

**RESOLUTION NO. 2110**

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

WHEREAS, property owners Robert Stratton Jones and Susan Patricia Jones provided a Pipeline Easement on the property known as U.S. Crane & Hoist, 29375 SW Kinsman Road, Wilsonville, Clackamas County, Oregon 97070. Said easement was signed by Robert Jones and Susan Jones, Grantors, and was recorded in the Clackamas County Deed Records as Document #2006-117654 on December 22, 2006. However, the location of this easement was larger and did not track the requirements of the easement described above, was in excess of the needs and requirements of the Public Works Department and, therefore, a portion of said easement is no longer needed by the City of Wilsonville; and

WHEREAS, the City Council finds that it is in the public interest to exchange a reconveyance and quitclaim of the above referenced easement for a real property easement which is of equal or superior useful value pursuant to ORS 271.310; 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 adopts the following conveyances to achieve an exchange of easements:

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

(b) The Property Owners' conveyance to the City of the Public 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 19<sup>th</sup> 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>

Exhibit 1 Reconveyance and Quitclaim of Easement

Exhibit A Legal Description Sanitary Sewer and Waterline Easement

Exhibit B Drawing of the Easement Location

Exhibit 2 Pipeline Easement

Exhibit A Legal Description Sanitary Sewer and Waterline Easement

Exhibit B Drawing of Easement Location

**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





EXHIBIT "A"

LEGAL DESCRIPTION

JOB NO. 398-026

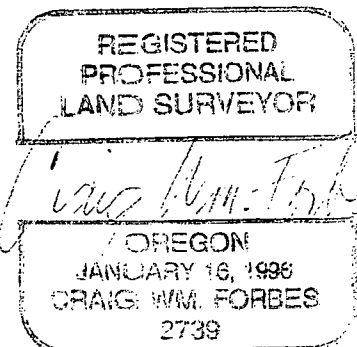
SANITARY SEWER AND WATERLINE EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. RLS 2264" ON THE NORTH LINE OF THE PLAT OF "JACI PARK NO. 2" FROM WHICH THE NORTHEAST CORNER OF TRACT "C" OF SAID PLAT BEARS SOUTH 88°28'45" EAST, 13.27 FEET; THENCE ALONG SAID LINE SOUTH 88°28'45" EAST, 12.00 FEET TO THE CENTERLINE OF SEELY DITCH AND THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 92-11012, CLACKAMAS COUNTY DEED RECORDS; THENCE LEAVING SAID LINE AND RUNNING ALONG THE CENTERLINE OF SAID DITCH NORTH 09°32'32" EAST, 246.03 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID DITCH SOUTH 82°54'44" EAST, 70.11 FEET; THENCE SOUTH 89°19'38" EAST, 37.66 FEET; THENCE SOUTH 01°22'32" WEST, 22.00 FEET WESTERLY AND PARALLEL WITH THE MOST NORTHERLY EAST LINE OF SAID PROPERTY, 80.67 FEET; THENCE SOUTH 83°23'20" EAST, 140.79 FEET; THENCE NORTH 51°47'50" EAST, 24.98 FEET; THENCE SOUTH 88°33'40" EAST, 19.00 FEET SOUTHERLY AND PARALLEL WITH THE MOST EASTERLY NORTH LINE OF SAID PROPERTY, 129.73 FEET TO THE EAST LINE OF SAID PROPERTY AND THE WESTERLY RIGHT-OF-WAY LINE OF KINSMAN ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 01°26'20" EAST, 19.00 FEET TO THE MOST EASTERLY NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE MOST EASTERLY NORTH LINE OF SAID PROPERTY NORTH 88°33'40" WEST, 267.21 FEET; THENCE ALONG THE MOST NORTHERLY EAST LINE OF SAID PROPERTY NORTH 01°22'32" EAST, 79.15 FEET; THENCE NORTH 82°54'44 WEST, 126.21 FEET TO THE CENTERLINE OF THE SEELY DITCH; THENCE ALONG SAID CENTERLINE SOUTH 09°32'32" WEST, 27.02 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 11,542 SQUARE FEET OR 0.265 ACRES.

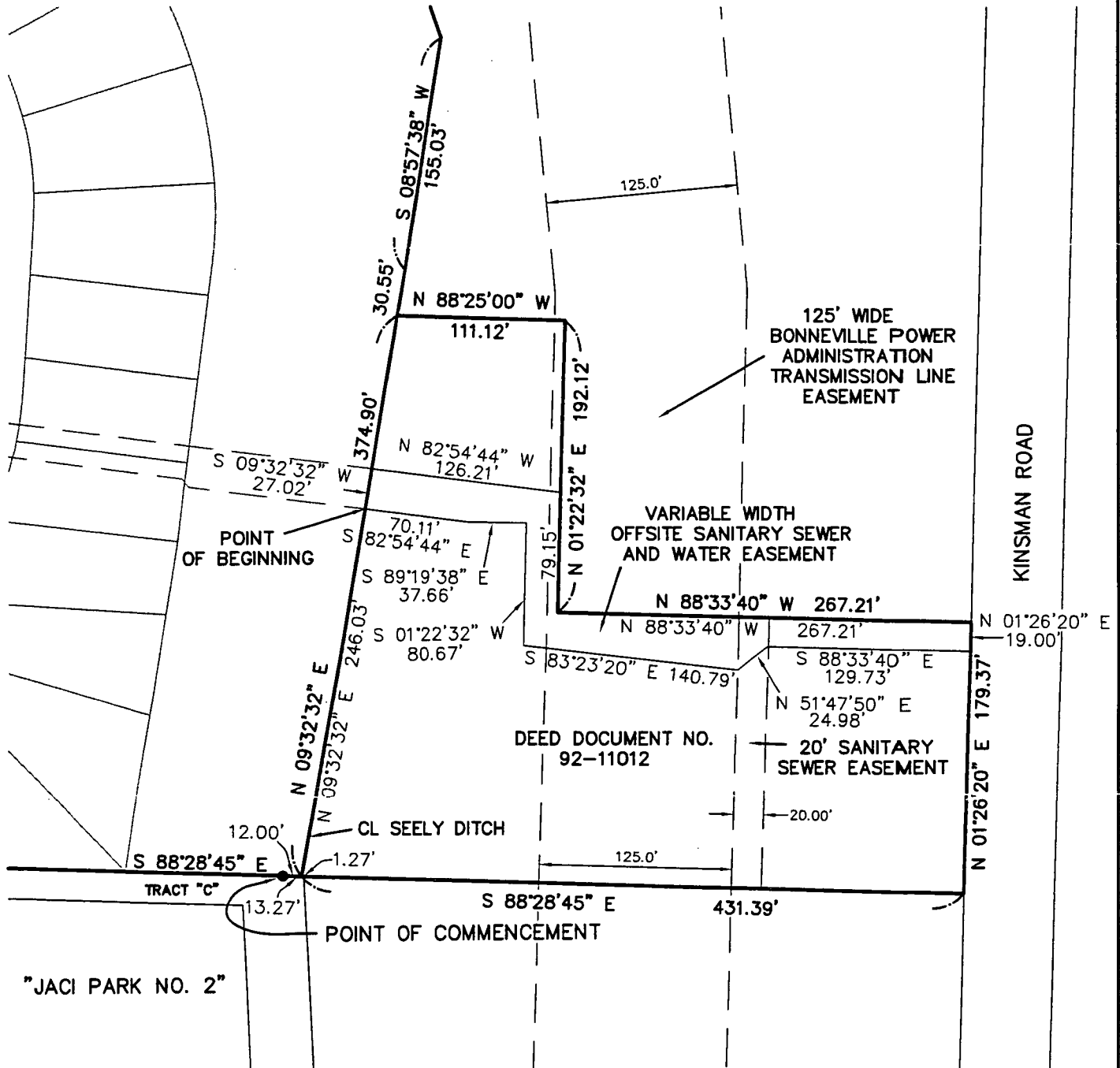
THE BASIS OF BEARINGS IS PER S.N. 2004-318, CLACKAMAS COUNTY SURVEY RECORDS.



# EXHIBIT "B"



SCALE: 1"=100'



"JACI PARK NO. 2"

DRAWN BY: CWF DATE: 4/24/06  
 REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PROJECT NO.: 398-026  
 SCALE: 1"=100'  
 OFFSITE SS&WL EASEMENT



**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

uses in, under, and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted. No building or structure shall be constructed over the pipeline easement right-of-way.

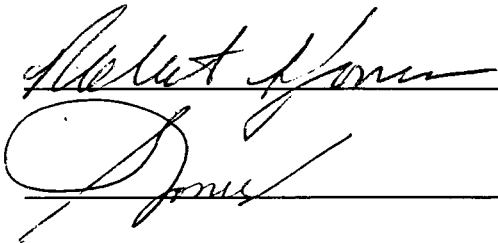
2. To the extent allowed by law, Grantee will indemnify and hold harmless the Grantor(s), his/her/their heirs, successors and/or assigns from claims for injury to person or property as a result of the negligence of the Grantee, its agents or employees in the construction, operation, or maintenance of said pipeline.

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

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

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 28 day of FEBRUARY, 2008.

GRANTOR(S):

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



STATE OF OREGON )  
County of CLACKAMAS ) ss

On this 28 day of FEBRUARY, 2008, 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 15 subscribed to the within instrument and acknowledged that 15 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 CLACKAMAS ) ss

On this 28 day of FEBRUARY, 2008, 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 15 subscribed to the within instrument and acknowledged that 15 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

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

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

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

EXPIRES: 06/30/08

**Legal Description: EXHIBIT "A"**

**Sanitary Sewer and Waterline Easement**

**Basis of Bearings:**

The bearings noted hereon are based upon SN 2004-318, a Record of Survey in Clackamas County.

A portion of 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, being more particularly described as follows:

**Beginning** at a point on the westerly right of way of Kinsman Road, said point being the most easterly northeast corner of said tract of land described in Document Number 92 11012;

Thence along the most easterly north line of said property, N 88°33'40" W, 267.21 feet;

Thence along the most northerly east line of said property, N 01°22'32" E, 79.15 feet;

Thence leaving said line, N 82°54'44" W, 123.39 feet more or less to the centerline of the Seely Ditch;

Thence along said centerline, S 10°16'37" W, 27.04 feet;

Thence leaving said Seely Ditch centerline, S 82°54'44" E, 67.64 feet;

Thence S 89°19'38" E, 37.66 feet to a point 22.00 feet westerly of, when measured at right angles, the most northerly east line of said land described in Document Number 92 11012;

Thence 22.00 feet westerly of and parallel with the most northerly east line of said property, S 01°22'32" W, 80.67 feet;

Thence S 83°23'20" E, 140.79 feet;

Thence N 01°26'16" E, 10.37 feet;

Thence N 75°17'12" E, 20.03 feet to a point 19.00 feet southerly of, when measured at right angles, the most easterly north line of said land described in Document Number 92 11012;

Thence 19.00 feet southerly of and parallel with the most easterly north line of said property, S 88°33'40" E, 129.73 feet to the east line of said property and the westerly right of way line of Kinsman Road;

Thence along said right of way line, N 01°26'20" E, 19.00 feet, to the Point of Beginning.

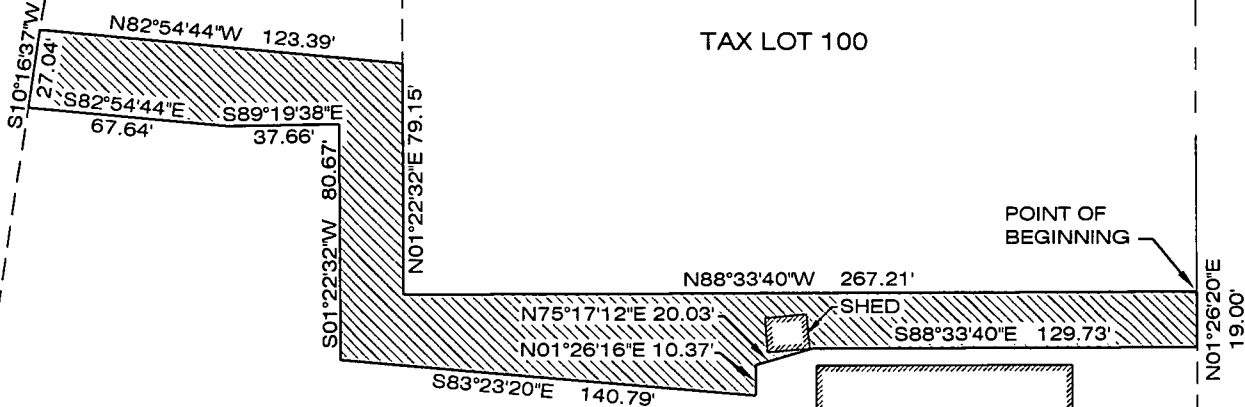
Containing 0.26 Acres (11369 Sq.Ft.)



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEBRUARY 08, 2000  
JOHN R. WADE  
59999 LS

EXPIRES: 06/30/08



TAX LOT 100

POINT OF  
BEGINNING

N88°33'40"W 267.21'

N75°17'12"E 20.03'

N01°26'16"E 10.37'

S83°23'20"E 140.79'

BUILDING

KINSMAN ROAD

TAX LOT 300

DOCUMENT  
NUMBER 92 11012

TAX LOT 205

SFA JOB NO.: 208-001  
DATE: 02/22/08  
PREPARED FOR: US CRANE

EXHIBIT "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

**SANITARY SEWER AND WATERLINE 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