

RESOLUTION NO. 2145

A RESOLUTION OF THE CITY OF WILSONVILLE ACCEPTING A STREET DEDICATION FOR A PORTION OF CANYON CREEK ROAD ASSOCIATED WITH ALL OF PARCEL 2 OF CLACKAMAS COUNTY PARTITION PLAT 1997-45.

WHEREAS, the City of Wilsonville is the owner of real property containing the completed improvements to Canyon Creek Road, also known as Tax lot 2502 in Map Section 13B of Township 3 South, Range 1 West, Willamette Meridian; and

WHEREAS, said property was partitioned and identified as Parcel 2 in Partition Plat 1997-45, in Clackamas County records for roadway purposes; and

WHEREAS, portions of Canyon Creek Road have been constructed over said property; and

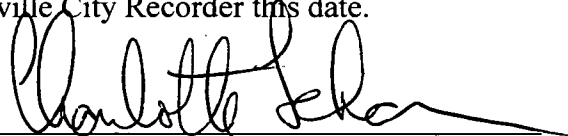
WHEREAS, the City Engineer recommends the transfer of the real property containing Canyon Creek Road to public right of way; and

WHEREAS, the Public Works Department will continue to operate and maintain the existing City street and infrastructure.

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

1. The street dedication, legal description, and exhibit map, copies of which are marked "Exhibit A", "Exhibit B", and "Exhibit C" respectively, attached hereto and incorporated herein are hereby approved for execution by the City of Wilsonville.
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of October, 2008, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Lehan	<u>Excused</u>
Councilor Kirk	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Yes</u>
Councilor Nunez	<u>Yes</u>

ENGINEERING DEPARTMENT
STAFF REPORT & RECOMMENDATION

DATE: October 20, 2008

TO: Honorable Mayor and City Councilors

FROM: Gerald Fisher, P.E.
Civil Engineer, Capital Projects

SUBJECT: Dedication of Canyon Creek Road Public Right of Way
(Project No. 4145)

SUMMARY

The attached Resolution No. 2145 authorizes transfer of Parcel 2 of Partition Plat 1997-45, also known as 31W13B02502 in Clackamas County records, from the City of Wilsonville as the private property owner to the City of Wilsonville as public right of way for roadway purposes through a Street Dedication. The dedication will transfer property and continue the operation and maintenance of the existing Public Street and infrastructure by the Public Works Department.

RECOMMENDATION

Staff respectfully recommends that the City Council approve the dedication of Canyon Creek Road.

DISCUSSION

The Resolution is for the transfer of Tax lot 2502, in its entirety, from a City of Wilsonville parcel to public right-of-way. This portion of Canyon Creek Road is currently operated and maintained by the Public Works Department. The dedication of this public right-of-way will maintain consistency with other property that has a public roadway constructed upon it. This dedication is a continuation of project #4145 for the dedication of public right-of-way for all streets operated and maintained by the City of Wilsonville.

EXHIBIT A

STREET DEDICATION

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 CITY OF WILSONVILLE, a municipal corporation hereinafter referred to as "GRANTOR" does hereby dedicate, grant, transfer and convey to the CITY OF WILSONVILLE and its assigns for the use of the public as public way, street and road, forever, certain real property described as follows, to-wit:

SEE EXHIBIT "A" Legal Description AND EXHIBIT "B" Locational Map attached hereto, and incorporated by reference as if fully set forth herein.

TO HAVE AND TO HOLD the above described and dedicated premises unto the City of Wilsonville for the Public forever for the uses and purposes herein above mentioned; provided, however, in the event said premises are not used or cease to be used for public purpose, the premises shall revert to the GRANTOR.

The true and actual consideration paid for the 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 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 easement, this _____ day of _____, 200_____.

GRANTOR: City of Wilsonville
(Name of Corporation)

Arlene Loble

City Manager

Street Dedication 713(c) Rev. 1/22/2008

Page 1 of 2

STATE OF OREGON)
) ss
County of _____)

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: _____

EXHIBIT B

Canyon Creek Road
ROW Dedication
Project No. 1197-05
September 29, 2008
Page 1 of 1

PROPERTY DESCRIPTION

A tract of land situated in the NW 1/4 Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, being Parcel 2 of Partition Plat 1997-45, Clackamas County plat records and being more particularly described as follows:

Beginning at the Southwest corner of said Parcel 2, from which the Northwest corner of Parcel 1 of said Partition Plat 1997-45 bears North 01°47'04" East, 329.91 feet;

Thence, along the West line of said Parcel 2, North 01°47'04" East, 46.28 feet to the Southwest corner of said Parcel 1;

Thence, along the common line between said Parcels 1 and 2 and along a 589.00 foot radius curve to the right, through a central angle of 23°15'48", (the chord of which bears North 39°56'29" East, 237.51 feet) a distance of 239.15 feet to a point of reverse curve;

Thence, continuing along said common line and along a 527.00 foot curve to the left, through a central angle of 03°10'27", (the chord of which bears North 49°59'09" East, 29.19 feet) a distance of 29.20 feet to the Southeast corner of said Parcel 1;

Thence, along the East line of said Parcel 2, South 01°47'04" West, 82.99 feet to the most-northerly corner of Parcel 3 of said Partition Plat 1997-45;

Thence, along the common line between said Parcel 2 and 3 and along a 527.00 foot radius curve to the left, through a central angle of 22°47'24", (the chord of which bears South 37°31'29" West, 208.24 feet) a distance of 209.62 feet to the Southwest corner of said Parcel 3;

Thence, along the South line of said Parcel 2, North 88°48'47" West, 46.86 feet to the Point of Beginning.

Containing 15,896 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John P. Tacchini

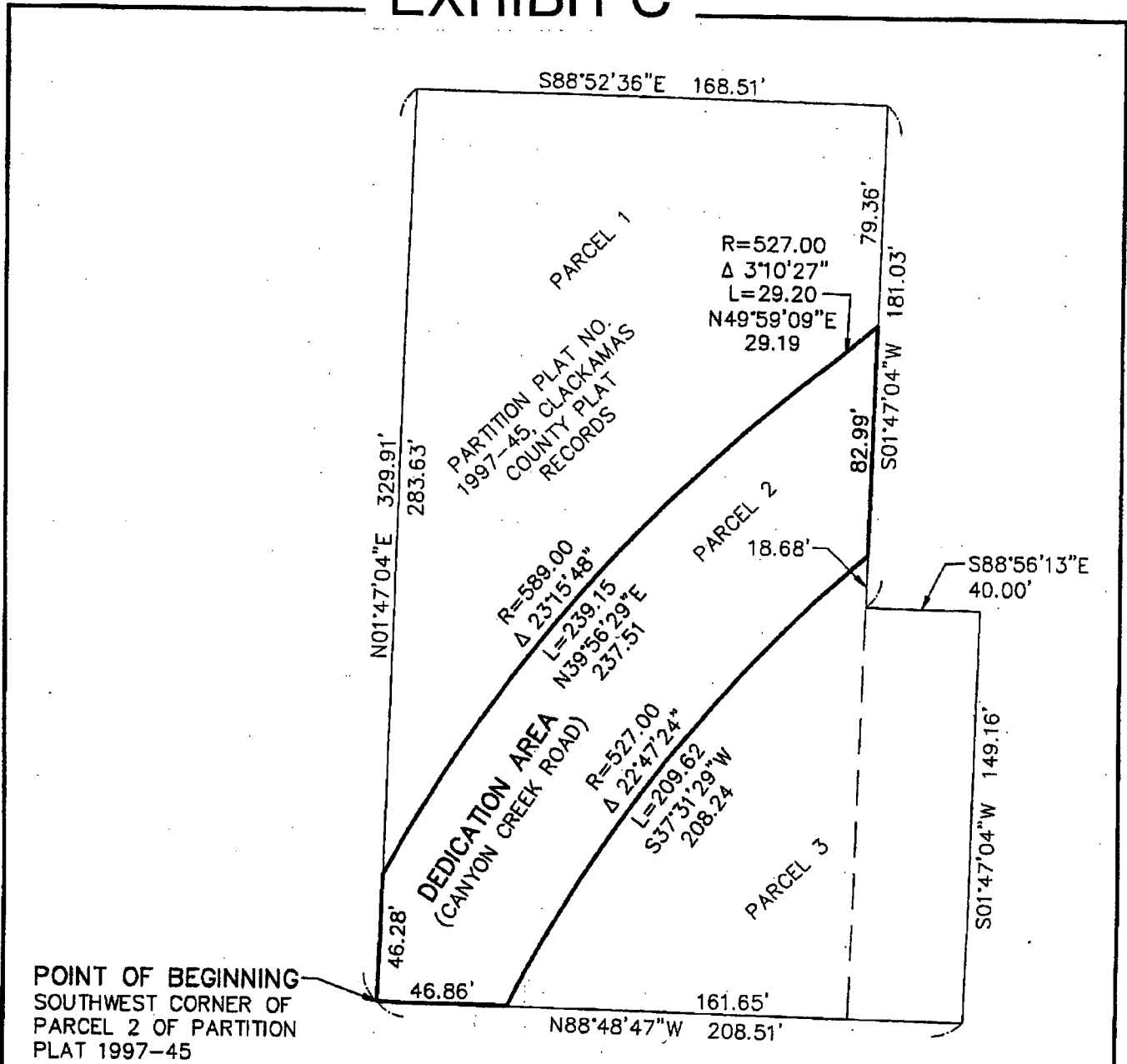
OREGON
JANUARY 15, 1987
JOHN P. TACCHINI
2267

6-30-10

RENEWAL

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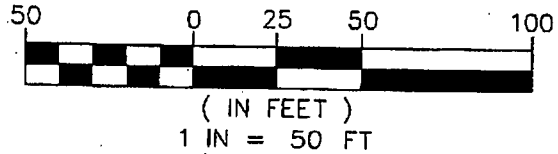
EXHIBIT C



DEDICATION AREA =
 15,896 SQ. FT.



GRAPHIC SCALE



RIGHT OF WAY DEDICATION PARCEL 2 OF PARTITION PLAT 1997-45 N.W. 1/4 SEC.13, T3S, R1W, WM CLACKAMAS COUNTY, OREGON	DATE 09/29/08	WESTLAKE CONSULTANTS INC. <hr/> ENGINEERING ♦ SURVEYING ♦ PLANNING <hr/> PACIFIC CORPORATE CENTER 15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652 TIGARD, OREGON 97224 FAX (503) 624-0157
	DRAWN BY MLJ	
	CHECKED BY RKR	
	REVISIONS 09/29/08	
JOB NO. 1197-05		