

RESOLUTION NO. 2109

**A RESOLUTION OF THE CITY OF WILSONVILLE EXCHANGING
SANITARY SEWER EASEMENTS BY QUITCLAIM TO, AND GRANT FROM,
ROBERT STRATTON JONES AND SUSAN PATRICIA JONES, PROPERTY OWNERS**

WHEREAS, the City of Wilsonville Design Review Board approved the Stage II development to U.S. Crane and Hoist, DB07-0080; and

WHEREAS, there currently exists on the property an easement for sewer granted in a Quitclaim Deed dated February 7, 1973, by previous owners W.A. Rockie and Edith R. Rockie, husband and wife ("Grantor"), and recorded on June 5, 1973, in Clackamas County Deed Records as Docket No. 73-17316. However, because the public sanitary sewer was constructed after the easement was granted, the location of this easement does not track the location of the utility; does not conform to the needs and requirements of the Public Works Department and, therefore, is no longer needed by the City of Wilsonville; and

WHEREAS, the City Council finds that the public interest is served by an "exchange" of easements through a quitclaim of the existing above-referenced real property easement pursuant to ORS 271.310(3) in return for a real property easement from the current owners which is of equal or superior useful value, which tracks the City's sanitary sewer lines constructed to serve this and other properties in the area; therefore, extinguishment by vacation is unnecessary.

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

1. Based on the above recitals and findings, the City of Wilsonville approves the following exchange of easements:
 - (a) The City's release, by a Reconveyance and Quitclaim, of all its interest in the Sanitary Sewer Easement described in Exhibit 1, attached hereto and incorporated herein, in exchange for
 - (b) The Property Owners' conveyance to the City of the Sanitary Sewer Pipeline 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 19th day of May, 2008, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, MAYOR

ATTEST:



Diane Pankonin, Recorder Pro Tem

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Yes</u>
Councilor Núñez	<u>Yes</u>

Attachment:

Exhibit 1 Reconveyance and Quitclaim of Easement

Exhibit A Quitclaim Deed W. A. Rockie, et ux to City of Wilsonville

Exhibit B Existing Easement Exhibit Sketch

Exhibit 2 Pipeline Easement

Exhibit A Legal Description 20.00 Foot Wide Sanitary Sewer Easement

Exhibit B Proposed 20 Foot Sewer Easement Sketch

**RECONVEYANCE AND QUITCLAIM
OF EASEMENT**

After recording, return to:
CITY RECORDER
CITY OF WILSONVILLE
29799 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 **Robert Stratton Jones and Susan Patricia Jones**, as Tenants by the Entirety, 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.

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 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.

IN WITNESS WHEREOF, the undersigned Grantor has executed this Reconveyance and Quitclaim of Easement this ___ day of _____, 2008.

GRANTOR: CITY OF WILSONVILLE

By _____
Arlene Loble, City Manager

KNOW ALL MEN THESE PRESENTS, That W. A. ROCKIE EDITH R. ROCKIE,
husband and wife
hereinafter called grantor,
for the consideration hereinafter stated, does hereby remise, release and quitclaim unto
CITY OF WILSONVILLE, OREGON

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest
in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any-
wise appertaining, situated in the County of Clackamas State of Oregon, described as follows, to-wit:

A 20 foot wide permanent easement, ^{for sewer} through a tract of land
located in the southwest quarter of Section 14, T. 3 S., R.
1 W. of the W.M., described in Contract of Sale recorded
December 19, 1968, Fee No. 68 25476, the centerline of which
is more particularly described as follows:

Parcel 1: Beginning at a point on the south line of said parcel,
said point being South 88° 46' 10" East 1450.5 feet and North
1° 24' 30" East 30 feet from the southwest corner of said
Section 14; thence North 1° 24' 30" East 1950 feet, more or less,
to the north boundary of said parcel. Said strip of land being
adjacent to the east line of that easement granted the United
States of America.

Parcel 2: Beginning at the northeast corner of the Robert
Short D.L.C. No. 46; thence West 82.50 feet; thence South
4° 30' East 10.03 feet along the westerly line of Parcel 1
of said tract to the true point of beginning; thence East
parallel with the north line of D.L.C. No. 46, 290 feet, more
or less, to the centerline of Parcel No. 1 above.

Recorded By
Pioneer National
Title Insurance Company

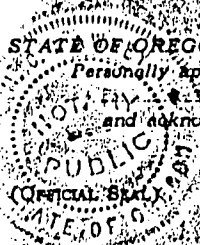
EXHIBIT A

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1.00
~~For the purpose of this deed, the property of the grantor is hereby conveyed to the grantee~~

In construing this deed the singular includes the plural as the circumstances may require.
Witness grantor's hand this 7 day of February, 19 73

Edith R. Rockie
Edith R. Rockie

STATE OF OREGON, County of Multnomah, ss. 217, 1973
Personally appeared the above named W. A. ROCKIE and EDITH R. ROCKIE,
husband and wife,
and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: *M.H. Hawley*
Notary Public for Oregon
My commission expires 12/1/76

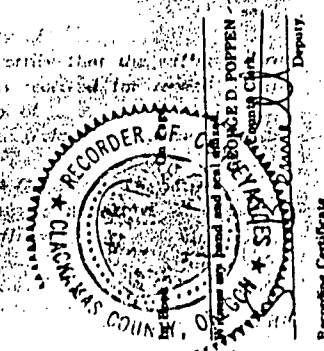
NOTE—The sentence between the symbols @, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

QUITCLAIM DEED

W. A. ROCKIE, et ux
TO
CITY OF WILSONVILLE
OREGON

AFTER RECORDING RETURN TO
ETTIS AND REIP
Attorneys-at-Law
180 N. W. 3rd Ave.
Canby, Oregon 97015

STATE OF OREGON
County of Clackamas
I, George D. Poppen, County Clerk, Ex-Officio Clerk
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was received for
and recorded in the records of this County at
DEED
1973 JUN 5 PM 3 08





REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 08, 2000
JOHN R. WADE
59999 LS

EXPIRES: 06/30/08

SURVEYED
TRANSMISSION
LINES

TAX LOT 100

SURVEYED SEWER
MANHOLE (NOT IN EXISTING
SANITARY SEWER EASEMENT)

SHED

BUILDING

KINSMAN ROAD

TAX LOT 300

PROPOSED AREA OF
EXISTING SEWER
EASEMENT TO BE VACATED

20.00' SEWER EASEMENT
ADJACENT TO EAST LINE
OF TRANSMISSION LINE EASEMENT
PER DOC. NO. 73-17316

125.00' POWERLINE EASEMENT
CENTERED ON TRANSMISSION
LINES PER BOOK 525, PAGE 680

TAX LOT 205

SFA JOB NO.:
208-001

DATE:
09/10/07

PREPARED FOR:
US CRANE

EXHIBIT SKETCH "B"



SFA Design Group, LLC

STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING

9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223

Phone 503.641.8311 Fax 503.643.7905

EXISTING EASEMENT EXHIBIT

TAX LOT 300 MAP 3 1W 14C

WILSONVILLE, CLACKAMAS COUNTY, OREGON

EASEMENTS ARE PER

BOOK 525, PAGE 680 AND DOC. NO. 73-17316

PIPELINE EASEMENT
Grantor - Individual

After recording, return to:
 CITY RECORDER
 CITY OF WILSONVILLE
 29799 SW TOWN CENTER LOOP, E.
 WILSONVILLE OR 97070

KNOW ALL MEN BY THESE PRESENTS, that ROBERT STRATTON JONES and
SUSAN PATRICIA JONES, as TENANTS by THE ENTIRETY,
 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: N/A - LINE IS
CONSTRUCTED

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. See 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 permanent right-of-way and easement shall include the right, privilege, and authority, to the said City of Wilsonville, to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove an underground sanitary sewer, storm drain, or water pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, including aboveground valve boxes, fire hydrants or manholes, for the purpose of carrying and conveying sewage wastes, surplus waters, or potable water as the case may be, and for similar

STATE OF OREGON)
County of CLATSOP) ss

On this 12 day of SEPTEMBER, 2007, before me, a notary public in and for said County and State, personally appeared SUSAN JONES, known to me to be the person whose name IS subscribed to the within instrument and acknowledged that SHE 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.

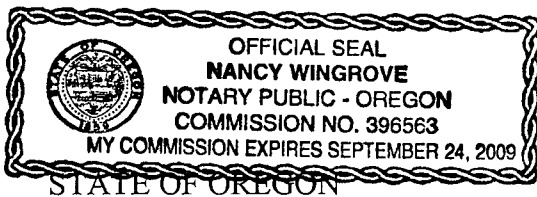


Nancy Wingrove
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9.24.09

STATE OF OREGON)
County of CLATSOP) ss

On this 12 day of SEPTEMBER, 07, before me, a notary public in and for said County and State, personally appeared ROBERT JONES, known to me to be the person whose name IS 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.



Nancy Wingrove
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9.24.09

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 _____ day of _____, 200__.

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, MMC, City Recorder
Date: _____

STATE OF OREGON)
) ss
County of Clackamas)

On this ____ day of _____, 200__, before me personally appeared _____, 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: _____



SFA Design Group, LLC

STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING

9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223

P: 503-641-8311 • F: 503-643-7905 • www.sfadesigngroup.com

EXHIBIT A

Legal Description:

September 10, 2007

20.00' Wide Sanitary Sewer Easement

A strip of land 20.00 feet wide lying in that tract of land described in Document Number 92 11012, situated in the SW ¼ of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, the centerline being over an existing sanitary sewer pipe, the location of which is more particularly described as follows:

Beginning at a point on the south line of said tract of land described in Document Number 92 11012, being 186.00 feet westerly of the centerline of Kinsman Road; thence in a northerly direction, parallel with and 186.00 feet westerly of said centerline, to a point on the northerly boundary of said tract of land described in Document Number 92 11012, being the terminus of the line described herein.

Containing 3,550 Sq.Ft.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 08, 2000
JOHN R. WADE
59999 LS

EXPIRES: 06/30/08



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
FEBRUARY 08, 2000
JOHN R. WADE
59999 LS

EXPIRES: 06/30/08

SURVEYED
TRANSMISSION
LINES

TAX LOT 100

SURVEYED SEWER
MANHOLE

SHED

BUILDING

KINSMAN ROAD

TAX LOT 300
DOCUMENT
NUMBER 92 11012

PROPOSED 20.00'
SANITARY SEWER
EASEMENT

186.00'

20.00' SEWER EASEMENT
ADJACENT TO EAST LINE
OF TRANSMISSION LINE EASEMENT
PER DOC. NO. 73-17316

TAX LOT 205

125.00' POWERLINE EASEMENT
CENTERED ON TRANSMISSION
LINES PER BOOK 525, PAGE 680

EXHIBIT B

SFA JOB NO.: 208-001 DATE: 09/10/07 PREPARED FOR: US CRANE

EXHIBIT SKETCH



SFA Design Group, LLC
STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING
9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223
Phone 503.641.8311 Fax 503.643.7905

PROPOSED 20' SEWER EASEMENT
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 3
SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF
WILSONVILLE, CLACKAMAS COUNTY, STATE OF OREGON