

**RESOLUTION NO. 1345**

**A RESOLUTION EXCHANGING AND ADOPTING EASEMENTS,  
GRANTOR MATRIX DEVELOPMENT.**

WHEREAS, the City of Wilsonville approved the development of Morey's Landing, 94PC18, which conditions of approval included the direction and general location of sanitary sewer, storm sewer, and water line easements; and

WHEREAS, the City Engineer determined that a certain storm drain easement granted by Matrix to the City was located 5 feet further north than necessary; and

WHEREAS, the easement previously dedicated to the City, a storm drain as described in Exhibit 1, attached hereto and incorporated herein, may be relocated to conform to requirements and needs of the City's Public Works Department; and

WHEREAS, the City Council finds that the existing above referenced real property easements are being exchanged pursuant to ORS 271.310(3) for real property easements which are of equal or superior useful value for public use for the City's water and sewer lines; therefore, extinguishment by vacation is unnecessary.

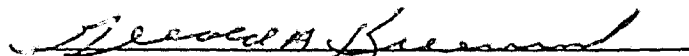
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Based on the above recitals and findings, the City of Wilsonville adopts the following property exchange:

(1) The City's release of all interest in a portion of a storm drain easement described in Exhibit 1, attached hereto and incorporated herein, in exchange for

(2) Matrix Development's conveyance to the City of a storm drain easement described in Exhibit 2, attached hereto and incorporated herein.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 16th day of December 1996.



GERALD A. KRUMMEL, Mayor

ATTEST:

  
\_\_\_\_\_  
SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Excused</u>
Councilor MacDonald	<u>Yes</u>
Councilor Luper	<u>Yes</u>

MOREY'S LANDING PHASE I  
SOUTH BOUNDRY LOT 30

**DRAINAGE EASEMENT**  
**Grantor - Corporation**

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_  
MATRIX DEVELOPMENT 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 working easement as follows:

\_\_\_\_\_  
NONE  
\_\_\_\_\_

The temporary working easement shall be effective only for and during the time of the initial construction of the improvement hereinafter described.

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, 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 Grantee, through its officers, employees and agents, shall have the right to enter upon said lands in such a manner and at such times from this date as may be reasonably necessary for the purpose of constructing building, patrolling, replacing and maintaining thereon a drainage ditch or drainage facility along said right-of-way for the conveyance of surface water, including such renewals, repairs, replacements and removals as may be from time to time required. Said right shall be perpetual so long as Grantee shall operate a drainage facility for carrying surface water as herein provided, but should Grantee cease to use said facility for a period of one year, then this easement shall become null and void.
2. Immediately after construction or repair of said drainage ditch the surface of ground shall be restored equal to its original condition so that the Grantor and its successors and/or assigns shall have the free and unobstructed use thereof, subject to rights of Grantee herein provided.

\_\_\_\_\_  
After recording, return to:  
CITY RECORDER  
CITY OF WILSONVILLE  
30000 SW TOWN CENTER LOOP, E.  
WILSONVILLE OR 97070  
\_\_\_\_\_



APPROVED AS TO FORM

this 11 day of December, 1996

Michael E. Kohlhoff  
Michael E. Kohlhoff, City Attorney  
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this 23~~22~~ day of September 1996

Mike Stone  
Mike Stone, P.E., City Engineer  
City of Wilsonville, Oregon

ACCEPTED on behalf of the City of Wilsonville, Oregon

this 16 day of December, 1996

Gerald A. Krummel  
Gerald A. Krummel, Mayor

ATTESTED TO:

Sandra C. King  
Sandra C. King, City Recorder

12-16-96  
Date:

EXHIBIT "A"

**Legal Description**  
**5 Foot Public Drainage Easement**  
**(Proposed)**

Beginning at the Southwest corner of Lot 30, MOREY'S LANDING a duly recorded subdivision plat recorded in Book 103, Page 27 of Clackamas County, Plat Records, located in the Northeast one-quarter of Section 22, Township 3 South, Range 1 West of the Willamette Meridian in the City of Wilsonville, Oregon: thence along the Southerly boundary of said Lot 30 North 83° 36' 20" East, 95.00 feet to the Southeast corner of said Lot 30: thence South 06° 15' 30" East, 5.00 feet; thence South 83° 36' 20" West, 95.00 feet; thence North 06° 15' 30" West, 5.00 feet to the Southwest corner of said Lot 30 and the point of beginning, encompassing 475 square feet.

EXHIBIT "B"

Prepared by:  
**DEHAAS & ASSOC., INC.**  
SUITE 300 - A.G.C. CENTER  
9450 S.W. COMMERCE CIRCLE  
WILSONVILLE, OREGON 97070  
PHONE: (503) 682-2450  
FAX: 682-4018

Prepared for:  
**MATRIX DEVELOPMENT CORPORATION**  
PLAZA TWO, SUITE 200  
5900 HAINES STREET  
TIGARD, OREGON 97233

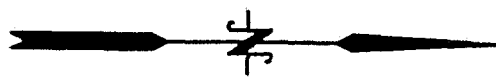
LOT 30  
MOREY'S LANDING  
Book 103, Page 27  
NE 1/4, Section 22,  
Township 3 South,  
Range 1 West,  
Willamette Meridian,  
City of Wilsonville  
August 8, 1996

Expires 12/31/97

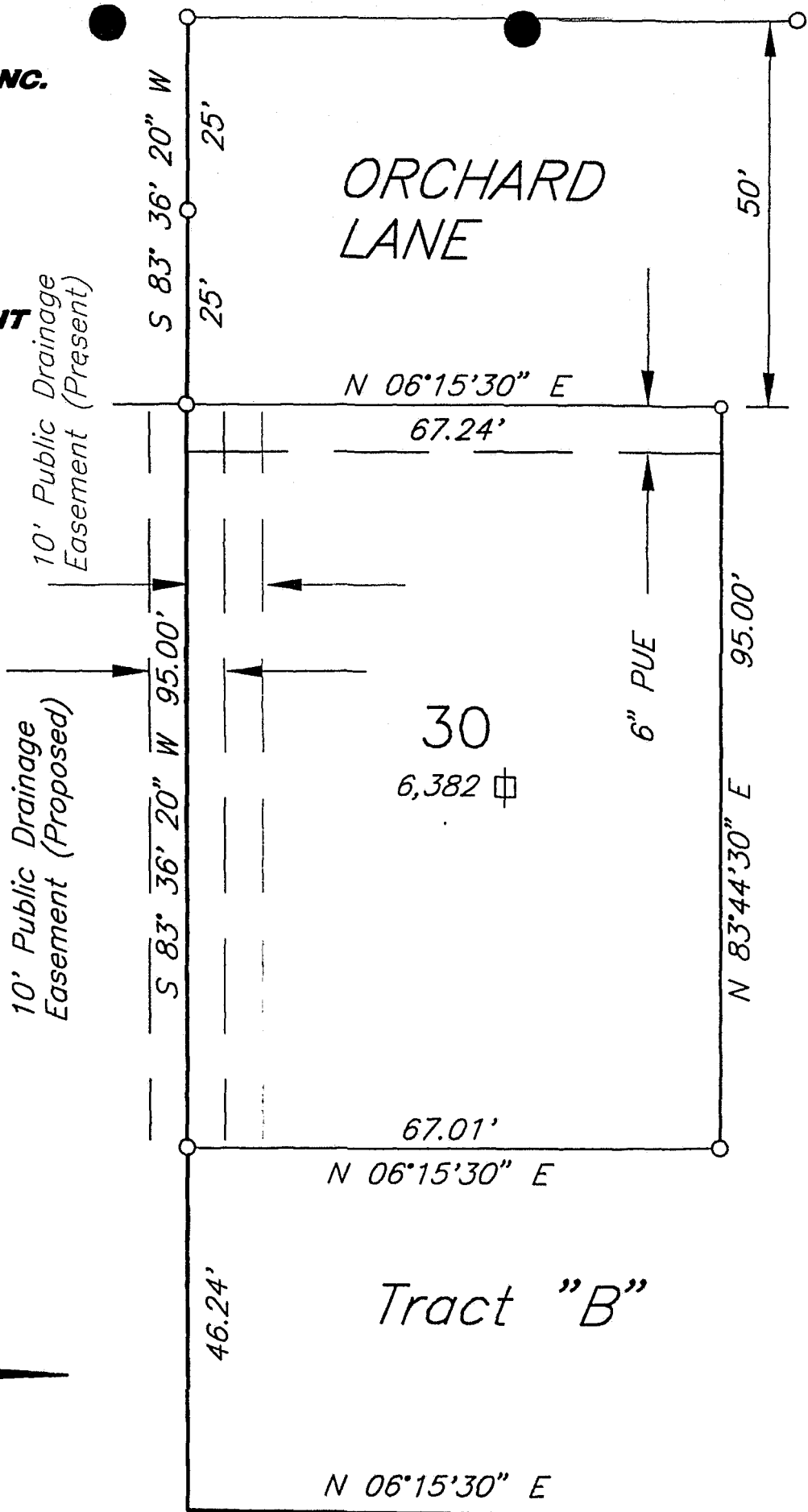
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Malcolm N. Clark*

OREGON  
JULY 12, 1983  
MALCOLM N. CLARK  
601



Scale: 1"=20'



RECONVEYANCE AND QUITCLAIM OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF WILSONVILLE, a municipal corporation, Grantor, releases and quitclaims to Matrix Development Corporation, an Oregon corporation, Grantee, for the consideration hereinafter stated, all right, title and interest in and to the following real property easements, 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.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned grantor has executed this Reconveyance and Quitclaim of Easement this 16 day of DECEMBER, 1996.

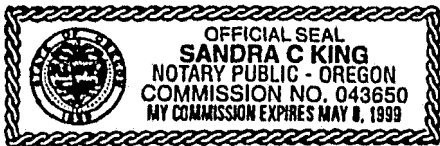
GRANTOR: CITY OF WILSONVILLE, a municipal corporation

*Gerald A. Krummel*  
GERALD A. KRUMMEL, Mayor

STATE OF OREGON )  
 ) ss  
County of Clackamas )

On this 16 day of DECEMBER, 1996, before me, a notary public in and for said County and State, personally appeared Gerald R. Krummel, known to me to be the person whose name he 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.

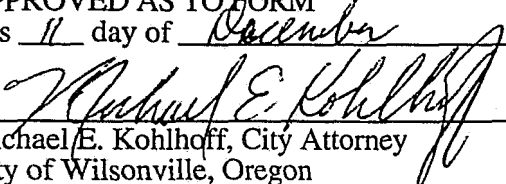


*Sandra C. King*  
NOTARY PUBLIC FOR OREGON  
My commission expires: 5-8-99


After recording, return to:  
CITY RECORDER  
CITY OF WILSONVILLE  
30000 SW Town Center Loop E.  
Wilsonville, OR 97070




APPROVED AS TO FORM  
this 11 day of December, 1996.

  
\_\_\_\_\_  
Michael E. Kohlhoff, City Attorney  
City of Wilsonville, Oregon


APPROVED AS TO LEGAL DESCRIPTION  
this ~~30~~ day of ~~October~~, 1990.

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

AUTHORIZED on behalf of the City of Wilsonville, Oregon  
this 16 day of DECEMBER, 1996.

  
\_\_\_\_\_  
Gerald A. Krummel, Mayor

ATTESTED TO:

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

12-16-96  
Date

**EXHIBIT "A"**

**10 FOOT PUBLIC DRAINAGE EASEMENT**

A parcel of land 10 feet in width lying along and North of the South property line of Lot No. 30, Morey's Landing Subdivision. A replat of parcel "B" Partition Plat 1992-188 located in the Northeast 1/4 of Section 22 Township 3 South, Range 1 West Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

EXHIBIT "B"

