

RESOLUTION NO. 418

A RESOLUTION DECLARING THE INTENTION TO PROCEED WITH THE CONSTRUCTION OF THE PARKWAY AVENUE REALIGNMENT AND ELLIGSEN ROAD IMPROVEMENT PROJECT, HEREINAFTER REFERRED TO AS LOCAL IMPROVEMENT DISTRICT NO. 9 (L.I.D. #9); AUTHORIZING STAFF TO APPROVE THE FINAL DETAILED PLANS AND SPECIFICATIONS AS PRESENTED BY DAVE EVANS AND ASSOCIATES; AUTHORIZING STAFF TO ADVERTISE TO RECEIVE SEALED BIDS; ACCEPTING DEDICATED RIGHT-OF-WAY AND UTILITY EASEMENTS REQUIRED TO CONSTRUCT L.I.D. # 9; APPROVING THE PREPAYMENT TO PORTLAND GENERAL ELECTRIC FOR ELECTRICAL AND STREET LIGHT INSTALLATIONS; ESTABLISHING THE BOARD OF VIEWERS FOR L.I.D. #9; AUTHORIZING STAFF TO PROCEED FORWARD WITH PRELIMINARY ASSESSMENT AND ESTABLISH A PUBLIC HEARING DATE AND TIME FOR SAID PRELIMINARY ASSESSMENT.

WHEREAS, on July 5, 1983, at 7:30 o'clock p.m. in the City Council Chambers at City Hall, 30000 S. W. Town Center Loop East, the City Council did approve Resolution No. 337, titled, "A RESOLUTION ADOPTING THE ENGINEER'S REPORT FOR PARKWAY AVENUE REALIGNMENT AND ELLIGSEN ROAD IMPROVEMENT PROJECT (L.I.D. #9); DECLARING THE FORMATION OF THE IMPROVEMENT DISTRICT; DEFINING THE SCOPE OF SAID IMPROVEMENTS; SETTING A PRELIMINARY ASSESSMENT FORMULA; AUTHORIZING THE CITY'S ENGINEER TO PREPARE DETAILED PLANS AND SPECIFICATIONS FOR BID ADVERTISEMENT"; and

WHEREAS, staff has received detailed final construction plans and specifications and find them to be in compliance with the Wilsonville Code, Capital Improvement Plan, Public Works Standards, Planning Commission Resolution Approving the Realignment of Parkway Avenue, and all applicable rules and regulations pertaining to Public Works Construction in the City

of Wilsonville; and

WHEREAS, upon satisfaction that the preliminary assessments are completed, and the bond sale has been substantially processed as determined by the City Administrator, staff shall be authorized to proceed with the advertisement to receive sealed bids for the L.I.D. #9 Project; and

WHEREAS, staff shall proceed forward with the preliminary assessments for L.I.D. #9 and in order to do so, the City Council must appoint three (3) members to the Board of Viewers as established in Section 3.210 of the Wilsonville Code, with all three (3) members being residents of the City of Wilsonville; and

WHEREAS, attached hereto and further referenced herein as Exhibit "1", the City hereby acknowledges and accepts the dedicated right-of-way, subject to approval of the City's engineer and the City's attorney for the streets in L.I.D. #9 for Parkway Avenue Realignment, all utilities shall be constructed in easements which have already been presented to the City. Elligsen Road Improvements are to be constructed within existing right-of-way that are within City jurisdiction; and

WHEREAS, upon advertisement to receive sealed bids for L.I.D. #9 the City shall authorize staff to approve the attached agreements with Portland General Electric herein referenced as Exhibit "2" for the prepayment of \$46,118.01 for electrical installations, and complete those improvements necessary to install street lights for L.I.D. #9, said street light improvements shall be included in the Arterial Street Lighting District; and


WHEREAS, the City Council shall establish the date and time for the Board of Viewers to meet to finalize the preliminary assessments for L.I.D. #9, which will be completed as specified in Section 3.210 of the Wilsonville Code.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Wilsonville, that:


1. The City intends to proceed forward with the construction of Parkway Avenue Realignment and Elligsen Road Improvement (L.I.D. #9) as stipulated in this resolution.
2. The City authorizes staff to approve the final plans and specifications for L.I.D. #9 according to all City, County, State and Federal codes, requirements, rules and regulations governing public works construction in the City.
3. The City shall authorize staff to receive sealed bids for the construction of L.I.D. #9 by approval of the City Administrator once the assessment and bonding process is to the point where such approval can be given.
4. The City accepts the dedicated right-of-way, subject to approval of the City's engineer and the City's attorney, as herein referenced in Exhibit "1" for the street right-of-way for the Parkway Realignment.
5. The City appoint three (3) Wilsonville residents, namely Bob Cruccholia, Don Carlson and Bob Dant, to the Board of Viewers, and establish a date, place and time for a meeting to finalize the preliminary assessment formula.

6. The City approve the prepayment of \$46,118.01 to Portland General Electric for the electrical installation for L.I.D. #9 and authorize the Mayor to sign the agreements for street light installations as stipulated in Exhibit "2" and as mentioned hereinbefore in this resolution.
7. The City Council set the date for the Public Hearing to be held on Tuesday, September 4, 1984, at a regular City Council meeting.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 6th day of August, 1984 and filed with the Wilsonville City Recorder this same date.


WILLIAM G. LOWRIE, Mayor

ATTEST:


DEANNA J. THOM, City Recorder



Portland General Electric Company

RECEIVED
MAR 20 1984
CITY OF WILSONVILLE

March 19, 1984

Mr. Larry Blanchard
Public Works Director
City of Wilsonville
PO Box 220
Wilsonville OR 97070

Dear Larry:

Parkway Center
City of Wilsonville LID #9

This letter will outline the division of responsibility between the City of Wilsonville and Portland General Electric for the underground electrical distribution system (backbone only) for Parkway Center LID #9.

As you are aware, developers of subdivisions or other large projects are required to make a cash advance for the cost of the line extension. The line extension charge for this project is \$46,118.01. The terms of this agreement remain in effect provided our work is completed within 6 months. When permanent customers are connected, refunds will be made to the city in accordance with the tariff based on the various rate schedule allowances.

THE CITY OF WILSONVILLE LID #9 (PARKWAY
CENTER) WILL BE RESPONSIBLE FOR:

1. Providing and installing all vaults, conduits, non-conductive pull lines and necessary trench in accordance with PGE Job #6743.
2. Provide all necessary easements.
3. Pay line extension costs (\$46,118.01).
4. Install the street bore under SW Elligsen Rd.
5. Provide and install the Brooks 40 fiberglass junction boxes and conduits (Option A, Streetlighting). Gordon Utter, PGE Streetlighting Consultant, will address this further in a forthcoming letter.

Mr. Larry Blanchard
March 19, 1984
Page 2

PORTLAND GENERAL ELECTRIC WILL BE RESPONSIBLE FOR:

1. The inspection during installation of the vaults, conduits, pull lines and trench. Upon approval and acceptance, PGE will maintain these items.
2. Providing, installing and maintaining all primary conductors and associated equipment.
3. The transformers to serve streetlighting and the streetlighting conductors.

Please sign and return the original of this letter indicating your approval.

Thank you.

Sincerely,



Glenn Butler
Commercial-Industrial Representative
643-5454, Extension 362

Approved _____

GB/9sa8.3A9
Enclosure

c: Gordon Utter, PGE Streetlighting Consultant

RECEIVED
APR 30 1984
CITY OF WILSONVILLE



Portland General Electric Company

April 26, 1984

Larry Blanchard
Director of Public Works
City of Wilsonville
PO Box 220
Wilsonville OR 97070

"Streetlights: A Wise Investment"

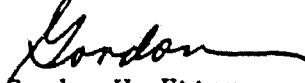
Larry, the streetlighting proposal for City of Wilsonville LID-9 calls for 20 - 200 watt, 22,000 lumen high pressure sodium roadway luminaires mounted on 10 - 30-foot aluminum double-davit poles and 9 - 200 watt, 22,000 lumen high pressure sodium roadway luminaires mounted on 9 - 30-foot aluminum single-davit poles. A sketch showing the streetlight locations is attached.

The monthly charges under the provisions of Schedule 91, Option A, of the current tariff for luminaires and poles would be:

29 - 200 W/22,000 LHPS @ \$9.40 each =	\$272.60/month
10 - 30-foot al. dbl. davit poles @ \$10.91 each =	\$109.10/month
9 - 30-foot al. sngl davit poles @ \$10.91 each =	<u>98.19/month</u>
Total	\$479.89/month

Larry, if this proposal meets with approval, please return a signed copy of this letter as authorization for installation. Upon completion, we will return a signed copy to the city to establish a record of date of installation and the time that billing was initiated. If you have questions or need additional information, please call me at 643-5454, Ext 360. Thanks.

"Your PGE Lamplighter",


Gordon W. Utter
Streetlighting Consultant
Western Division

GWU/9sa7B21
Attachment

Bill Code 41110
"Option A"
PGE Job # _____

Date of Approval

Signature

Date Completed by PGE

Signature

STREET DEDICATION FOR

KNOW ALL PERSONS BY THESE PRESENTS that Burns-Western, a general partnership
Name of Company, Inc., etc.
herein after referred to as "Grantor" does hereby dedicate to the City of
Wilsonville and its assigns for the use of the Public as Public Way, Street
and Road, 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 EXHIBIT "A" AND EXHIBIT "B" 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 is not used or ceases
to be used for public purposes, the premises shall revert to the Grantor. *

The true and actual consideration paid for the transfer, stated in terms of
dollars, is \$ none .

IN WITNESS WHEREOF, the Grantor does hereunto set his hand this 14th day of
August , 19 84 .

* and further provided that if
the roadway, as designed by
David Evans & Associates, Inc.
and as submitted to the City on
or about August 28th, 1984, is not
substantially completed, pursuant
to those plans and specifications,
on the premises within three years
from the date of acceptance of this
dedication, title to the premises
shall automatically vest in Ralph H.
Elligsen and Shirley L. Elligsen and they shall become owners in

GRANTOR: BURNS-WESTERN, a general
Name partnership
By Burns Bros., Inc., a partner

Jack H. Burns
Title
Chairman of Board
Duly Authorized Representative of

State of Oregon
Multnomah
~~Clackamas~~ County

} fee simple free and clear of any claims or
} ss liens by the City of Wilsonville or Burns-
} Western.

August 14 , 1984

Personally appeared the above name Jack H. Burns a duly
authorized representative of BURNS BROS., INC. and acknowledged
the foregoing instrument to be their voluntary act and deed.

Julie B. Maudsl.
NOTARY PUBLIC OF OREGON

My Commission Expires: 10-26-84

Approved as to form this 20 day
of August, 19 84.

BY: Michael E. Kolb
City Attorney

Approved as to Legal Description this
20 day of August, 19 84.

BY: Larry R. Blanchard
Public Works Director

Accepted on behalf of the City of Wilsonville, Oregon, this 20th day of
August, 19 84.

BY: William Lewis
Mayor

ATTESTED TO:

BY: Deanna Thom
City Recorder



DAVID EVANS AND ASSOCIATES, INC.
 2626 SW CORBETT AVENUE • PORTLAND, OREGON 97201 • 503/223-6663

March 19, 1984

File No. WIL001

PARCELS 1 AND 2

RIGHT-OF-WAY ACQUISITION
 (RALPH ELLIGSEN TO
~~XXXXXXXXXXXXXXXXXXXX~~
 BURNS-WESTERN)

Two tracts of land situated in the Northeast one-quarter of section 11, Township 3 South, Range 1 West of the Willamette Meridian in the City of Wilsonville, Clackamas County, Oregon described as follows:

PARCEL 1

Beginning at the Northeast corner of Section 11, thence South 1°23'49" West, along the East line of Section 11 a distance of 20.64 feet to a point on the arc of a 369.00 foot radius curve; thence along said arc to the left, through a central angle of 19°15'18", an arc distance of 124.01 feet, (the chord bears North 79°04'42" West 123.42 feet) to a point on the North line of Section 11, thence South 88°42'21" East along said North line a distance of 121.72 feet to the point of beginning. Containing an area of 828 square feet, more or less.

PARCEL 2

Beginning at a point on the North line at Section 11 that is North 88°42'21" West a distance of 749.63 feet from the Northeast corner thereof; thence along the arc of a 371.00 foot radius curve to the left, through a central angle of 89°44'01", an arc distance of 581.04 feet, (the chord bears South 46°25'39" West 523.45 feet) to a point that is 100.00 feet East of Engineers Station 435 + 00 on the L6 line; thence North 6°08'52" East along the East line of Interstate - 5, a distance of 368.51 feet to a point 50.00 feet Easterly from Engineers Centerline Station "ES" 431 + 29.91 PCS, thence along the arc of a 2241.83 foot radius curve to the right, through a central angle of 0°03'12", an arc distance of 2.09 feet, (the chord bears North 4°42'45" East 2.09 feet) to a point on the North line of Section 11, thence South 88°42'21" East along said North line 339.69 feet to the point of beginning. Containing an area of 23,747 square feet, more or less.

WIL. PROP.
 MAR 19 1984
 419
 RECEIVED

STREET DEDICATION FOR

KNOW ALL PERSONS BY THESE PRESENTS that Burns Bros., Inc., -----on
Name of Company, Inc., etc.

herein after referred to as "Grantor" does hereby dedicate to the City of Wilsonville and its assigns for the use of the Public as Public Way, Street and Road, 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 EXHIBIT "A" AND ~~EXHIBIT "B"~~ 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 is not used or ceases to be used for public purposes, the premises shall revert to the Grantor. *

The true and actual consideration paid for the transfer, stated in terms of dollars, is \$ none .

IN WITNESS WHEREOF, the Grantor does hereunto set his hand this 14 day of August , 19 84 .

* and further provided that if the roadway, as designed by David Evans & Associates, Inc. and as submitted to the City on or about August 28, 1984, is not ~~substantially~~ substantially completed, pursuant to those plans and specifications, on the premises within three years from the date of acceptance of this dedication, title to the premises shall automatically vest in Ralph H. Elligsen and Shirley L. Elligsen and they shall become owners in State of Oregon } fee simple free and clear of any claims or } ssliens by the City of Wilsonville or Burns Bros., Inc. Multnomah } Clackamas County

GRANTOR: BURNS BROS., INC.
Name

Jack H. Burns
Title

Chairman of the Board
Duly Authorized Representative of

August 14 , 19 84

Personally appeared the above name Jack H. Burns a duly authorized representative of Burns Bros., Inc. and acknowledged the foregoing instrument to be their voluntary act and deed.

Julie B. Haultch
NOTARY PUBLIC OF OREGON

My Commission Expires: 10-26-84

Approved as to form this 20 day
of August, 19 84.

BY: Michael E. Kohler
City Attorney

Approved as to Legal Description this
20 day of August, 19 84.

BY: Larry R. Blanchard
Public Works Director

Accepted on behalf of the City of Wilsonville, Oregon, this 20th day of
August, 19 84.

BY:

William L. Lewis
Mayor

ATTESTED TO:

BY:

Deanna Thom
City Recorder



DAVID EVANS AND ASSOCIATES, INC.
2626 SW CORBETT AVENUE · PORTLAND, OREGON 97201 · 503/223-6663

March 19, 1984

File No. WIL001

Parcel 5

~~XX~~ ELLIGSEN TO
~~XX~~ BURNS BROS., INC.
~~XX~~

A tract of land situated in the Southeast one-quarter of Section 2 and the Southwest one-quarter of Section 1, Township 3 South, Range 1 West of the Willamette Meridian in the City of Wilsonville, Washington County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Section 1; thence South 88°47'08" East along the South line of Section 1, a distance of 100.31 feet; thence North 1°32'53" East a distance of 1.11 feet to a point on the arc of a 369.00 foot radius curve; thence along the arc of said curve to the right, through a central angle of 2°38'21", an arc distance of 17.00 feet, (the chord bears North 61°19'48" West 17.00 feet) to a point of reverse curvature; thence along the arc of a 431.00 foot radius curve to the left, through a central angle of 28°41'43", an arc distance of 215.86 feet, (the chord bears North 74°21'30" West 213.61 feet) to a point of tangency; thence North 88°42'21" West 621.91 feet to a point of curvature; thence along the arc of a 433.00 foot radius curve to the left, through a central angle of 26°17'25", an arc distance of 198.68 feet, (the chord bears South 78°08'57" West 196.94 feet) to a point of reverse curvature; thence along the arc of a 100.00 foot radius curve to the right, through a central angle of 122°46'00", an arc distance of 214.27 feet, (the chord bears North 53°36'46" West 175.57 feet) to a point opposite Station "ES" 430 + 06.51 POC; thence along the arc of a 2241.83 foot radius curve to the left, through a central angle of 3°01'53", an arc distance of 118.61 feet, (the chord bears South 6°15'17" West 118.60 feet) to a point on the South line of Section 2; thence South 88°42'21" East along said South line a distance of 1089.33 feet to the point of beginning. Containing an area of 60,809 square feet, more or less.

11-7L PROP
 MAR 19 1984
 419
 RECEIVED

EXHIBIT A

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that BURNS BROS., INC., Grantor, for the consideration of Ten Dollars (\$10.00) to it paid, the receipt of which is hereby acknowledged, does grant unto the CITY OF WILSONVILLE, a municipal corporation, Grantee, a right-of-way and easement over and along the full width and length of the premises described in Exhibit 1 attached hereto.

Grantee shall have and hold the above-described easement for the purposes and on the covenants and conditions stated herein.

The permanent right-of-way and easement shall include the right, privilege and authority to the Grantee to excavate for, to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove facilities and equipment used in providing or transmitting electric power, water, sanitary sewers, storm drainage and sewers, telephone service, radio and television service, and natural gas, including construction and maintenance of pipes, wires, conduits and other facilities below the surface of said easement area 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 equipment or facilities or 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 for the enjoyment of the easement hereby granted; and the right to re-grade, contour or level the easement area to street level.

Grantee will indemnify and hold Grantor, its heirs and assigns harmless from any and all claims for injury to persons or property as a result of any of the activities of Grantee, its agents or employees in the construction, operation or maintenance of said equipment or facilities.

All construction, installation or use by the Grantee shall be underground except for ground-mounted transformers, valve box cleanouts, manholes, fire hydrants or other appurtenances for purposes of conveying potable water or waste water discharge.

Grantee or its assign, upon initial installation and upon each and every occasion that the Grantee enters upon the premises, for whatever reason, including but not limited to repairs, replacements, renewals, additions or removals, shall restore the premises of Grantor and any improvements disturbed by the Grantee to the same condition as the premises were prior to any such installation, work or other reason for entry, and such restoration shall include, but not be limited to, restoration of any topsoil or lawn.

Grantor retains all other rights to the premises, the subject of this easement, including but not limited to right to use the surface of the land for walkways, driveways, planting or all other purposes not inconsistent with

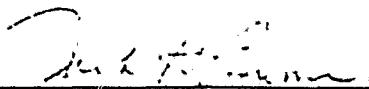
this easement, and all facilities or equipment placed upon the land by Grantee, pursuant to this easement, shall be at a depth consistent with Grantors' purposes.

By acceptance of this easement, the Grantee affirms that the premises shall be included in and considered as satisfying, in whole or part, the requirements for any setbacks or landscaping pursuant to the ordinances of Grantee.

This grant is further conditioned upon the substantial completion of the construction of the roadway as designed and submitted to the City of Wilsonville on or ^{9/13 16th} ~~16th~~ ¹⁹⁸⁴ ~~1984~~, which is adjacent to this easement, within three years from the date hereof. If such roadway is not so substantially completed within such time, the grant of this easement shall be null and void and all rights conveyed to Grantee herein shall vest in Ralph H. Elligsen and Shirley L. Elligsen ^{to ELLIGSEN} ~~or~~ theirs free of any claim or encumbrance by or on behalf of the City, ~~OR BURNS BROS.~~ ^{OR BURNS BROS.}

Dated this 14th day of August, 1984.

BURNS BROS., INC.

By 

STATE OF OREGON)
County of Multnomah) ss.

On this 14th day of August, 1984, before me appeared Jack M. Burns, who being duly sworn, did say that he is the Chairman of Board of Burns Bros., Inc., an Oregon corporation, and that the said instrument was signed in behalf of said corporation by authority of its Board of Directors, and he acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year last above
written.

John B. Hand
Notary Public for Oregon
My commission expires: 10-26-04

Approved as to form this 20 day
of August, 19 84.

BY: Michael E. Kohlhoff
City Attorney

Approved as to Legal Description this
20 day of August, 19 84.

BY: Larry L. Blanchard
Public Works Director

Accepted on behalf of the City of Wilsonville, Oregon, this 20th day of
August, 19 84.

BY: William H. Laurie
Mayor

ATTESTED TO:

BY: Deanna Thom
City Recorder



DAVID EVANS AND ASSOCIATES, INC.
2626 SW CORBETT AVENUE · PORTLAND, OREGON 97201 · 503/223-6663

May 31, 1984

File No. WIL001

Parcel 6

UTILITY EASEMENT
(BURNS BROTHERS, INC. TO CITY OF WILSONVILLE)

A tract of land situated in the Southeast one-quarter of Section 2 and the Southwest one-quarter of Section 1, Township 3 South, Ranch 1 West of the Willamette Meridian in the City of Wilsonville, Washington County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Section 1; thence South $88^{\circ}47'08''$ East along the South line of Section 1, a distance of 100.31 feet; thence North $1^{\circ}32'53''$ East a distance of 1.11 feet to a point on the arc of a 369.00 foot radius curve, which point is the true point of beginning; thence along the arc of said curve to the right, through a central angle of $2^{\circ}38'21''$, an arc distance of 17.00 feet, (the chord bears North $61^{\circ}19'48''$ West 17.00 feet) to a point of reverse curvature; thence along the arc of 431.00 foot radius curve to the left, through a central angle of $28^{\circ}41'43''$, an arc distance of 215.86 feet, (the chord bears North $74^{\circ}21'30''$ West 213.61 feet) to a point of tangency; thence North $88^{\circ}42'21''$ West 621.91 feet to a point of curvature; thence along the arc of a 433.00 foot radius curve to the left, through a central angle of $26^{\circ}17'25''$, an arc distance of 198.68 feet, (the chord bears South $78^{\circ}08'57''$ West 196.94 feet) to a point of reverse curvature; thence along the arc of a 100.00 foot radius curve to the right, through a central angle of $28^{\circ}49'58''$, an arc distance of 50.32 feet, (the chord bears South $79^{\circ}25'13''$ West, 49.79 feet) to a point of non-tangent curvature; thence along the arc of 448.00 foot radius curve to the right, through a central angle of $32^{\circ}28'11''$, an arc distance of 253.88 feet, (the chord bears North $75^{\circ}03'33''$ East, 250.50 feet) to a point of tangency; thence South $88^{\circ}42'21''$ East, 621.91 feet to a point of curvature; thence along the arc of 446.00 foot radius curve to the right, through a central angle of $28^{\circ}41'43''$ an arc distance of 223.37 feet, (the chord bears South $74^{\circ}21'29''$ East, 221.04 feet) to a point of reverse curvature; thence along the arc of a 354.00 foot radius curve to the left, through a central angle of $01^{\circ}27'34''$, an arc distance of 9.02 feet, (the chord bears South $60^{\circ}44'25''$ East, 9.02 feet); thence South $01^{\circ}32'53''$ West, 16.74 feet to the true point of beginning. Containing an area of 16,337 square feet, more or less.

EXHIBIT 1

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that RALPH H. ELLIGSEN and SHIRLEY L. ELLIGSEN, Grantors, for the consideration of Ten Dollars (\$10.00) to them paid, the receipt of which is hereby acknowledged, does grant unto the CITY OF WILSONVILLE, a municipal corporation, Grantee, a right-of-way and easement over and along the full width and length of the premises described in Exhibits 1 and 2 attached hereto.

Grantee shall have and hold the above-described easement for the purposes and on the covenants and conditions stated herein.

The permanent right-of-way and easement shall include the right, privilege and authority to the Grantee to excavate for, to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove facilities and equipment used in providing or transmitting electric power, water, sanitary sewers, storm drainage and sewers, telephone service, radio and television service, and natural gas, including construction and maintenance of pipes, wires, conduits and other facilities below the surface of said easement area 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 equipment or facilities or 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 for the enjoyment of the easement hereby granted; and the right to re-grade, contour or level the easement area to street level.

Grantee will indemnify and hold Grantors, their heirs and assigns harmless from any and all claims for injury to persons or property as a result of any of the activities of Grantee, its agents or employees in the construction, operation or maintenance of said equipment or facilities.

All construction, installation or use by the Grantee shall be underground except for ground-mounted transformers, valve box cleanouts, manholes, fire hydrants or other appurtenances for purposes of conveying potable water or waste water discharge.

Grantee or its assign, upon initial installation and upon each and every occasion that the Grantee enters upon the premises, for whatever reason, including but not limited to repairs, replacements, renewals, additions or removals, shall restore the premises of Grantors and any improvements disturbed by the Grantee to the same condition as the premises were prior to any such installation, work or other reason for entry, and such restoration shall include, but not be limited to, restoration of any topsoil or lawn.


Grantors retains all other rights to the premises, the subject of this easement, including but not limited to right to use the surface of the land for walkways, driveways, planting or all other purposes not inconsistent with

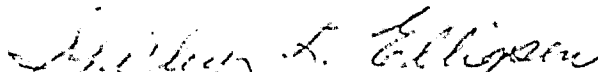
this easement, and all facilities or equipment placed upon the land by Grantee, pursuant to this easement, shall be at a depth consistent with Grantors' purposes.

By acceptance of this easement, the Grantee affirms that the premises shall be included in and considered as satisfying, in whole or part, the requirements for any setbacks or landscaping pursuant to the ordinances of Grantee.

This grant is further conditioned upon the substantial completion of the construction of the roadway as designed and submitted to the City of Wilsonville on or about August ^{16th} 8, 1984, which is adjacent to this easement, within three years from the date hereof. If such roadway is not so substantially completed within such time, the grant of this easement shall be null and void and all rights conveyed to Grantee herein shall revert to Grantors.

Dated this 20th day of August, 1984.


Ralph H. Elligsen


Shirley L. Elligsen

STATE OF OREGON)
County of CLATSOP) ss.

On this 20 day of August, 1984, personally appeared the within named Ralph H. Elligsen and Shirley L. Elligsen, who are known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal on the day and year last above written.

Kathy Jensen
Notary Public for Oregon
My commission expires: 11-2-85

Approved as to form this 20 day
of August, 19 84.

BY: Michael E. Kalkoff
City Attorney

Approved as to Legal Description this
20 day of August, 19 84.

BY: Larry R. Blanchard
Public Works Director

Accepted on behalf of the City of Wilsonville, Oregon, this 20 day of
August, 19 84.

BY: William H. Louie
Mayor

ATTESTED TO:

BY: Deanna J. Brown
City Recorder



DAVID EVANS AND ASSOCIATES, INC.
2626 SW CORBETT AVENUE · PORTLAND, OREGON 97201 · 503/223-6663

March 19, 1984

File No. WIL001

PARCEL 3

UTILITY EASEMENT
(RALPH ELLIGSEN TO
CITY OF WILSONVILLE)

A tract of land situated in the Northeast one-quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian in the City of Wilsonville, Clackamas County, Oregon described as follows:

Beginning at a point on the North line of Section 11 that is North 88°42'21" West a distance of 121.72 feet from the Northeast corner thereof; thence North 88°42'21" West along the North line of Section 11 a distance of 627.91 feet to a point of curvature; thence along the arc of a 371.00 foot radius curve to the left, through a central angle of 89°44'01" an arc distance of 581.04 feet, (the chord bears South 46°25'39" West, 523.45 feet) to a point that is 100.00 feet east of Engineers Station 435 + 00 on the L6 line; thence South 88°26'22" East a distance of 15.00 feet to a point; thence along the arc of a 356.00 foot radius curve to the right, through a central angle of 89°44'01", an arc distance of 557.55 feet, (the chord bears North 46° 25'39" East, 502.29 feet) to a point of tangency; thence South 88°42'21" East 627.91 feet to a point of curvature; thence along the arc of a 354.00 foot radius curve to the right, through a central angle of 20°06'01", an arc distance of 124.19 feet, (the chord bears South 78°39'21" East, 123.55 feet) to a point on the East line of Section 11; thence North 01°23'49" East along said East line a distance of 15.92 feet to a point; thence along the arc of a 369.00 foot radius curve to the left, through a central angle of 19°15'18", an arc distance of 124.01 feet, (the chord bears North 79°04'42" West, 123.42 feet) to a point on the North line of Section 11, which point is the point of beginning. Containing an area of 19,820 square feet, more or less.

W. INTL. PROP.

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EXHIBIT 1



DAVID EVANS AND ASSOCIATES, INC.
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March 19, 1984

File No. WIL001

PARCEL 4

EASEMENT

~~(RAMPAS WILSONVILLE)~~

(RALPH ELLIGSEN TO
 CITY OF WILSONVILLE)

The North 15 feet of:

A tract of land situated in the Northwest one-quarter of Section 12, Township 3 South, Range 1 West of the Willamette Meridian in the City of Wilsonville, Clackamas County, Oregon, described as follows:

Beginning at a point on the West line of Section 12 that is South 01°23'49" West a distance of 20.64 feet from the Northwest corner thereof; thence South 01°23'49" West along the West line of Section 12 a distance of 1269.55 feet to a point on the North line of Wiedeman Road; thence South 88°47'48" East along the said North line a distance of 35.20 feet; thence North 01°23'49" East a distance of 1255.13 feet to a point on a curve; thence along the arc of a 369.00 foot radius curve to the left, through a central angle of 05°54'07", an arc distance of 38.01 feet, (the chord bears North 66°30'01" West, 37.99 feet) to a point on the West line of Section 12 which point is the point of beginning. ~~Subject to a 15 foot utility easement~~
~~overlying the North 15 feet of the above described parcel.~~ Containing an area of 44,448 square feet, more or less.

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