

RESOLUTION NO. 2029

A RESOLUTION OF THE CITY OF WILSONVILLE EXCHANGING AND ADOPTING EASEMENTS, THE VILLAGE ESTATES LLC, GRANTOR

WHEREAS, the City of Wilsonville Design Review Board approved the development to Village at Main Street Phase III, 99DB10, which 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 the applicant Village Estates LLC ("Owners"), as Plat No. 3642, Book 119, Page 14, Main Street Village and dated December 22, 2000. However, because the applicant removed and reconstructed a portion of the public stormline, 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 stormlines constructed to serve this and other properties in the area; therefore, extinguishment by vacation is unnecessary.

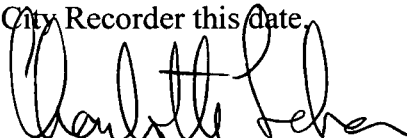
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

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 Stormline Easement described in Exhibit 1, attached hereto and incorporated herein, in exchange for
- (b) The Owners' conveyance to the City of the Stormline Pipeline Easement, Document Number 2006-099740, described in Exhibit 2, attached hereto and incorporated herein.

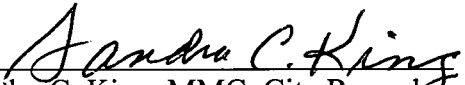
2. The City Manager is authorized to sign these instruments on behalf of the City.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6th day of November, 2006, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes

EXHIBIT 1

RECONVEYANCE AND QUITCLAIM OF EASEMENT

After recording, return to:

CITY RECORDER
CITY OF WILSONVILLE
30000 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 **Village Estates, LLC**, an Oregon Limited Liability Company, 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.

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 ____ day of August, 2006.

GRANTOR: CITY OF WILSONVILLE, a municipal corporation

By: _____

Arlene Loble, City Manager


STATE OF OREGON)
) ss
County of Clackamas)

This instrument was acknowledged before me on _____, 2006,
by Arlene Loble as City Manager of the City of Wilsonville.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

APPROVED AS TO FORM


This 31 day of October, 2006.



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

APPROVED AS TO LEGAL DESCRIPTION

This 31st day of October, 2006.



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

AUTHORIZED on behalf of the City of Wilsonville, Oregon
this _____ day of _____, 2006.

Arlene Loble, City Manager

ATTESTED TO:

Sandra C. King, MMC, City Recorder

Date

EXHIBIT A

W.B. Wells
& Associates, Inc.
Surveyors • Engineers • Planners



Exceptional Service,
Creative Solutions,
Quality Beyond
Your Expectations

April 24, 2006

W.B. WELLS & ASSOC., INC.
JOB NO. 2005-279

DESCRIPTION

PORTION OF AN EASEMENT TO BE QUITCLAIMED
BEING OVER A PORTION OF LOT 6, "MAIN STREET VILLAGE"

A PORTION OF THAT 15.00' WIDE PUBLIC STORM DRAIN EASEMENT AS SHOWN ON THE DULY RECORDED PLAT OF "MAIN STREET VILLAGE", PLAT BOOK 119, PAGE 14, CLACKAMAS COUNTY PLAT RECORDS, SAID EASEMENT BEING OVER A PORTION OF LOT 6 OF SAID PLAT, BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, COUNTY OF CLACKAMAS, AND STATE OF OREGON, SAID PORTION TO BE QUITCLAIM BEING DESCRIBED BELOW:

COMMENCING AT THE CENTERLINE OF SAID PUBLIC STORM DRAIN EASEMENT, SAID POINT BEING ON THE NORTHERLY LINE OF SAID LOT 6, BEARING SOUTH 62°18'38" EAST, A DISTANCE OF 94.64 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 6; THENCE ALONG THE CENTERLINE OF SAID EASEMENT, SOUTH 21°00'47" WEST, A DISTANCE OF 342.36 FEET TO AN ANGLE POINT; THENCE SOUTH 12°06'53" WEST, A DISTANCE OF 47.79 FEET TO AN ANGLE POINT, SAID POINT BEING THE **POINT OF BEGINNING** OF HEREIN DESCRIBED PORTION TO BE QUITCLAIMED; THENCE CONTINUING ALONG THE CENTERLINE OF SAID PUBLIC STORM DRAIN EASEMENT, SOUTH 78°24'29" EAST, A DISTANCE OF 88.30 FEET TO AN ANGLE POINT; THENCE SOUTH 40°18'05" EAST, A DISTANCE OF 38.14 FEET TO AN ANGLE POINT; THENCE SOUTH 80°17'35" EAST, A DISTANCE OF 10.02 FEET TO THE **TERMINUS POINT**, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF MEMORIAL DRIVE (TOWN CENTER LOOP EAST), 30 FEET FROM CENTERLINE.

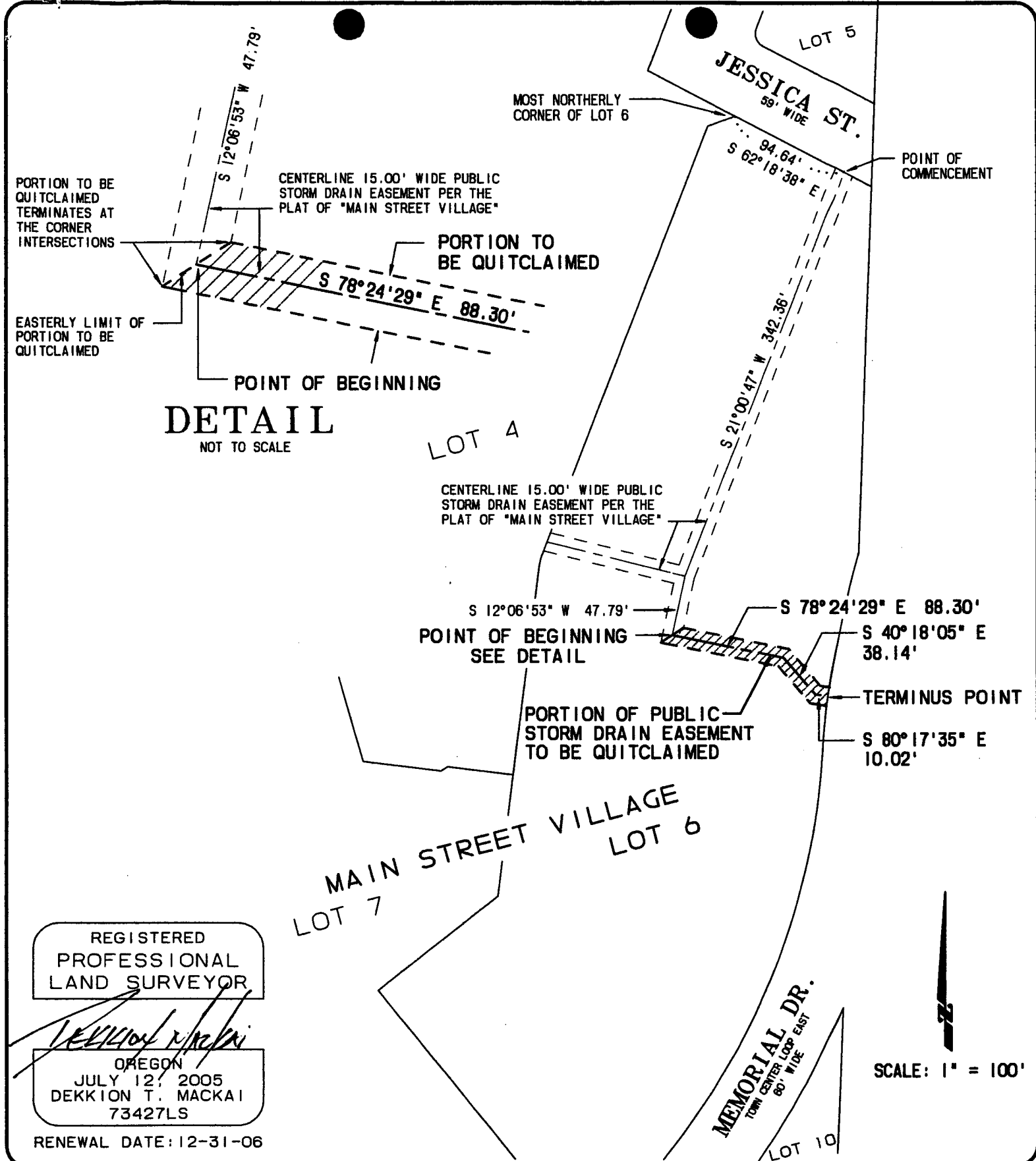
THE WESTERLY LIMIT OF THE PORTION TO BE QUITCLAIMED TERMINATES AT THE CORNER INTERSECTIONS OF SIDE LINES. THE EASTERLY LIMIT OF PORTION TO BE QUITCLAIMED IS THE WESTERLY RIGHT-OF-WAY LINE OF MEMORIAL DRIVE.

SEE EXHIBIT ^A/_B -- PORTION OF EASEMENT TO BE QUITCLAIMED.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DeKkion Mackai
OREGON
JULY 12, 2005
DEKKION T. MACKAI
#73427LS

RENEWAL DATE: 12-31-06



DETAIL
NOT TO SCALE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DeKkion T. Mackai
OREGON
JULY 12, 2005
DEKKION T. MACKAI
73427LS

RENEWAL DATE: 12-31-06



W.B. WELLS AND ASSOCIATES, INC.
SURVEYORS/ENGINEERS/PLANNERS
4230 N.E. FREMONT STREET
PORTLAND, OREGON 97213
PHONE (503) 284-5896
FAX (503) 284-8530

EXHIBIT A-B
PORTION OF EASEMENT TO BE QUITCLAIMED
BEING OVER A PORTION OF LOT 6 OF 'MAIN STREET VILLAGE'
SITUATED IN THE NW 1/4 OF SECTION 24, T 3 S, R 1 W, W.M.
CITY OF WILSONVILLE, COUNTY OF CLACKAMAS, STATE OF OREGON

DESIGNED:
RESOLVED:
DRAWN: DTM
DATE: 4/24/05
SCALE: 1" = 100'
FILE NO. 05-279
REVISED:

EXHIBIT 2

COPY

Clackamas County Official Records
Sherry Hall, County Clerk

2006-099740



\$51.00

01035583200600997400060061

10/27/2006 02:46:58 PM

D-E Cnt=1 Stn=6 BEVERLY
\$30.00 \$11.00 \$10.00

PIPELINE EASEMENT
Grantor - Limited Liability Company

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

KNOW ALL MEN BY THESE PRESENTS, that VILLAGE ESTATES, LLC

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

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, 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

This instrument filed for record by
Fidelity National Title Company as an
accommodation only. It has not been
examined as to its execution or as to
its effect upon the title.

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 20th day of October, 2006.

GRANTOR:

VILLAGE ESTATES, LLC
(Name of Limited Liability Company)

By:

[Signature] Manager
(Agent)
ROBERT G. JENKINSON
(Agent)

STATE OF OREGON)
County of Washington) ss

On this 20th day of October, 2006, before me, a notary public in and for said County and State, personally appeared Robert G. Johnson, known to me to be the person whose name RG subscribed to the within instrument and acknowledged that RG 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.



Jason Meiwes
NOTARY PUBLIC FOR OREGON
My Commission Expires: Aug 7, 2007

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 25 day of October, 2006.

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

APPROVED AS TO LEGAL DESCRIPTION
this 25 day of October, 2006.

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

ACCEPTED on behalf of the City of Wilsonville, OR,
this 25th day of October, 2006.

Arlene Loble
Arlene Loble, City Manager

ATTESTED TO:
Sandra C. King
Sandra C. King, MMC, City Recorder
Date: October 25, 2006

STATE OF OREGON)
) ss
County of Clackamas)

On this 25th day of October, 2006, before me personally appeared Arlene Loble, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that she executed the same.

Starla J. Schur
NOTARY PUBLIC FOR OREGON
My Commission Expires: Aug 4, 2007

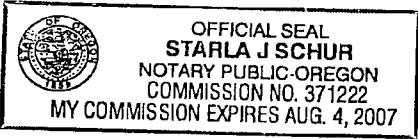


EXHIBIT A

W.B. Wells
& Associates, Inc.
Surveyors • Engineers • Planners



Exceptional Service,
Creative Solutions,
Quality Beyond
Your Expectations

April 24, 2006

W.B. WELLS & ASSOC., INC.
JOB NO. 2005-279

DESCRIPTION
PUBLIC STORM DRAIN EASEMENT
BEING OVER A PORTION OF LOT 6, "MAIN STREET VILLAGE"

A 15.00' WIDE PUBLIC STORM DRAIN EASEMENT BEING OVER A PORTION OF LOT 6 OF THE DULY RECORDED PLAT OF "MAIN STREET VILLAGE", PLAT BOOK 119, PAGE 14, CLACKAMAS COUNTY PLAT RECORDS, BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, COUNTY OF CLACKAMAS, AND STATE OF OREGON, SAID EASEMENT BEING DESCRIBED BELOW:

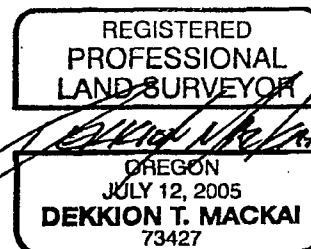
COMMENCING AT THE CENTERLINE OF THE PUBLIC STORM DRAIN EASEMENT AS SHOWN ON SAID PLAT OF "MAIN STREET VILLAGE", SAID POINT BEING ON THE NORTHERLY LINE OF SAID LOT 6, BEARING SOUTH 62°18'38" EAST, A DISTANCE OF 94.64 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 6; THENCE ALONG THE CENTERLINE OF SAID EASEMENT, SOUTH 21°00'47" WEST, A DISTANCE OF 342.36 FEET TO AN ANGLE POINT; THENCE SOUTH 12°06'53" WEST, A DISTANCE OF 47.79 FEET TO AN ANGLE POINT, SAID POINT BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED EASEMENT, SAID EASEMENT BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE SOUTH 20°22'41" WEST, A DISTANCE OF 35.64 FEET TO AN ANGLE POINT; THENCE SOUTH 81°09'12" EAST, A DISTANCE OF 134.37 FEET TO THE TERMINUS POINT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF MEMORIAL DRIVE (TOWN CENTER LOOP EAST), 30 FEET FROM CENTERLINE.

THE SIDE LINES OF ABOVE DESCRIBED AND EXISTING EASEMENT TO BE SHORTENED OR EXTENDED AT THE POINT OF BEGINNING TO CREATE AN UNINTERRUPTED CONTINUATION OF THE EXISTING PUBLIC STORM DRAIN EASEMENT. THE SIDE LINES AT THE TERMINUS POINT TO BE SHORTENED OR EXTENDED TO MEET THE WESTERLY RIGHT-OF-WAY LINE OF MEMORIAL DRIVE

CONTAINING 2,581 SQUARE FEET.

SEE EXHIBIT ^A - PUBLIC STORM DRAIN EASEMENT.

B



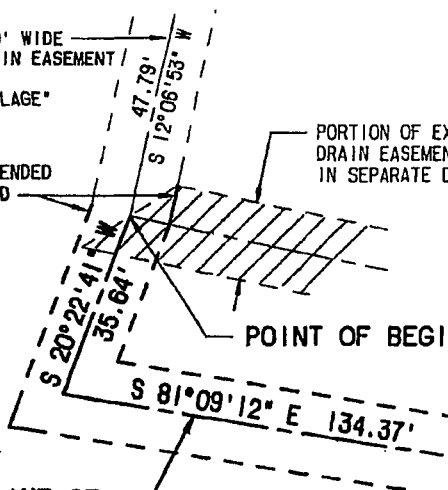
EXPIRES: 12-31-06

5

CENTERLINE 15.00' WIDE
PUBLIC STORM DRAIN EASEMENT
PER THE PLAT OF
"MAIN STREET VILLAGE"

SIDE LINES TO BE
SHORTENED OR EXTENDED
FOR UNINTERRUPTED
CONTINUATION OF
PUBLIC STORM
DRAIN EASEMENT

PORTION OF EXISTING PUBLIC STORM
DRAIN EASEMENT TO BE QUITCLAIMED
IN SEPARATE DOCUMENT



POINT OF BEGINNING

CENTERLINE OF
15.00' WIDE PUBLIC
STORM DRAIN EASEMENT

DETAIL
NOT TO SCALE

CENTERLINE 15.00' WIDE PUBLIC
STORM DRAIN EASEMENT PER THE
PLAT OF "MAIN STREET VILLAGE"

LOT A

S 12°06'53" W 47.79'

POINT OF BEGINNING

S 20°22'41" W 35.64'

S 81°09'12" E 134.37'

CENTERLINE OF
15.00' WIDE PUBLIC
STORM DRAIN EASEMENT

PORTION OF EXISTING
PUBLIC STORM DRAIN
EASEMENT TO BE QUITCLAIMED
IN SEPARATE DOCUMENT

TERMINUS POINT

MAIN STREET VILLAGE
LOT 6
LOT 7

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
DEKKION T. MACKAI
73427LS

RENEWAL DATE: 12-31-06

MEMORIAL DR.
100' CENTER LISP EAST
80' WIDE

SCALE: 1" = 100'

**W.B. WELLS AND
ASSOCIATES, INC.**
SURVEYORS/ENGINEERS/PLANNERS
4230 N.E. FREMONT STREET
PORTLAND, OREGON 97213
PHONE (503) 284-5896
FAX (503) 284-8530

EXHIBIT A-B
PUBLIC STORM DRAIN EASEMENT

LOT 6 OF "MAIN STREET VILLAGE"
SITUATED IN THE NW 1/4 OF SECTION 24, T 3 S, R 1 W, W.M.
CITY OF WILSONVILLE, COUNTY OF CLACKAMAS, STATE OF OREGON

DESIGNED:	
RESOLVED:	
DRAWN:	DTM
DATE:	4/24/05
SCALE:	1" = 100'
FILE NO.:	05-279
REVISED:	