

RESOLUTION NO. 1302

**A RESOLUTION EXCHANGING AND ADOPTING EASEMENTS,
GRANTOR: MCDONALD'S RESTAURANT.**

WHEREAS, the City of Wilsonville approved the development of Wilsonville Marketplace, 90PC15, which conditions of approval included the direction and general location of sanitary sewer, storm sewer, and water line easements; and

WHEREAS, McDonald's Restaurant was approved in 93PC28, as part of the Wilsonville Marketplace; and

WHEREAS, the City Engineer determined that certain easements granted by McDonald's to the City for water and sewer services were not located as directed in 90PC15; and

WHEREAS, the easements previously dedicated to the City, a waterline easement and two sanitary sewer easements, as described in Exhibit 1, attached hereto and incorporated herein, must 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.

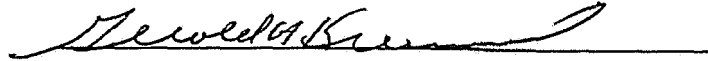
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

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 waterline easement and two sanitary sewer easements as described in Exhibit 1, attached hereto and incorporated herein, in exchange for
- (2) McDonald's conveyance to the City of a waterline easement and McDonald's and Capital Realty's conveyance to the City of a sanitary sewer easement, as described in Exhibit 2, attached hereto and incorporated herein, and

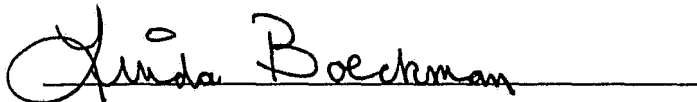
(3) McDonald's conveyance to the City of a storm drain easement, as described in Exhibit 3, attached hereto and incorporated herein.

ADOPTED by the City Council of the City of Wilsonville at a special meeting thereof on the 7th day of August, 1996.



GERALD A. KRUMMEL, Mayor

ATTEST:



LINDA BOECKMAN, Deputy City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leahy	<u>Yes</u>
Councilor MacDonald	<u>Yes</u>
Councilor Lehan	<u>Yes</u>

RECONVEYANCE AND QUITCLAIM OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF WILSONVILLE, a municipal corporation, Grantor, releases and quitclaims to McDonald's Corporation, a Delaware corporation, for the consideration hereinafter stated, all right, title and interest in and to the following real property easements, described as follows:

The legal descriptions are set forth in Exhibit "A" attached hereto, 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.

IN WITNESS WHEREOF, the undersigned, grantor has executed this Reconveyance and Quitclaim of Easement this 7th day of August, 1996.

GRANTOR: CITY OF WILSONVILLE, a municipal corporation,

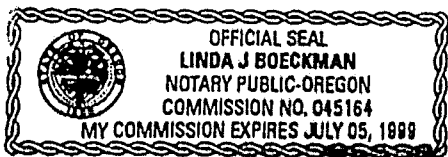
Gerald A. Krummel
GERALD A. KRUMMEL, Mayor

STATE OF OREGON)
) ss
County of Clackamas)

On this 7th day of August, 1996, before me, a notary public in and for said County and State, personally appeared Gerald A. Krummel, known to me to be the person whose name is 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.

Linda Boeckman
NOTARY PUBLIC FOR OREGON
My commission expires: 7/5/99



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

APPROVED AS TO FORM
this 14 day of July, 1996

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

APPROVED AS TO LEGAL DESCRIPTION
this 17th day of June, 1996

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

AUTHORIZED on behalf of the City of Wilsonville, Oregon
this 7th day of August, 1996

Gerald A. Krummel
Gerald A. Krummel, Mayor

ATTESTED TO:

Sandra C. King
~~Sandra C. King, City Recorder~~

8/7/96
Date

Deputy City Recorder

EXHIBIT A

Easement Description #1

A tract of land situated in the SE 1/4 of Section 14, T. 3S., R. 1W., Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion of Parcel 4, Partition Plat No. 1994-177, Clackamas County Survey Records, being more particularly described as follows:

A 15.00 foot wide strip of land lying 7.50 feet on each side of the following described centerline:

Commencing at the most northerly corner of said Parcel 4; thence, along the northerly line of said Parcel 4, South 44°57'00" East, 60.08 feet to a point on the centerline of an existing 15.0 foot wide waterline easement as shown on said Partition Plat; thence, along said easement centerline, South 0°19'11" East, 35.59 feet to the True Point of Beginning; thence, along the centerline of said existing easement, South 0°19'11" East, 142.06 feet to the termination point of this described centerline.

Easement Description #2

A tract of land situated in the SE 1/4 of Section 14, T. 3S., R. 1W., Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion of Parcel 4, Partition Plat No. 1994-177, Clackamas County Survey Records, being more particularly described as follows:

A 15.00 foot wide strip of land lying 7.50 feet on each side of the following described centerline:

Commencing at the most northerly corner of said Parcel 4; thence, along the westerly line of said Parcel 4, along the arc of a 2,000.00 foot radius curve to the right, through a central angle of 0°56'58" (chord bears South 25°20'39" West, 33.14 feet) a distance of 33.14 feet to a point on the centerline of an existing 15.0 foot wide sanitary sewer easement recorded in Fee No. 94-32153, Clackamas County Deed Records; thence, along the centerline of said existing sewer easement, South 21°55'34" East, 18.81 feet to the True Point of Beginning; thence, South 21°55'34" East, 75.06 feet; thence, South 90°00'00" West, 79.85 feet to a point on the westerly line of said Parcel 4, being the termination point of this described centerline.

Sidelines of this strip of land subject to lengthen and/or shorten so as to terminate upon the westerly line of said Parcel 4.

Easement Description #3

A tract of land situated in the SE 1/4 of Section 14, T. 3S., R. 1W., Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion of Parcel 4 & 5, Partition Plat No. 1994-177, Clackamas County Survey Records, being more particularly described as follows:

A 20.00 foot wide strip of land lying 10.0 feet on each side of the following described centerline:

Commencing at the most northerly corner of said Parcel 4; thence, along the northerly line of said Parcel 4, South 44°57'00" East, 27.50 feet to a point on the centerline of an existing 20.0 foot wide sanitary sewer easement recorded in Fee No. 72-29510, Clackamas County Deed Records, being the True Point of Beginning; thence, along the centerline of said sewer easement, South 0°50'38" East, 259.08 feet to the termination point of this described centerline.

Sidelines of this strip of land are subject to lengthen and/or shorten so as to terminate upon the northerly line of said Parcel 4.

STORM DRAINAGE
EASEMENT

$\Delta = 01^{\circ}22'51''$
 $R = 2000.00'$
 $L = 48.26'$ C = 48.26'
CB = $325^{\circ}33'39''$ W

$\Delta = 00^{\circ}56'66''$
 $R = 2000.00'$
C = 33.14' L = 33.14'
CB = $935^{\circ}03'39''$ W

MOST NLY CORNER
PARCEL 4, PARTITION
PLAT 1994-177

NORTHERLY LINE OF
PARCEL 4, PARTITION PLAT
1994-177

ENTERLINE NEW 15.0'
SANITARY SEWER EASEMENT

$C = 257.66'$ CB = $N08^{\circ}33'46''$ E
 $\Delta = 07^{\circ}23'12''$ R = 2000.00' L = 257.84'

CENTERLY LINE OF
PARCEL 4, PARTITION PLAT
1994-177

PARCEL 1
(MAIN SITE)
PARCEL 4, PARTITION
PLAT NO. 1994-177

CENTERLINE NEW 15.0'
SANITARY SEWER EASEMENT

TOWN CENTER LOOP ROAD WEST

EXHIBIT 'B'