

RESOLUTION NO. XIX

A RESOLUTION RELATING TO THE SECOND ANNEXATION AND BOUNDARY CHANGE FOR THE CITY OF WILSONVILLE.

(Application of Willamette Factors, Inc., et al)

WHEREAS, it is the desire of the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, to annex a part of the George L. Curry D.L.C. No. 43 in T. 3 S., R. 1 W. of the W.M. in the County of Clackamas and State of Oregon as hereinafter more particularly described and all of which lies wholly within the same County, i.e., Clackamas County, and is contiguous to the City of Wilsonville; and

WHEREAS, the territory to be annexed consists of farmland which is planned for commercial development with a total land area of approximately 470.64 acres; and

WHEREAS, the territory to be annexed consists of two (2) ownerships and three (3) separate legal descriptions. One parcel is owned in fee simple by Richard Paul Hemmerling and Beulah Hemmerling, husband and wife, as tenants by the entirety and is described in the attached "Exhibit 1-A" and their ownership is evidenced by the LOT BOOK SERVICE of Pioneer National Title Insurance Company dated March 22, 1971, under its Order No. 106-922 which is attached hereto marked "Exhibit 3-A" and by this reference thereto and its annexation hereto is expressly made a part hereof. The second parcel in the territory to be annexed is owned in fee simple by Willamette Factors, Inc., an Oregon corporation, and is described in the attached "Exhibit 1-B" and its ownership is evidenced by a copy of the Title Insurance Policy issued by Pioneer National Title Insurance Company dated February 24, 1971, Policy No. 3-106-526, which is attached hereto marked "Exhibit 3-B" and by this reference thereto and its annexation hereto is expressly made a part hereof. The proximity of the above referred to and hereinafter described land to the City of Wilsonville is shown on the engineer's drawing of Engineering Pacific Inc. which is attached hereto marked "Exhibit 2" and by this reference thereto and its annexation hereto is expressly made a part hereof. The

location of the territory to be annexed is also shown on an aerial photograph and a sketch drawn to scale which are attached hereto marked respectively "Exhibit 4" and "Exhibit 5" for identification purposes, and by this reference thereto and their annexations hereto are hereby expressly made a part hereof; and

WHEREAS, the owners of said property to be annexed, i.e., Willamette Factors, Inc. and Richard Paul Hemmerling, et ux, are all of the land owners who own all of the land representing all of the assessed value in the contiguous territory to be annexed, and have expressly consented to this proposed annexation and their written signed APPLICATION FOR BOUNDARY CHANGE has been filed with the Wilsonville City Council and is a part of the records and file of this matter, and a copy of said Application is attached hereto marked "Exhibit 6" for identification purposes and by this reference thereto and its annexation hereto is expressly made a part hereof; and

WHEREAS, the Wilsonville City Council and the Wilsonville City Planning Commission have considered the Application of the property owners for annexation to the City of Wilsonville and have investigated the matter and are of the opinion that it would be in the best interests of the City of Wilsonville and the inhabitants thereof if the said territory were annexed to the City of Wilsonville for the purpose of increasing the City's tax base, providing sewer, water and other utilities and other City services to the territory in question, and also for the purpose of assuring a proper and orderly development of said property.

NOW, THEREFORE, BE IT RESOLVED by the Wilsonville City Council that it request and does hereby request the Local Government Boundary Commission formed under ORS 199.410 to 199.540 to commence necessary proceedings for annexing to the City of Wilsonville the following described real property located in the County of Clackamas, State of Oregon, to-wit:

PARCEL 1: (Property owned by Richard Paul Hemmerling and Beulah Hemmerling, husband and wife)

A tract of land located in the George L. Curry Claim No. 43, in T. 3 S., R. 1 W., of the W. M., that is described as follows:

Beginning at a one inch square bar located in the north-easterly boundary of Market Road No. 27, that is North 266.62 feet distant and East 886.76 feet distant from the southwest corner of the said Curry claim; from said beginning point thence following said road boundary South 68° 33' East 340.00 feet; thence South 79° 34' East 59.19 feet to the center of a creek that is the most southerly corner of the tract of land described in Book 84 on Page 222 Records of Deeds for Clackamas County, Oregon, and is in the boundary common to the F. W. Wagner tract described in Book 157 on Page 628 said record of deeds; thence following said corner boundary North 10° 38' West 762.30 feet (called N. 12° 30' W. in previous deeds) to a railroad spike in a 5 foot diameter windfall; thence continuing along said common boundary North 67° 34' West 96.35 feet (called N. 70° 30' West in previous deeds) to an iron pipe; thence South 3° 22' West 326.71 feet to an iron pipe; thence South 21° 10' West 348.29 feet to the place of beginning, EXCEPT that portion conveyed to the State of Oregon recorded in Film Jacket 69-14432 Deed Records of Clackamas County, State of Oregon.

PARCEL 2: (Property owned by Willamette Factors, Inc.)

A tract in the George L. Curry D.L.C. No. 43 in T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the South line of the said George L. Curry D. L. C., 677.82 feet West of the Southeast corner of said claim; thence West on the South line of said claim 2025.54 feet, more or less, to the division line; thence North along the division line of said claim 3188.46 feet to a railroad rail said point being the most Southerly corner of a tract of land described in Book "E" of Deeds at Page 54; thence North 44° West 1042.80 feet to a tree described in said Book "E" of Deeds at Page 54, on the bank of the Willamette River; thence Northeasterly tracing the meander line of said Willamette River to a point where it intersects the division line of said claim; thence South 270.0 feet, more or less, to an 8" x 8" concrete post, said post being 993.0 feet North of the above mentioned railroad rail set at the said most Southerly corner of a tract of land described in Book "E" of Deeds at Page 54; thence North 70° 45' East, 1062.5 feet to a 1-1/2 inch iron pipe; thence East, 1025.0 feet to a 1-1/4 inch iron pipe; thence South 4528.5 feet along a line parallel with the East line of said claim to the place of beginning; and

A tract of land lying in part of Sections 23, 24, 25 and 26, T. 3 S., R. 1 W., of the W. M., said tract also being part of the George L. Curry D.L.C. No. 43 in Clackamas County, Oregon, more particularly described as follows:

Beginning at a point on the South line of the aforementioned Curry D.L.C., which is West 2703.36 feet from the Southeast corner of said Claim, said point also being at the division line between the East and West half of said claim; thence North along said division line 3072.20 feet to a railroad rail, said point being the most Southerly corner for a tract of land described in Book E, Page 54, County Deed Records; thence North 44° 00' West 1042.80 feet to a tree described as being the most Westerly corner of a tract described in Book E, Page 54, County Deed Records; thence Southwesterly tracing the meander of the Willamette River to a point of intersection with the Baldock Freeway right of way; thence South 0° 07' 40" East along said right of way line to a 1-1/2" iron pipe on the South bank of said Willamette River; thence continuing South 0° 07' 40" East along said right of way 1355.80 feet; thence East along said right of way 95 feet; thence South 0° 07' 40" East along said right of way 361.91 feet to the intersection of a piece of ground described in Paragraph II of Parcel I in Book 664, Page 882, County Deed Records; thence South 69° 30' 50" East 358.76 feet to a railroad spike in the top of a 5 foot diameter log; thence South 12° 30' East 881.38 feet to a point on the South line of the Curry Claim; thence East 3061.05 feet to the point of beginning.

EXCEPTING THEREFROM that portion along the Southerly side used for County road purposes. ALSO EXCEPTING THEREFROM a certain tract of land lying within the above described property, more particularly described as follows:

Beginning at a 5/8 inch iron rod which is 4515.44 feet West and 2628.42 feet North from the Southeast corner of the George Curry D.L.C., said point being the Southeasterly corner of the tract herein described; thence South 74° 50' 30" West 247.06 feet to a 5/8 inch iron rod; thence North 12° 37' 10" West 409.36 feet to the Willamette River; thence North 62° 18' East along said River 220.34 feet; thence South 16° 54' 30" East 457.10 feet to the point of beginning. This tract containing 2.310 acres, also, the right of ingress and egress over a 20 foot strip of land 10 feet on either side of the following center line; beginning at a point on the South line of the G. Curry D.L.C. which is 4432.84 feet West of the Southeast corner of said claim; thence North 5° 22' 40" West 1950.75 feet to an angle point; thence North 11° 43' 20" West 650 feet to a point 10 feet East of the Southwest corner of the above described 2.310 acre tract.

That all of the above described property adjoins the present boundaries of the City of Wilsonville, Oregon, and is separated only by the Willamette River.

BE IT FURTHER RESOLVED that said City has jurisdiction to annex said territory, and in reliance on the Application of Willamette Factors, Inc. and Richard Paul Hemmerling, et ux, sole owners of said property and their written express consent to the

proposed annexation, is proceeding under the provisions and authority of ORS 222.170.

BE IT FURTHER RESOLVED that the City Recorder file a copy of this Resolution with all attached Exhibits with the Boundary Commission having jurisdiction in this matter; and if said Commission takes no action in this matter within sixty (60) days from the date this Resolution is filed with the said Commission, that the City of Wilsonville shall consider that the Boundary Commission has consented to the proposed annexation, and the City of Wilsonville will then proceed to annex said property pursuant to the laws of Oregon.

This Resolution is adopted by the Wilsonville City Council and filed with the City Recorder at a regular meeting of the Council this 22nd day of March, 1971.


PHILLIP R. BALSIGER - Mayor

ATTEST:


LEE RESLOCK - City Recorder

A tract of land located in the George L. Curry Claim No. 43, in T. 3 S., R. 1 W., of the W. M., that is described as follows:

Beginning at a one inch square bar located in the northeasterly boundary of Market Road No. 27, that is North 266.62 feet distant and East 886.76 feet distant from the southwest corner of the said Curry claim; from said beginning point thence following said road boundary South 68° 33' East 340.00 feet; thence South 79° 34' East 59.19 feet to the center of a creek that is the most southerly corner of the tract of land described in Book 84 on Page 222 Records of Deeds for Clackamas County, Oregon, and is in the boundary common to the F. W. Wagner tract described in Book 157 on page 628 said record of deeds; thence following said corner boundary North 10° 38' West 762.30 feet (called N. 12° 30' W in previous deeds) to a railroad spike in a 5 foot diameter windfall; thence continuing along said common boundary North 67° 34' West 96.35 feet (called N. 70° 30' West in previous deeds) to an iron pipe; thence South 3° 22' West 326.71 feet to an iron pipe; thence South 21° 10' West 348.29 feet to the place of beginning, EXCEPT that portion conveyed to the State of Oregon recorded in Film Jacket 69-14432 Deed Records of Clackamas County, State of Oregon.

A tract in the George L. Curry D.L.C. No. 43 in T. 3 S., R. 1 W., of the W. M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the South line of the said George L. Curry D. L. C., 677.82 feet West of the Southeast corner of said claim; thence West on the South line of said claim 2025.54 feet, more or less, to the division line; thence North along the division line of said claim 3188.46 feet to a railroad rail said point being the most Southerly corner of a tract of land described in Book "E" of Deeds at Page 54' thence North 44° West 1042.80 feet to a tree described in said Book "E" of Deeds at Page 54, on the bank of the Willamette River; thence North-easterly tracing the meander line of said Willamette River to a point where it intersects the division line of said claim; thence South 270.0 feet, more or less, to an 8" x 8" concrete post, said post being 993.0 feet North of the above mentioned railroad rail set at the said most Southerly corner of a tract of land described in Book "E" of Deeds at Page 54' thence North 70° 45' East, 1062.5 feet to a 1-1/2 inch iron pipe; thence East, 1025.0 feet to a 1-1/4 inch iron pipe; thence South 4528.5 feet along a line parallel with the East line of said claim to the place of beginning; and

A tract of land laying in part of Sections 23, 24, 25 and 26, T. 3 S., R. 1 W., of W. M., said tract also being part of the George L. Curry D.L.C., No. 43 in Clackamas County, Oregon, more particularly described as follows:

Beginning at a point on the South line of the aforementioned Curry D.L.C., which is West 2703.36 feet from the Southeast corner of said Claim, said point also being at the division line between the East and West half of said claim; thence North along said division line 3072.20 feet to a railroad rail, said point being the most Southerly corner for a tract of land described in Book E, Page 54, County Deed Records; thence North 44° 00' West 1042.80 feet to a tree described as being the most Westerly corner of a tract described in Book E, Page 54, County Deed Records; thence Southwesterly tracing the meander of the Willamette River to a point of intersection with the Baldock Freesay Right of Way; thence South 0° 07' 40" East along said Right of Way line to a 1-1/2" iron pipe on the South bank of said Willamette River; thence continuing South 0° 07' 40" East along said Right of Way 1355.80 feet; thence East along said Right of Way 95 feet; thence South 0° 07' 40" East along said Right of Way 361.91 feet to the intersection of a piece of ground described in Paragraph II of Parcel I in Book 664, Page 882, County Deed Records; thence South 69° 30' 50" East 358.76 feet to a railroad spike in the top of a 5 foot diameter log; thence South 12° 30' East 881.38 feet to a point on the South line of the Curry Claim; thence East 3061.05 feet to the point of beginning.

EXCEPTING THEREFROM that portion along the Southerly side used for County road purposes. ALSO EXCEPTING THEREFROM a certain tract of land laying within the above described property, more particularly described as follows:

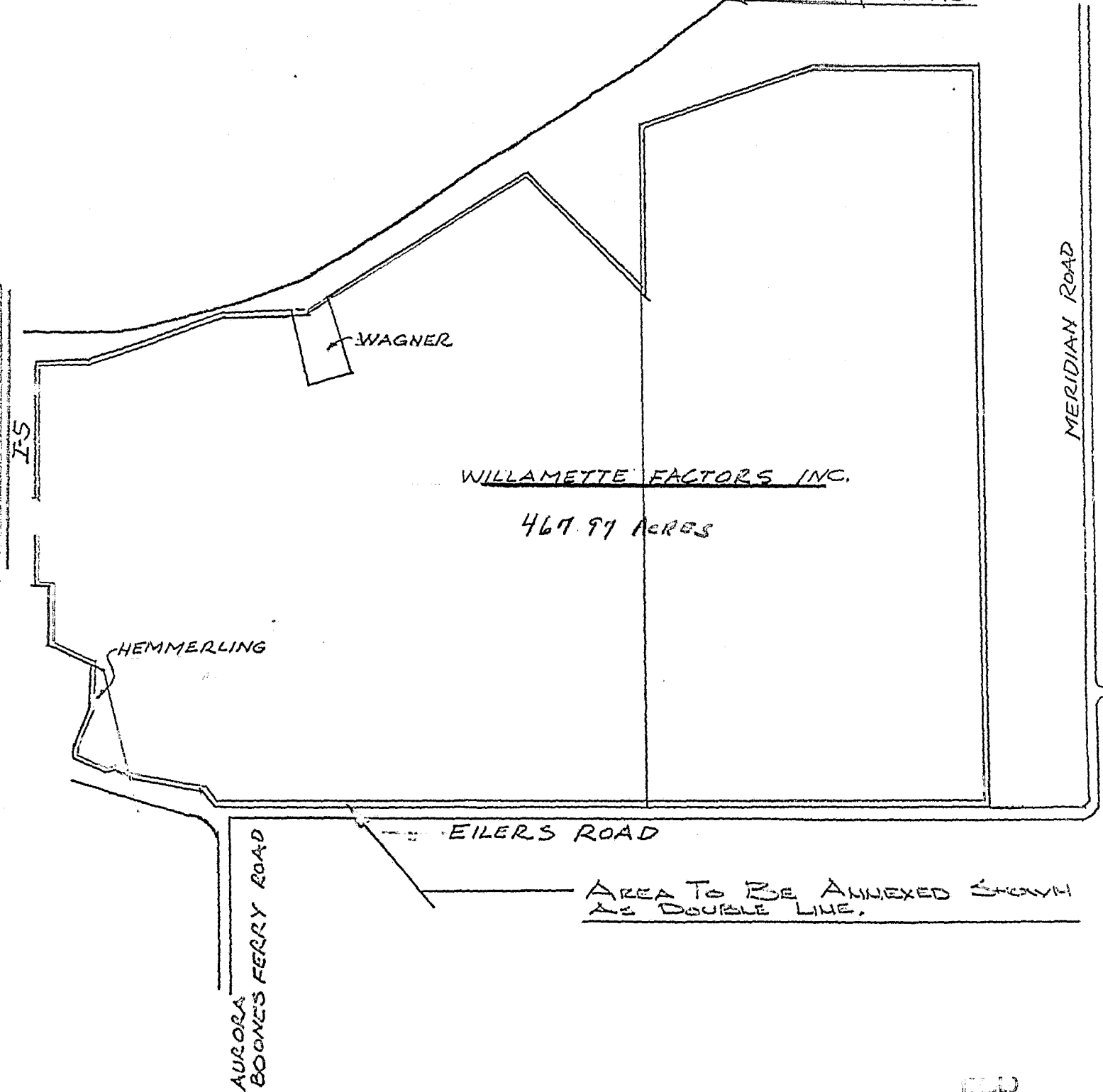
Beginning at a 5/8 inch iron rod which is 4515.44 feet West and 2628.42 feet north from the Southeast corner of the George Curry D. L. C., said point being the Southeasterly corner of the tract herein described. Thence South 74° 50' 30" West 247.06 feet to a 5/8 inch iron rod; thence North 12° 37' 10" West 409.36 feet to the Willamette River; thence North 62° 18' East along said River 220.34 feet; thence South 16° 54' 30" East 457.10 feet to the point of beginning. This tract containing 2.310 Acres, also, the right of ingress and egress over a 20 foot strip of land 10 feet on either side of the following center line; beginning at a point on the South line of the G. Curry D. L.C. which is 4432.84 feet West of the Southeast corner of said claim; thence North 5° 22' 40" West 1950.75 feet to an angle point; thence North 11° 43' 20" West 650 feet to a point 10 feet East of the Southwest corner of the above described 2.310 acre tract.

BY RAH DATE 3/21/57 SUBJECT EXHIBIT 5
CHKD. BY _____ DATE _____
JOB NO. 69-654 WILLAMETTE FACTORS

SHEET NO. _____ OF _____
**EPI ENGINEERING
PACIFIC INC.**

EXHIBIT # 2
SCALE: 1" = 800'

WILSONVILLE
CITY LIMITS



FILED
MAY 29 1957
E.P.I.

APPLICATION FOR BOUNDARY CHANGE

COMES NOW, RICHARD PAUL and BEULAH HEMMERLING, husband and wife, and WILLAMETTE FACTORS, INC., an Oregon corporation, and respectfully petition the City of Wilsonville, State of Oregon for a boundary change. All of your petitioners are owners of real property situated in the County of Clackamas, State of Oregon.

As a part of this application, your petitioners attach the following:

1. Real property descriptions of the real estate owned by your respective petitioners, consisting of three (3) separate legal descriptions marked "EXHIBIT 1-A and 1-B.
2. A sketch which identifies the real property owned by each of the petitioners and which demonstrates the relationship of each piece of real estate to the existing boundaries of Wilsonville City limits. Said sketch is attached hereto marked "EXHIBIT 2".
3. Two policies of Title Insurance issued by Pioneer National Title Insurance Company which policies show that each of the said petitioners holds fee title to said real property except as to certain easements and mortgages of record. Said Title Insurance Policies are attached hereto and marked "EXHIBITS 3-A and 3-B".
4. Attached hereto and marked "EXHIBIT 4" is an aerial photograph of the entire area which is the subject matter of this application; to-wit: The City limits of Wilsonville and the property owned by the respective petitioners.
5. Attached hereto and marked "EXHIBIT 5" is a map drawn to scale, showing the property owned by each of the respective petitioners and the existing city limits of Wilsonville.

Your petitioners respectfully move that the said City Council of the City of Wilsonville adopt a resolution to commence the necessary proceedings for annexing the properties owned by said petitioners in and to the City of Wilsonville in compliance with any city ordinances, statutes and laws relating to boundary and/or annexations; and we expressly consent to this proposed annexation.

The sum of \$250.00 in the form of Cashier's Check is paid herewith and to apply on the City's costs of the boundary change procedures pursuant to Ordinance No. 18.

Respectfully submitted,

WILLAMETTE FACTORS, INC.

By


RICHARD PAUL HEMMERLING


BEULAH HEMMERLING