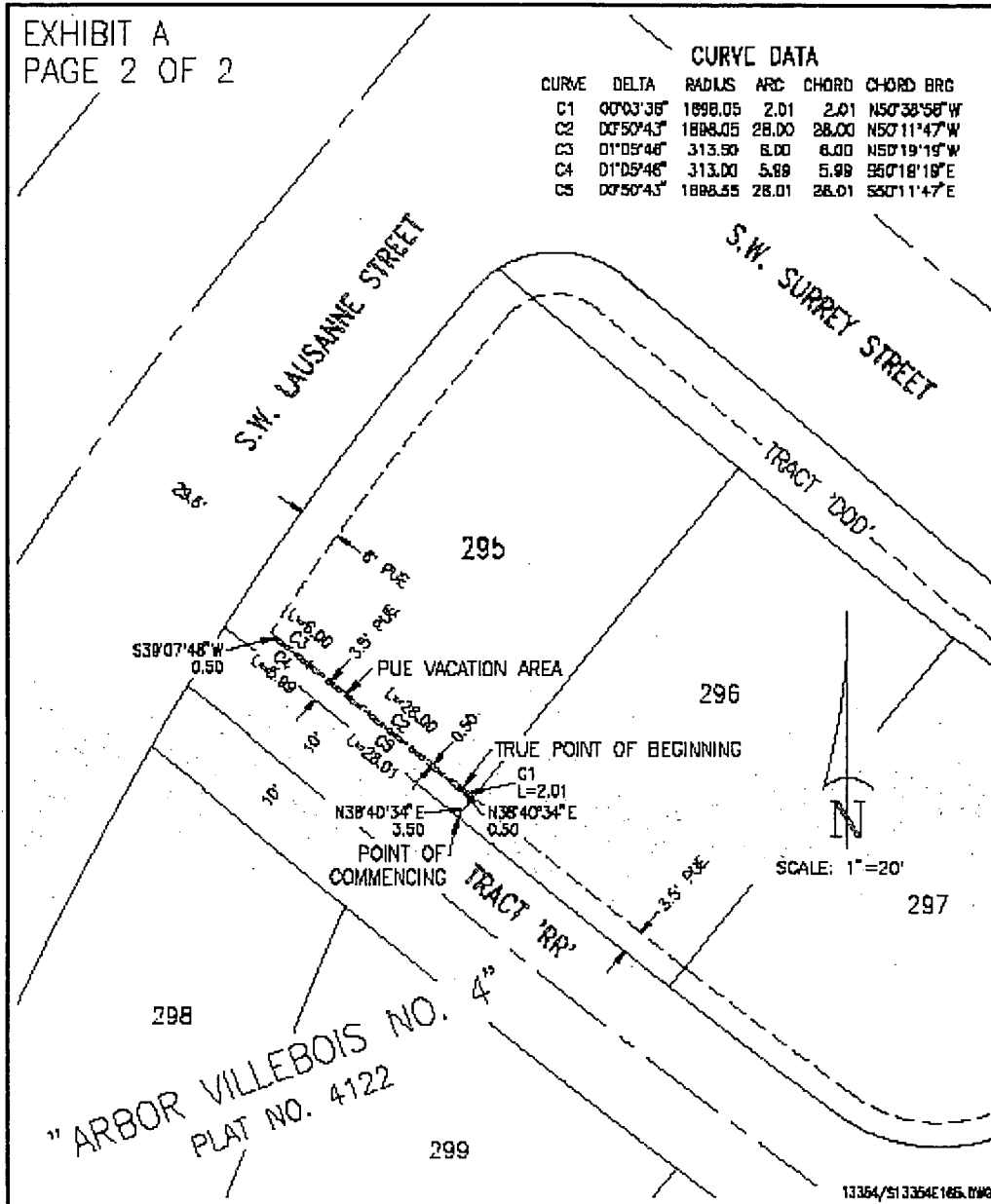
Commencing at the most southerly corner of Lot 295, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.38°40'34"E. along the southeasterly line of said Lot 295, a distance of 3.50 feet to a point on a line which is parallel with and 3.50 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 295 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1898.05 foot radius curve right (the radius point of which bears N.39°19'12"E.) through a central angle of 00°03'38", 2.01 feet (chord bears N.50°38'58"W., 2.01 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1898.05 foot radius curve right through a central angle of 00°50'43", 28.00 feet (chord bears N.50°11'47"W., 28.00 feet) to the point of curve left of a 313.50 foot radius curve; thence continuing along said parallel line on the arc of said curve left through a central angle of 01°05'46", 6.00 feet (chord bears N.50°19'19"W., 6.00 feet); thence leaving said parallel line S.39°07'48"W., 0.50 feet to a point on a line which is parallel with and 3.00 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 295 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 313.00 foot radius curve right (the radius point of which bears S.39°07'48"W.) through a central angle of 01°05'46", 5.99 feet (chord bears S.50°19'19"E., 5.99 feet) to the point of curve left of a 1898.55 foot radius curve; thence continuing along said parallel line on the arc of said curve left through a central angle of 00°50'43", 28.01 feet (chord bears S.50°11'47"E., 28.01 feet); thence leaving said parallel line N.38°40'34"E., 0.50 feet to the True Point of Beginning.

Contains 17 square feet, more or less.

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009941.3

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 295, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 29, 2008**

**otak**  
 incorporated

surveyors  
 engineers  
 planners

17355 S.W. BOONES FERRY ROAD  
 LAKE OSWEGO, OREGON 97036  
 (503)638-3618 FAX (503)638-8285

**After recording return to:**

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 296 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: MARCH 3rd, 2008.

GRANTOR:

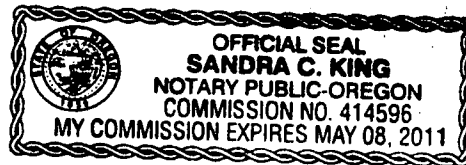
CITY OF WILSONVILLE

By: *Alan Kirk*  
Name: ALAN KIRK  
Its: COUNCIL PRESIDENT

STATE OF OREGON )  
 ) ss.  
COUNTY OF CLACKAMAS )

The foregoing instrument was acknowledged before me this 3rd day of MARCH, 2008, by ALAN KIRK, as COUNCIL PRESIDENT of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

*Sandra C. King*  
Notary Public for Oregon  
My commission expires: 5/8/11



Quitclaim from City of Wilsonville

**EXHIBIT A**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

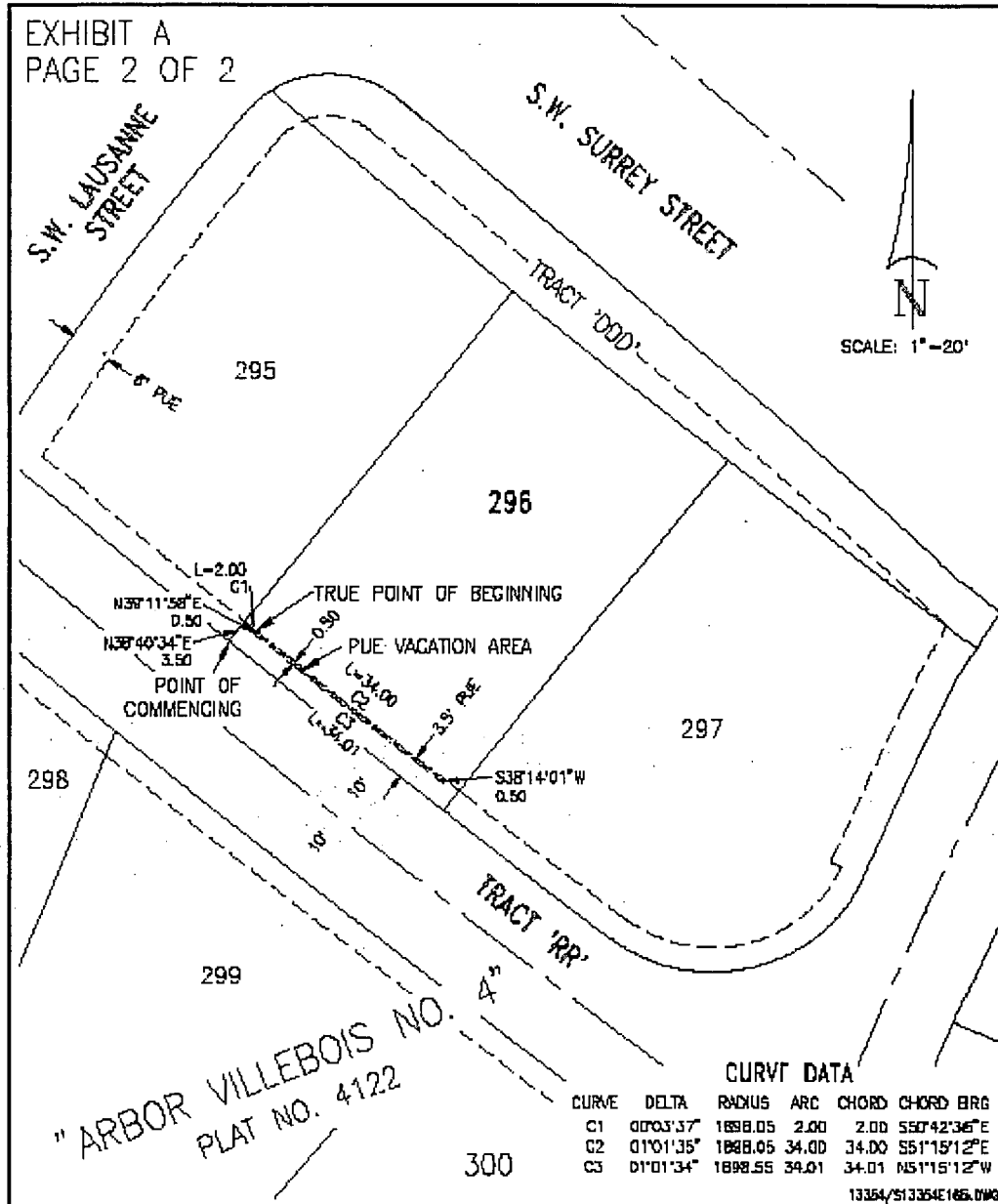
Commencing at the most westerly corner of Lot 296, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.38°40'34"E. along the northwesterly line of said Lot 296, a distance of 3.50 feet to a point on a line which is parallel with and 3.50 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 296 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1898.05 foot radius curve left (the radius point of which bears N.39°19'12"E.) through a central angle of 00°03'37", 2.00 feet (chord bears S.50°42'36"E., 2.00 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1898.05 foot radius curve left through a central angle of 01°01'35", 34.00 feet (chord bears S.51°15'12"E., 34.00 feet); thence leaving said parallel line S.38°14'01"W., 0.50 feet to a point on a line which is parallel with and 3.00 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 296 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1898.55 foot radius curve right (the radius point of which bears N.38°14'01"E.) through a central angle of 01°01'34", 34.01 feet (chord bears N.51°15'12"W., 34.01 feet); thence leaving said parallel line N.39°11'58"E., 0.50 feet to the True Point of Beginning.

Contains 17 square feet, more or less.

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009965.3

EXHIBIT A2  
Depiction of property



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 296, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 28, 2008**

**otak**  
 Incorporated  
 surveyors  
 engineers  
 planners

17355 S.W. BOONES FERRY ROAD  
 LAKE OSWEGO, OREGON 97036  
 (503)638-3610 FAX (503)638-4985

Quitclaim from City of Wilsonville



After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

- A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;
- B. WHEREAS, a certain portion of the PUE adjacent to lot 297 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");
- C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;
- D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: MARCH 3, 2008.

GRANTOR:

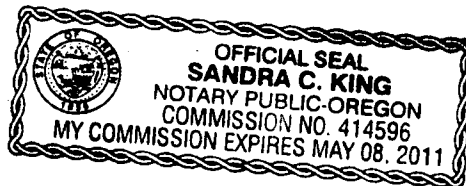
CITY OF WILSONVILLE

By: *Alan Kirk*  
Name: ALAN KIRK  
Its: COUNCIL PRESIDENT

STATE OF OREGON )  
 ) ss.  
COUNTY OF CLACKAMAS )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of MARCH, 2008, by ALAN KIRK, as COUNCIL PRESIDENT of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

*Sandra C. King*  
Notary Public for Oregon  
My commission expires: 5/8/11



Quitclaim from City of Wilsonville

**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

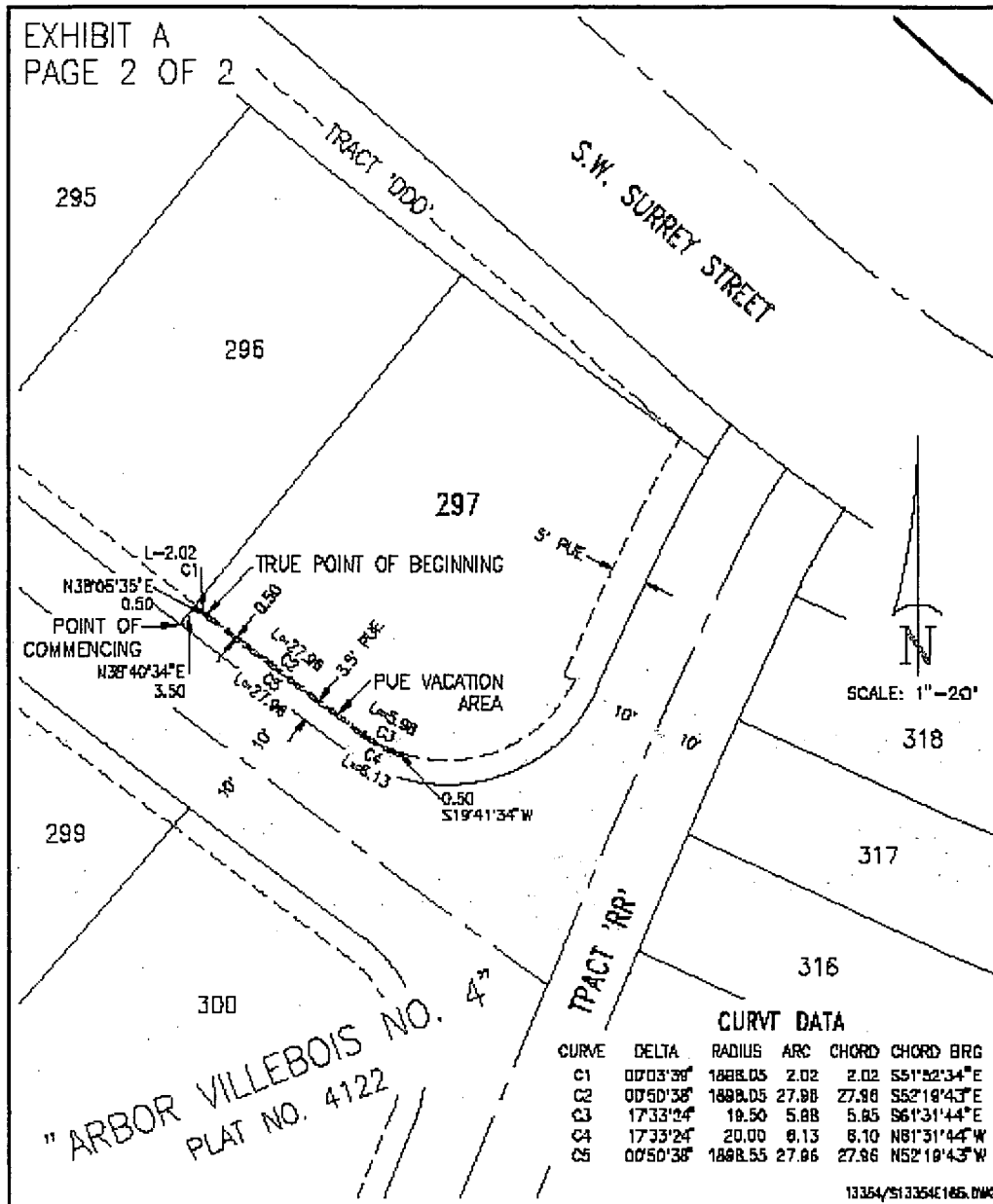
Commencing at the most westerly corner of Lot 297, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.38°40'34"E. along the northwesterly line of said Lot 297, a distance of 3.50 feet to a point on a line which is parallel with and 3.50 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 297 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1898.05 foot radius curve left (the radius point of which bears N.38°09'15"E.) through a central angle of 00°03'39", 2.02 feet (chord bears S.51°52'34"E., 2.02 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1898.05 foot radius curve left through a central angle of 00°50'38", 27.96 feet (chord bears S.52°19'43"E., 27.96 feet) to the point of curve left of a 19.50 foot radius curve; thence continuing along said parallel line on the arc of said curve left through a central angle of 17°33'24", 5.98 feet (chord bears S.61°31'44"E., 5.95 feet); thence leaving said parallel line S.19°41'34"W., 0.50 feet to a point on a line which is parallel with and 3.00 feet northeasterly of, when measured at right angles to, the southwesterly line of said Lot 297 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 20.00 foot radius curve right (the radius point of which bears N.19°41'34"E.) through a central angle of 17°33'24", 6.13 feet (chord bears N.61°31'44"W., 6.10 feet) to the point of curve right of a 1898.55 foot radius curve; thence continuing along said parallel line on the arc of said curve right through a central angle of 00°50'38", 27.96 feet (chord bears N.52°19'43"W., 27.96 feet); thence leaving said parallel line N.38°05'35"E., 0.50 feet to the True Point of Beginning.

Contains 17 square feet, more or less.

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009979.3

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 297, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 28, 2008**

**otak**  
 incorporated

surveyors  
 engineers  
 planners

17355 S.W. BOONES FERRY ROAD  
 LAKE OSWEGO, OREGON 97035  
 (503)638-3618 FAX (503)638-5395

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009979.3

After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 298 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution No. \_\_\_\_\_ the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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

Quitclaim from City of Wilsonville

APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: MARCH 3<sup>rd</sup>, 2008.

GRANTOR:

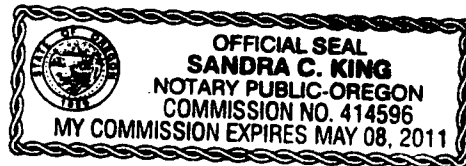
CITY OF WILSONVILLE

By: *Alan Kirk*  
Name: ALAN KIRK  
Its: COUNCIL PRESIDENT

STATE OF OREGON )  
 ) ss.  
COUNTY OF CLACKAMAS )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of MARCH, 2008, by ALAN KIRK, as COUNCIL PRESIDENT of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

*Sandra C. King*  
Notary Public for Oregon  
My commission expires: 5/8/11



Quitclaim from City of Wilsonville

**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

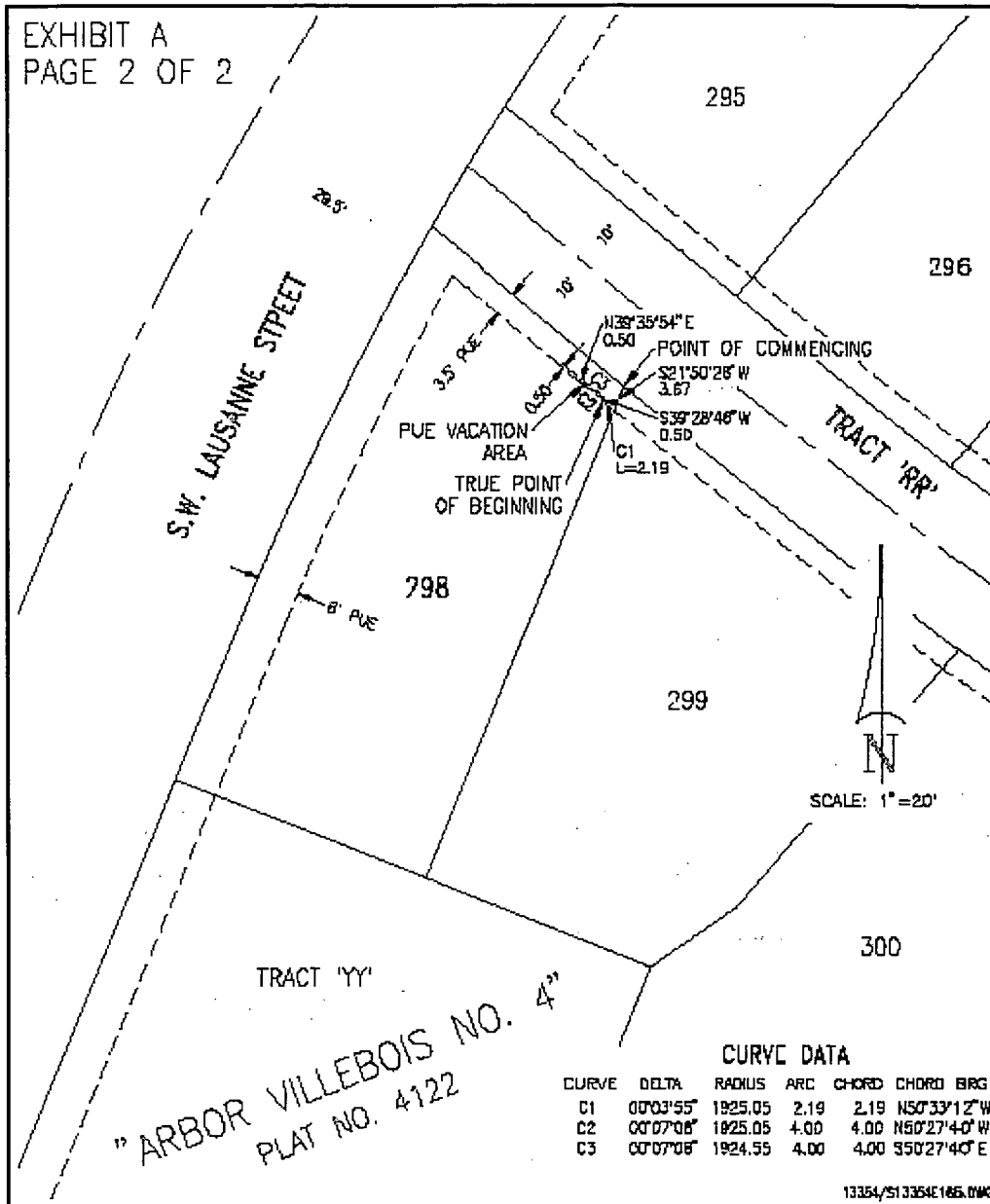
Commencing at the most easterly corner of Lot 298, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence S.21°50'28"W. along the southeasterly line of said Lot 298, a distance of 3.67 feet to a point on a line which is parallel with and 3.50 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 298 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1925.05 foot radius curve right (the radius point of which bears N.39°24'51"E.) through a central angle of 00°03'55", 2.19 feet (chord bears N.50°33'12"W., 2.19 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1925.05 foot radius curve right through a central angle of 00°07'08", 4.00 feet (chord bears N.50°27'40"W., 4.00 feet); thence leaving said parallel line N.39°35'54"E., 0.50 feet to a point on a line which is parallel with and 3.00 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 298 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1924.55 foot radius curve right (radius point of which bears S.39°35'54"W.) through a central angle of 00°07'08", 4.00 feet (chord bears S.50°27'40"E., 4.00 feet); thence leaving said parallel line S.39°28'46"W., 0.50 feet to the True Point of Beginning.

Contains 2 square feet, more or less.

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010033.3

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 298, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 28, 2008**

**otak**  
 Incorporated

surveyors  
 engineers  
 planners

17355 S.W. BOONES FERRY ROAD  
 LAKE OSWEGO, OREGON 97036  
 (503)635-3618 FAX (503)635-5265

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010033.3



**After recording return to:**

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

---

**RECITALS**

- A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;
- B. WHEREAS, a certain portion of the PUE adjacent to lot 299 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");
- C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;
- D. WHEREAS the City of Wilsonville has declared via Resolution the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND

Quitclaim from City of Wilsonville

BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: MARCH 3<sup>rd</sup>, 2008.

GRANTOR:

CITY OF WILSONVILLE

By: *Alan Kirk*  
Name: ALAN KIRK  
Its: COUNCIL PRESIDENT

STATE OF OREGON )  
 ) ss.  
COUNTY OF CLACKAMAS )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of MARCH, 2008, by ALAN KIRK, as COUNCIL PRESIDENT of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation.

*Sandra C. King*  
Notary Public for Oregon  
My commission expires: 5/8/11



Quitclaim from City of Wilsonville

**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

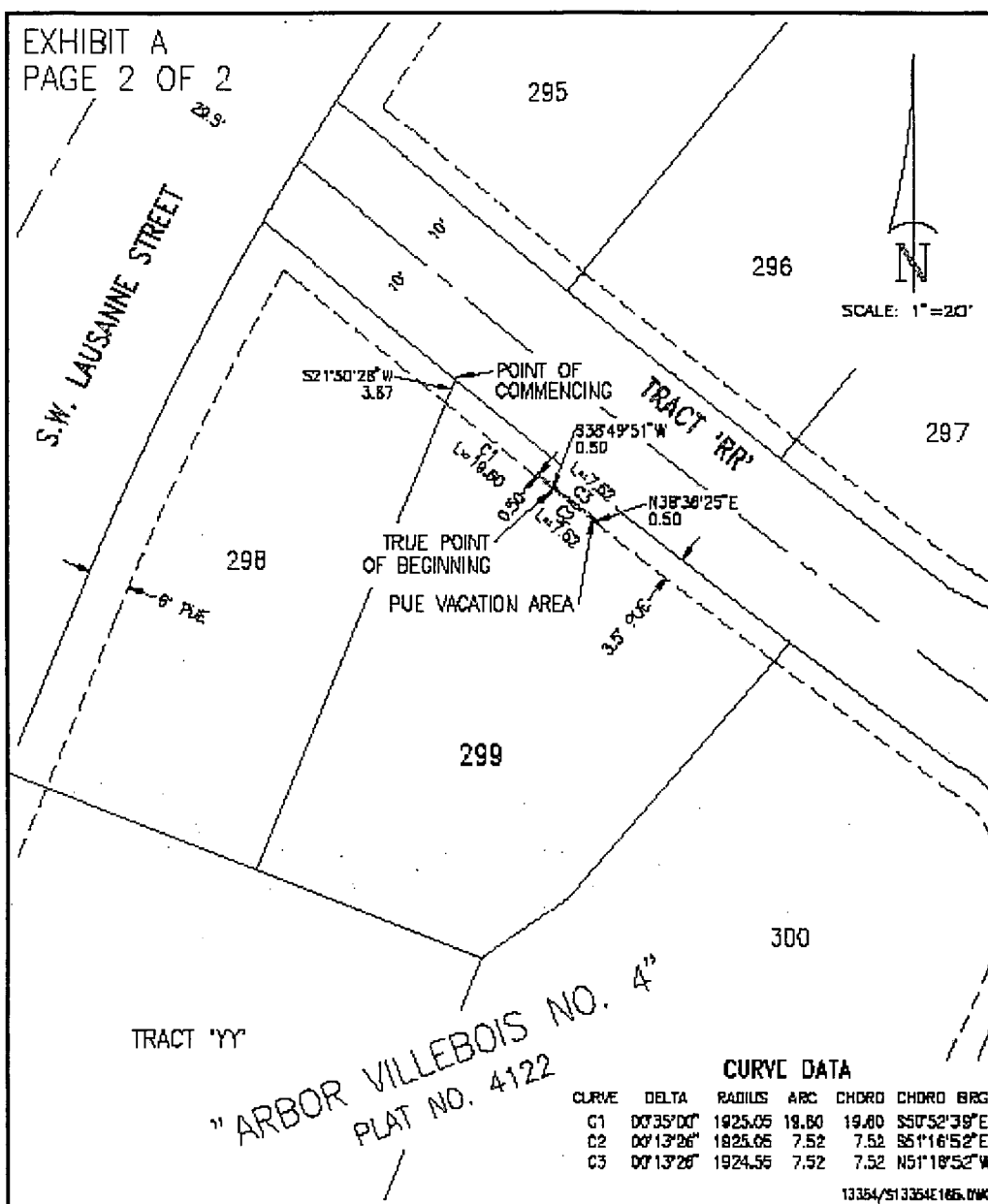
Commencing at the most northerly corner of Lot 299, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence S.21°50'28"W. along the northwesterly line of said Lot 299, a distance of 3.67 feet to a point on a line which is parallel with and 3.50 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 299 and a point of non-tangent curvature; thence southeasterly along said parallel line on the arc of a 1925.05 foot radius curve left (the radius point of which bears N.39°24'51"E.) through a central angle of 00°35'00", 19.60 feet (chord bears S.50°52'39"E., 19.60 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line on the arc of said 1925.05 foot radius curve left through a central angle of 00°13'26", 7.52 feet (chord bears S.51°16'52"E., 7.52 feet); thence leaving said parallel line N.38°36'25"E., 0.50 feet to a point on a line which is parallel with and 3.00 feet southwesterly of, when measured at right angles to, the northeasterly line of said Lot 299 and a point of non-tangent curvature; thence northwesterly along said parallel line on the arc of a 1924.55 foot radius curve right (the radius point of which bears N.38°36'25"E.) through a central angle of 00°13'26", 7.52 feet (chord bears N.51°16'52"W., 7.52 feet); thence leaving said parallel line S.38°49'51"W., 0.50 feet to the True Point of Beginning.

Contains 4 square feet, more or less.

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010050.3

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 299, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 26, 2008**

**otak**  
 incorporated

surveys  
 engineers  
 planners

17355 S.W. BOOKER TERRY ROAD  
 LAKE OSWEGO, OREGON 97035  
 (503)638-3618 FAX (503)638-8295

Quitclaim from City of Wilsonville

37165-0019/LEGAL14010050.3

After recording return to:

Perkins Coie LLP  
Attn: Michael C. Robinson  
1120 N.W. Couch St., Tenth Floor  
Portland, OR 97209

This space reserved for recorder's use.

**GRANTOR:**

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, Oregon 97070

**GRANTEE:**

Arbor Villebois LLC  
735 S.W. 158th Ave.  
Beaverton, OR 97006

**RECITALS**

A. WHEREAS, Arbor Villebois LLC dedicated a public utility easement ("PUE") to the City of Wilsonville on the plat of Arbor Villebois No. 4;

B. WHEREAS, a certain portion of the PUE adjacent to lot 302 is unnecessary for the purposes of locating public utilities to serve adjoining properties (the "Surplus Area");

C. WHEREAS, conveyance of the Surplus Area will avoid encroachments that otherwise inhibit the construction of a single-family home on the affected lot;

D. WHEREAS the City of Wilsonville has declared via Resolution No. \_\_\_\_\_ the Surplus Area as being unnecessary for public use and has resolved to transfer the Surplus Area to Arbor Villebois LLC.

**QUITCLAIM**

CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Grantor"), releases and quitclaims to ARBOR VILLEBOIS LLC, an Oregon limited liability company ("Grantee"), all right, title and interest, including, without limitation, any easement or dedication rights, in and to the real property described in Exhibit A1 and depicted on Exhibit A2 hereto.

The true consideration for this transfer is \$1.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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

Quitclaim from City of Wilsonville

APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED: March 3<sup>rd</sup>, 2008.

GRANTOR:

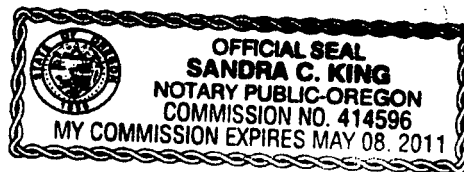
CITY OF WILSONVILLE

By: Alan Kirk  
Name: ALAN KIRK  
Its: COUNCIL PRESIDENT

STATE OF OREGON )  
) ss.  
COUNTY OF CLACKAMAS )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of MARCH, 2008, by ALAN KIRK, as COUNCIL PRESIDENT of the City of Wilsonville, a municipal corporation of the State of Oregon, on behalf of said municipal corporation

Sandra C. King  
Notary Public for Oregon  
My commission expires: May 8, 2011



Quitclaim from City of Wilsonville

**EXHIBIT A1**  
**legal description**

A tract of land in the southwest one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

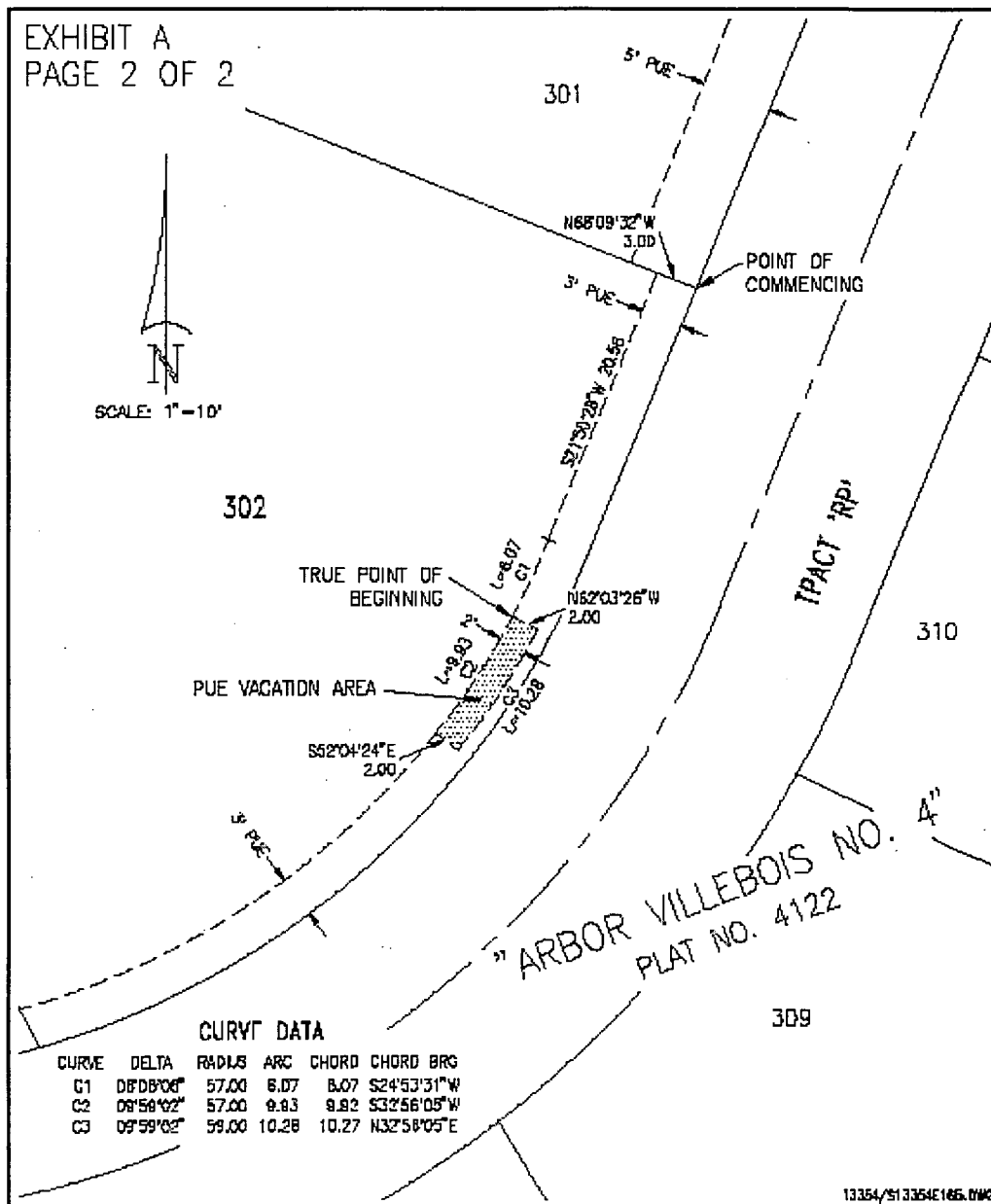
Commencing at the most westerly corner of Lot 302, "Arbor Villebois No. 4", Plat No. 4122, Clackamas County Plat Records; thence N.68°09'32"W. along the northeasterly line of said Lot 302, a distance of 3.00 feet to a point on a line which is parallel with and 3.00 feet northwesterly of, when measured at right angles to, the southeasterly line of said Lot 302; thence S.21°50'28"W. along said parallel line, 20.56 feet to the point of curve right of a 57.00 foot radius curve; thence continuing along said parallel line on the arc of said curve right through a central angle of 06°06'06", 6.07 feet (chord bears S.24°53'31"W., 6.07 feet) to the True Point of Beginning of the tract herein described; thence continuing along said parallel line and said 57.00 foot radius curve right through a central angle of 09°59'02", 9.93 feet (chord bears S.32°56'05"W, 9.92 feet); thence leaving said parallel line S.52°04'24"E., 2.00 feet to a point on a line which is parallel with and 1.00 feet northwesterly of, when measured at right angles to, the southeasterly line of said Lot 302 and a point of non-tangent curvature; thence northeasterly along said parallel line on the arc of a 59.00 foot radius curve left (radius point of which bears N.52°04'24"W.) through a central angle of 09°59'02", 10.28 feet (chord bears N.32°56'05"E., 10.27 feet); thence leaving said parallel line N.62°03'26"W., 2.00 feet to the True Point of Beginning.

Contains 20 square feet, more or less.

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009926.3

**EXHIBIT A2**  
**Depiction of property**



**PUBLIC UTILITY EASEMENT VACATION**  
**LOT 302, ARBOR VILLEBOIS NO. 4**  
**SW1/4 OF SECTION 15, T.38., R.1W., W.M.**  
**CITY OF WILSONVILLE,**  
**CLACKAMAS COUNTY, OREGON**  
**FEBRUARY 28, 2008**

**otak**  
 Incorporated

surveyors  
 engineers  
 planners

17355 S.W. BOONES FERRY ROAD  
 LAKE OSWEGO, OREGON 97035  
 (503)638-3518 FAX (503)638-5385

Quitclaim from City of Wilsonville

37165-0019/LEGAL14009926.3