

**RESOLUTION NO. 2111**

**A RESOLUTION OF THE CITY OF WILSONVILLE EXCHANGING WATERLINE EASEMENTS BY QUITCLAIM TO, AND GRANT FROM, MENTOR GRAPHICS CORPORATION, OWNER**

WHEREAS, the City of Wilsonville Design Review Board approved the Mentor Graphics Corporation development but required as a condition of approval that a public utility easement be conveyed to the City; and

WHEREAS, there currently exists on the property an easement granted by owner Mentor Graphics Corporation and recorded as #91-62671 in Clackamas County Deed Records on December 10, 1991. However, because the owner removed and reconstructed a portion of the public waterline, 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 which is of equal or superior useful value, which tracks the City's water 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 Waterline Easement described in Exhibit 1, attached hereto and incorporated herein, in exchange for
  - (b) The Owner's conveyance to the City of the Waterline 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 2<sup>nd</sup> day of June, 2008, and filed with the Wilsonville City Recorder this date.

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

ATTEST:

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

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> |

**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 **Mentor Graphics Corporation**, 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

STATE OF OREGON )  
 ) ss  
County of Clackamas )

This instrument was acknowledged before me on \_\_\_\_\_, 2008,  
by Arlene Loble as City Manager of the City of Wilsonville.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

APPROVED AS TO FORM  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

APPROVED AS TO LEGAL DESCRIPTION  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

AUTHORIZED on behalf of the City of Wilsonville, Oregon,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Arlene Loble, City Manager

ATTESTED TO:

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder      Date

EXHIBIT A



ENGINEERS  
LANDSCAPE ARCHITECTS • SURVEYORS

Legal Description  
Existing Waterline Easements A-14 to be Vacated  
May 2, 2008

Existing Waterline Easement A-14 to be Vacated

Being all of that Waterline Easement A-14 as described in Document No. 91-62671, Clackamas County Deed Records, located in the Southwest One-quarter of Section 12, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, said strip lying 7.50 feet on each side of the following described centerline:

COMMENCING at the corner common to Sections 11, 12, 13 and 14, Township 3 South, Range 1 West of the Willamette Meridian;

Thence along the south line of said Section 12, North 89°29'59" East, 656.26 feet;

Thence leaving the south line of said Section 12, North 00°30'01" West, 31.00 feet to the True Point of Beginning of Waterline Easement "A" as described in that Pipeline Easement to the City of Wilsonville, recorded December 10, 1991 as Document No. 91-62671, Clackamas County Deed Records;

Thence North 03°58'14" West, 295.50 feet to Point A-1;

Thence continuing North 03°58'14" West, 212.17 feet to Point A-2;

Thence continuing North 03°58'14" West, 23.62 feet to Point A-3;

Thence continuing North 03°58'14" West, 109.87 feet to Point A-4;

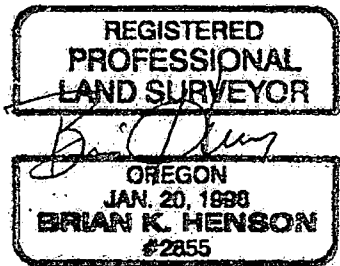
Thence continuing North 03°58'14" West, 10.02 feet to Point A-5;

Thence from Point A-5, North 90°00'00" East, 202.92 feet to Point A-14;

Thence continuing North 90°00'00" East, 10.00 feet to Point A-15, being the POINT OF BEGINNING of the existing Waterline Easement A-14 as described in said Document No. 91-62671;

Thence North 77°50'00" East, 425.00 feet to the Point of Terminus of said existing Waterline Easement A-14.

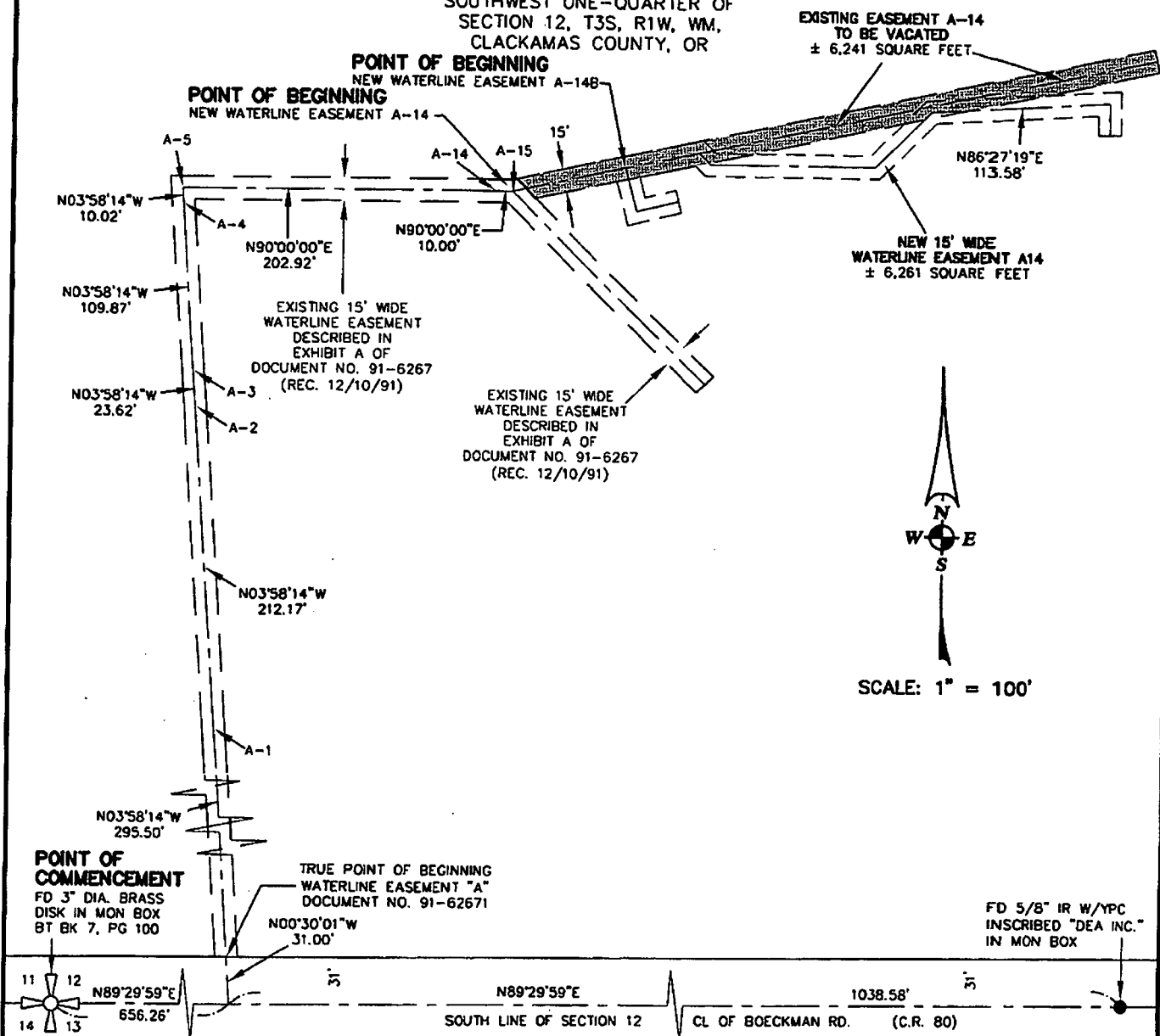
Contains 6,241 square feet, more or less.



EXP 6-30-09

# EXHIBIT "B"

LOCATED IN THE  
SOUTHWEST ONE-QUARTER OF  
SECTION 12, T3S, R1W, WM,  
CLACKAMAS COUNTY, OR



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian K. Henson*

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXP. 6-30-09

- - MONUMENT FOUND AS NOTED
- FD - FOUND
- IR - IRON ROD
- MON BOX - MONUMENT BOX
- W/YPC - WITH YELLOW PLASTIC CAP



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
MAAY 2, 2008 JOB NO. ANK-98

**PIPELINE EASEMENT**

**Grantor - Corporation**

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 Menton Graphics Corporation

hereinafter referred to as "Grantor", for the consideration hereinafter stated, does forever grant unto the CITY OF WILSONVILLE, a municipal corporation, hereinafter referred to as "Grantee", a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

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

together with a temporary construction easement as follows: None

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 2000. \*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, its successors and/or assigns; and

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

1. The permanent right-of-way and easement shall include the right, privilege, and authority, to the said City of Wilsonville, to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove an underground 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, its successors and/or assigns from claims for injury to person or property as a result of the negligence of the Grantee, its agents or employees in the construction, operation, or maintenance of said pipeline.

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

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

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 3<sup>rd</sup> day of April, 2008.

GRANTOR(S):

Mentor Graphics Corporation

(Name of Corporation)

BY:

Dean Freed

(Name of Duly Authorized Representative)

Vice President and General Counsel

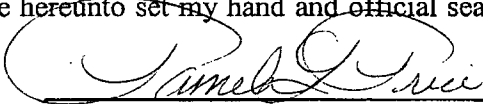
Title

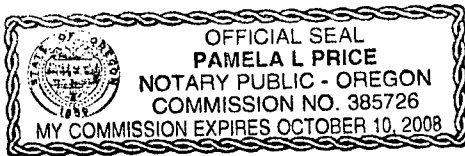


STATE OF OREGON )  
 ) ss  
County of Clackamas )

On this 3<sup>rd</sup> day of April, 2008, before me, a notary public in and for said County and State, personally appeared Dean Freed, 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.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10/10/08



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: \_\_\_\_\_

Legal Description  
New Waterline Easements A-14 and A-14B  
March 28, 2008

New Waterline Easement A-14

A strip of land 15.00 feet in width centered over existing waterlines located in the Southwest One-quarter of Section 12, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, said strip lying 7.50 feet on each side of the following described centerline:

COMMENCING at the corner common to Sections 11, 12, 13 and 14, Township 3 South, Range 1 West of the Willamette Meridian;

Thence along the south line of said Section 12, North 89°29'59" East, 656.26 feet;

Thence leaving the south line of said Section 12, North 00°30'01" West, 31.00 feet to the True Point of Beginning of Waterline Easement "A" as described in that Pipeline Easement to the City of Wilsonville, recorded December 10, 1991 as Document No. 91-62671, Clackamas County Deed Records;

Thence North 03°58'14" West, 295.50 feet to Point A-1 of said Document No. 91-62671;

Thence continuing North 03°58'14" West, 212.17 feet to Point A-2 of said Document No. 91-62671;

Thence continuing North 03°58'14" West, 23.62 feet to Point A-3 of said Document No. 91-62671;

Thence continuing North 03°58'14" West, 109.87 feet to Point A-4 of said Document No. 91-62671;

Thence continuing North 03°58'14" West, 10.02 feet to Point A-5 of said Document No. 91-62671;

Thence from Point A-5, North 90°00'00" East, 202.92 feet to Point A-14;

Thence continuing North 90°00'00" East, 10.00 feet to Point A-15, being the POINT OF BEGINNING of the New Waterline Easement A-14 herein described;

Thence North 77°50'00" East, 75.41 feet to Point A-16 being the Point of Beginning of Waterline Easement A-14B;

Thence continuing North 77°50'00" East, 48.12 feet;

Thence South 44°36'38" East, 10.39 feet;

Thence South 89°42'10" East, 106.68 feet;

Thence North 45°05'40" East, 51.52 feet;

Thence North 86°27'19" East, 113.58 feet;

Thence South 00°27'31" East, 20.66 feet to the Point of Terminus of the New Waterline Easement A-14.

The sidelines of said strip are to be shortened and/or lengthened to terminate at the angle points of said strip.

Contains 6,261 square feet, more or less.

Waterline Easement A-14B

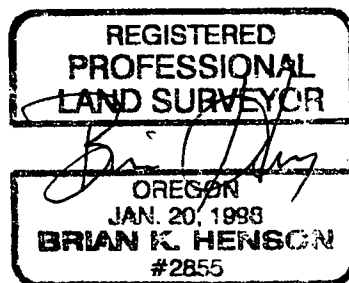
Beginning a Point A-16 as described in New Waterline Easement A-14;

Thence South 14°24'56" East, 29.21 feet;

Thence North 75°35'04" East, 27.58 feet to the Point of Terminus of the New Waterline Easement A-14B.

The sidelines of said strip are to be shortened and/or lengthened to terminate at the sidelines of the New Waterline Easement A-14 and the angle points of said strip.

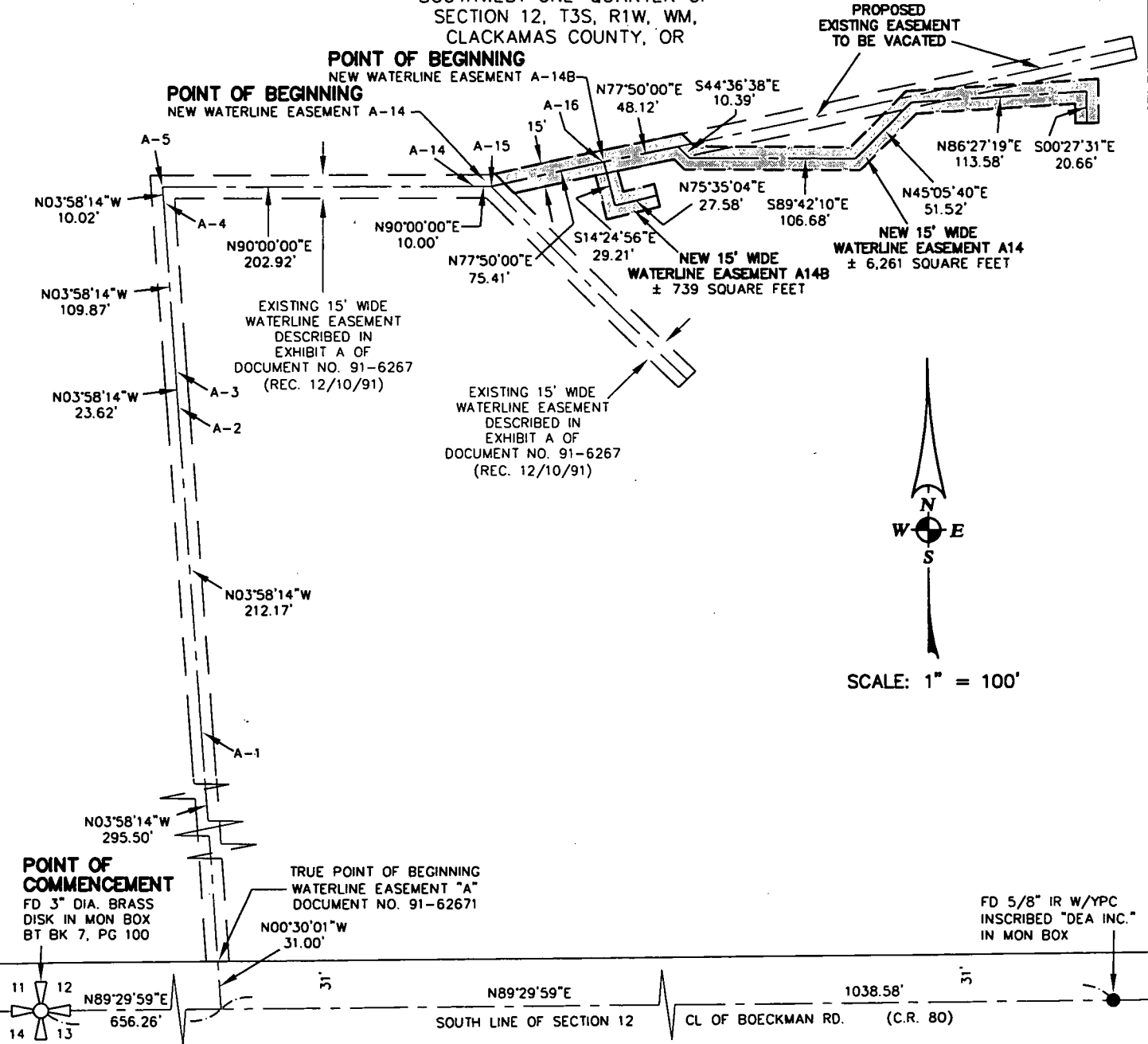
Contains 739 square feet, more or less.



EXP 6-30-08

# EXHIBIT "B"

LOCATED IN THE  
SOUTHWEST ONE-QUARTER OF  
SECTION 12, T3S, R1W, WM,  
CLACKAMAS COUNTY, OR



SCALE: 1" = 100'

**POINT OF COMMENCEMENT**  
FD 3" DIA. BRASS  
DISK IN MON BOX  
BT BK 7, PG 100

TRUE POINT OF BEGINNING  
WATERLINE EASEMENT "A"  
DOCUMENT NO. 91-62671

FD 5/8" IR W/YPC  
INSCRIBED "DEA INC."  
IN MON BOX



N89°29'59"E  
656.26'

SOUTH LINE OF SECTION 12

N89°29'59"E

CL OF BOECKMAN RD.

1038.58'

(C.R. 80)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON

JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXP. 6-30-09

- - MONUMENT FOUND AS NOTED
- FD - FOUND
- IR - IRON ROD
- MON BOX - MONUMENT BOX
- W/YPC - WITH YELLOW PLASTIC CAP



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

MARCH 28, 2008

JOB NO. ANK-98



Engineering Department  
29799 SW Town Center Lp. E.  
Wilsonville, OR 97070  
503-682-4960  
503-682-7025 fax

**MEMO**  
**Community Development Department**  
**Engineering Division**

DATE: 5/23/08  
TO: Honorable Mayor and City Council  
FROM: Jason Baker – Senior Engineering Technician  
RE: Reconveyance and Quitclaim of Easement -

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Mentor Graphics has requested to Exchange and Quitclaim a Pipeline Easement. This Exchange and Quitclaim will identify the Existing Pipeline Easement situated over the abandoned waterline and the New Pipeline Easement situated over the newly installed waterline. Mentor Graphics is required to perform this task due to the fact that they relocated their existing waterline so that it is not beneath their newly constructed building. Documentation has been provided to support the Exchange and Quitclaim of Pipeline Easements.

Should you have further questions or concerns regarding this matter, please contact me at 503-582-1011.

Thank you,