

RESOLUTION NO. 752

A RESOLUTION TO REAPPORTION ASSESSMENT ON TAX LOT #1601 IN LOCAL IMPROVEMENT DISTRICT #7.


WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

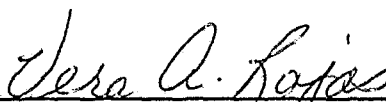
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 18th day of December, 1989, and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes

Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>

EXHIBIT "A"

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: RAY SHORTEN, FINANCE DIRECTOR
DATE: DECEMBER 14, 1989
RE: REQUEST FOR REAPPORTIONMENT OF ASSESSMENT #20
LID #7 TAX LOT 1601

On behalf of Linda and Brent D. Milleson and the City of Wilsonville, the assessment on tax lot #1601 needs to be reapportioned. This will adjust the assessment for the portion of land the City purchased from the Milleson's for the completion of the LID #7 project.

The amount to be reapportioned consists of 3,950 sq ft. The legal description for this portion of the property is given in the attached documentation.

The current status of this assessment is as follows:

Principal Balance \$34,131.02
2.35 acres (102,366 sq. ft.)

After reapportionment:

	<u>Principal Balance</u>	<u>Acreage</u>	<u>Sq. Footage</u>
Milleson Assessment #20	\$32,590.52	2.2593	98,416
City of Wilsonville Assess.	<u>1,540.50</u>	<u>.0907</u>	<u>3,950</u>
Total	\$34,131.02	2.3500	102,366

RECOMMENDATION:

Authorize reapportionment as detailed above and approve payment to the Debt Service Fund for LID #7 in the amount of \$1,540.50. This payment is to be made from the City's System Development Fund.

RELEASE AND SATISFACTION OF CLAIMS

FOR AND IN CONSIDERATION of payment of \$4,937.50, the receipt of which is hereby acknowledged, the undersigned, LINDA MILLESON and BRENT MILLESON, husband and wife, do hereby release, acquit, and forever discharge the CITY OF WILSONVILLE, its agents and employees, of and from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation, known and unknown, except as stated herein, whether or not on account of, or in any way growing out of, any and all injuries, damages, and/or debts resulting out of a claim of trespass and/or taking of the southerly 12' x 329.18' of a piece of property in Clackamas County, Oregon, more particularly described on Exhibit "A," attached hereto and incorporated by reference herein. The parties agree that the undersigned do not release the City for any failure of any City employee to properly use acceptable contemporary standards for completion of the legal description in the Deed Dedication, attached hereto and incorporated herein. The City agrees to indemnify the undersigned for any damages caused by failure of any City employee to use acceptable contemporary standards in completing the legal description in the Deed Dedication.

It is also expressly understood and agreed that this Release is in full settlement and satisfaction of those claims and matters recited above against the parties released herein.

It is further understood and agreed that this settlement is in compromise of a doubtful and disputed claim, and that the payment is not to be construed as an admission of liability on the part of the CITY OF WILSONVILLE, its agents or employees, by whom liability is expressly denied. This release does not prevent the undersigned from pursuing any claim, demand, action, cause of action or lawsuit on account of or in any way growing out of any other event, except than the claim of trespass and/or taking described herein. The undersigned expressly reserve their rights, if any, to pursue any other cause of action to judgment or to any other remedy for other disputes between the parties.

This Release expresses a full and complete settlement of the liability claimed and denied, regardless of the adequacy of the above consideration.

This Release contains the entire agreement between the parties hereto, and the terms of this Release are contractual, not a mere recital.

89 07621

The undersigned further represent that they have carefully read the foregoing Release, know its contents, and sign the same as their own free act.

WITNESS our hands this 9th day of December 1988.

CITY OF WILSONVILLE

Linda Milleson
Linda Milleson

By: William E. Stark
Its: Mayor

Brent D. Milleson
Brent Milleson
signed before me

ATTESTED TO: Wanda C. Boyer
City Recorder

[Signature]
notary for State of
Oregon County of Clackamas

EXHIBIT "A"

RIGHT OF WAY DEDICATION

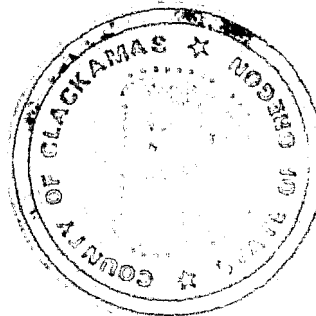
A tract of land located in the N.E. 1/4 of Section 14. T38. R1W. W.M., City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Beginning at the southwest corner of Lot 18 of the plat of Boberg, a duly recorded plat filed in Clackamas County Plat Records and the true point of beginning of this description: Thence N89-57-44E along the south line of said Lot 18 a distance of 329.18 feet to the southeast corner of said Lot 18: Thence N00-08-55E along the east line of said Lot 18 a distance of 12.00 feet to a point: Thence S89-57-44W (parallel to and 12.00 feet from when measured at right angles to the said south line of Lot 18) a distance of 329.18 feet to the west line of said Lot 18: Thence 500-07-51W along the said west line of Lot 18 a distance of 12.00 feet to the true point of beginning of this description.

Containing 3950 square feet more or less according to the bearings and dimensions listed in the above description.

STATE OF OREGON)
County of Clackamas) ss
I, John F. Kauffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

1989 FEB 22 AM 8:52



Witness my hand and seal affixed
John F. Kauffman
JOHN F. KAUFFMAN
County Clerk
Recording Certificate
GCP-R4 (rev. 12-88)

89 07621

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DEED DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS that LINDA MILLESON and DR. BRENT MILLESON, husband and wife, hereinafter referred to as "Grantors," do hereby dedicate, grant, and convey to the CITY OF WILSONVILLE and its assigns for use of the public as Public Way, forever, certain real property located in the City of Wilsonville, County of Clackamas, and State of Oregon that is more particularly bounded and described as follows:

SEE RIGHT OF WAY DEDICATION EXHIBIT "A" 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 uses and purposes herein above-mentioned. The Grantors hereby covenant that they are the owners in fee simple and have good and legal right to grant their rights described above.

The true and actual consideration paid for the transfer, stated in terms of dollars, is \$4,542.50.

IN WITNESS WHEREOF, the Grantors do hereunto set their hand this 9th day of December, 1988.

GRANTORS:

Linda Milleson
Linda Milleson

Dr. Brent Milleson
Dr. Brent Milleson

STATE OF OREGON)
) ss.
County of Clackamas)

Personally appeared LINDA MILLESON and BRENT MILLESON, husband and wife, and acknowledged the foregoing to be their voluntary act and deed this 9th day of December, 1988.

Robert V. Gowen
Notary Public for Oregon
My commission expires: 12-20-88

(257\c:\66093\003\Deed)

Accepted on behalf of the City of Wilsonville, Oregon this 20th day of December, 1988.

William E. Clark
MAYOR

ATTESTED TO: Vera A. Rojas
VERA A. ROJAS, CITY RECORDER

12-20-88
DATE 89 07622

EXHIBIT "A"

RIGHT OF WAY DEDICATION

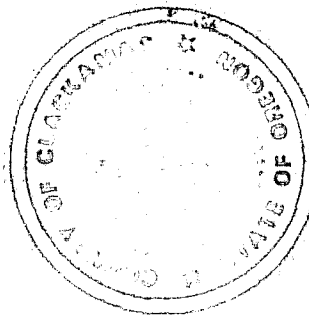
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County of Clackamas)
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1989 FEB 22 AM 8:52



Witness my hand and seal affixed
John F. Kauffman
JOHN F. KAUFFMAN
County Clerk

Recording Certificate
FFP 84.1167 12.05
89 07622

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