

**RESOLUTION NO. 1303**

**A RESOLUTION ACCEPTING AN INUNDATION EASEMENT FOR THE BOECKMAN CREEK DETENTION PROJECT AND AUTHORIZING PAYMENT; GRANTOR BELIEU.**

WHEREAS, Resolution No. 1256, a Resolution authorizing the City of Wilsonville to negotiate and acquire land for the construction of the Boeckman Creek Detention Structure, authorized the acquisition of certain inundation easements.

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

1. The inundation easement, a copy of which is marked Exhibit 1, attached hereto and incorporated herein, is hereby accepted by the City of Wilsonville.
2. The City of Wilsonville authorizes payment of the consideration and performance of the conditions and covenants recited therein.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 19th day of August, 1996, and filed with the Wilsonville City Recorder this date.



GERALD A KRUMMEL, Mayor

ATTEST:



SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Leahy	Yes
Councilor Hawkins	Absent
Councilor MacDonald	Yes

**INUNDATION EASEMENT**  
**Boeckman Creek Detention Structure**

KNOW ALL MEN BY THESE PRESENTS, that Mary Alice Belieu, "Grantor", for the consideration hereinafter stated, does hereby grant and convey unto the CITY OF WILSONVILLE, a municipal corporation, "Grantee", a permanent easement over, along, and adjacent to Boeckman Creek, including any riparian lands or lands that may become riparian due to natural or man-made events, described as follows, to-wit:

1. Legal description is set forth in EXHIBIT "A" along with attached map hereto, and incorporated by reference herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$15,000.00.

In order to accommodate any natural flowage caused by storm water, the boundaries of the easement are not limited to the existing high water mark and shall not be restricted.

In the event the easement shall no longer serve a public purpose, it shall revert back to the Grantor, (his/her/their) heirs, successors, and/or assigns.

TO HAVE AND TO HOLD the above described easement unto said Grantee in accordance with the conditions and covenants as follows:

1. The purpose of this easement is to accommodate the flow of water that may result from the construction and operation of the Boeckman Creek Detention Structure, built by Grantee to control the natural water run-off or storm drainage.
2. The Grantee, through its officers, employees and agents, shall have the right to enter upon said lands in such a manner and from such places as may be under Grantor's control and at such times from this date as may be reasonably necessary for the purpose of patrolling, inspecting, and maintaining from obstruction the flow of water from the Boeckman Creek Detention Structure for storm drainage purposes. Said right shall be perpetual for so long as Grantee shall operate or maintain the Boeckman Creek Detention Structure for storm drainage purposes.
3. Grantee will make no unreasonable interference with the use of the surface of said land by Grantor (and heirs) and/or assigns.
4. In accepting this grant of flow easement, Grantee disclaims any present or future intent to possess, occupy, or acquire prescriptive rights to land by flooding. The easement herein conveyed by Grantor is the right to inundate riparian and adjacent land, and no transfer of any other title, fee, or interest is granted herein except an easement of necessity for such flowage purposes.
5. Grantee disclaims any intent to create a wetland, and will specifically forebear from making any claim that additional wetlands have been created by the use of the easement granted herein.

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

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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 LOSS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 10 day of July, 1996.

GRANTOR(S): Mary A Belieu

By: \_\_\_\_\_

STATE OF OREGON )  
County of Multnomah } ss

On this 10 day of July, 1996, before me, a notary public in and for said County and State, personally appeared Mary Alice Belieu known to me to be the person whose name she subscribed to the within instrument and acknowledged that she 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.

[Signature]  
NOTARY PUBLIC FOR OREGON

My Commission Expires. OFFICIAL SEAL  
RICHARD A. UFFELMAN  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 050309  
MY COMMISSION EXPIRES JAN. 16, 2000

8/23  
Given to DIANE P.  
FOR RECORDING  
[Signature]

APPROVED AS TO FORM

this 9 day of August 1996.

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

APPROVED AS TO LEGAL DESCRIPTION

this 16<sup>th</sup> day of August 1996.

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

ACCEPTED on behalf of the City of Wilsonville, Oregon

this \_\_\_ day of \_\_\_\_\_ 19\_\_\_.

\_\_\_\_\_  
Gerald A. Krummel, Mayor

ATTESTED TO:

\_\_\_\_\_  
Sandra C. King, City Recorder

\_\_\_\_\_  
Date:

EXHIBIT A

WILX0011  
L.I.D. No. 12-95-ST  
Canyon Creek Road North  
City of Wilsonville, Oregon  
GRA, DEA Inc. 2-26-96  
Parcel(s) 1

Belieu, Mary Alice  
7480 S.W. Frog Pond LN  
Wilsonville, OR 97070  
Clackamas County  
Document No. 95-30958  
3S-1W-12-2800



**PARCEL 1 - Storm Drainage Easement**

A parcel of land lying in the Southwest one-quarter of Section 12, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon and, being a portion of that property conveyed in the Deed to Mary Alice Belieu, recorded May 30, 1995 as Document No. 95-30958, Clackamas County Book of Records; the said parcel being all of that portion of said property, lying along Boeckman Creek, below the 150 foot elevation line described as follows:

Beginning at a point South 88° 52' 36" East a distance of 2,412.25 feet along the South line of said Section 12 and North 72.56 feet from the Southwest corner of said Section 12; thence North 42° 06' 08" East a distance of 32.52 feet; thence North 85° 05' 44" East a distance of 43.11 feet; thence North 17° 27' 50" West a distance of 35.93 feet; thence North 15° 23' 46" West a distance of 45.64 feet; thence North 52° 27' 47" East a distance of 32.24 feet; thence North 46° 43' 22" East a distance of 18.54 feet; thence North 70° 24' 57" West a distance of 36.88 feet; thence North 77° 54' 24" West a distance of 33.79 feet; thence North 22° 04' 51" West a distance of 34.98 feet; thence North 20° 57' 57" West a distance of 33.59 feet; thence North 02° 55' 11" East a distance of 30.89 feet; thence North 44° 42' 55" East a distance of 22.98 feet; thence North 65° 51' 23" East a distance of 38.26 feet; thence North 46° 35' 38" East a distance of 34.81 feet; thence North 57° 58' 05" West a distance of 14.02 feet; thence South 84° 11' 03" West a distance of 29.06 feet; thence North 87° 25' 17" West a distance of 38.82 feet; thence North 69° 37' 49" West a distance of 23.86 feet; Thence North 31° 52' 03" West a distance of 52.82 feet; thence North 06° 51' 08" East a distance of 36.26 feet; thence North 71° 25' 57" West a distance of 38.05 feet; thence North 25° 37' 50" West a distance of 36.25 feet; thence North 00° 24' 09" West a distance of 34.24 feet; thence North 06° 58' 38" West a distance of 55.89 feet; thence North 18° 46' 45" West a distance of 48.90 feet; thence North 27° 42' 08" West a distance of 54.22 feet; thence North 03° 07' 19" West a distance of 57.26 feet; thence North 05° 11' 59" East a distance of 58.35 feet; thence North 08° 07' 54" West a distance of 45.13 feet; thence North 09° 27' 34" East a distance of 32.25 feet; thence North 17° 43' 45" West a distance of 46.49 feet; thence North 26° 13' 30" West a distance of 38.73 feet; thence North 04° 20' 04" West a distance of 41.77 feet; thence North

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A PROFESSIONAL SERVICES CONSULTING FIRM  
OFFICES IN OREGON, WASHINGTON, CALIFORNIA AND ARIZONA  
2828 S.W. CORBETT AVENUE  
PORTLAND, OREGON 97201-4830  
(503) 223-6663 FAX (503) 223-2701



21° 44' 53" East a distance of 50.60 feet; thence North 43° 23' 20" East a distance of 53.40 feet; thence North 14° 10' 03" East a distance of 43.14 feet; thence North 20° 57' 36" East a distance of 48.02 feet; thence North 33° 56' 58" East a distance of 22.27 feet; thence North 23° 20' 59" East a distance of 15.32 feet; thence North 17° 42' 06" East a distance of 46.95 feet; thence North 03° 21' 29" West a distance of 100.12 feet; thence North 29° 51' 09" East a distance of 61.13 feet; thence North 10° 43' 17" East a distance of 21.63 feet; thence North 17° 59' 12" East a distance 37.97 feet; thence North 16° 18' 13" East a distance of 46.92 feet; thence North 14° 02' 29" East a distance of 38.41 feet; thence North 26° 39' 06" East a distance of 29.04 feet; thence North 44° 44' 07" East a distance of 60.62 feet; thence North 45° 22' 12" East a distance of 73.42 feet; thence North 20° 28' 51" East a distance of 88.42 feet; thence North 13° 45' 52" West a distance of 44.50 feet; thence North 32° 40' 49" East a distance of 18.67 feet; thence North 68° 05' 42" East a distance of 49.00 feet; thence South 86° 22' 45" East a distance of 40.18 feet; thence North 73° 17' 11" East a distance of 45.29 feet; thence North 62° 22' 57" East a distance of 40.01 feet; thence North 21° 10' 58" East a distance of 40.62 feet; thence North 10° 10' 07" East a distance of 43.63 feet; thence North 38° 45' 07" East a distance of 41.59 feet; thence North 02° 31' 08" East a distance of 44.44 feet; thence North 34° 51' 28" East a distance of 23.38 feet; thence North 66° 34' 20" East a distance of 19.54 feet; thence South 82° 38' 13" East a distance of 31.23 feet; thence North 22° 18' 26" East a distance of 33.11 feet; thence North 15° 14' 45" East a distance of 43.53 feet; thence North 77° 05' 35" East a distance of 13.41 feet; thence South 68° 27' 00" East a distance of 17.31 feet; thence North 75° 12' 00" East a distance of 31.13 feet; thence North 68° 53' 37" West a distance of 10.35 feet; thence North 54° 24' 05" West a distance of 41.09 feet; thence North 67° 06' 43" East a distance of 17.24 feet; thence North 46° 42' 49" West a distance of 27.73 feet; thence North 44° 16' 23" East a distance of 17.94 feet; thence North 63° 20' 52" West a distance of 20.48 feet; thence North 22° 17' 14" West a distance of 23.65 feet; thence North 49° 35' 53" West a distance of 25.21 feet; thence South 88° 53' 59" West a distance of 18.94 feet; thence North 44° 24' 49" West a distance of 45.97 feet; thence South 26° 44' 18" East a distance of 28.31 feet; thence South 03° 28' 44" East a distance of 24.41 feet; thence South 19° 13' 08" East a distance of 19.86 feet; thence South 07° 30' 09" West a distance of 25.12 feet; thence South 25° 00' 06" West a distance of 28.05 feet; thence South 71° 52' 31" West a distance of 38.00 feet; thence South 71° 52' 52" West a distance of 26.16 feet; thence South 41° 05' 51" West a distance of 37.22 feet; thence South 07° 03' 03" West a distance of 49.00 feet; thence South 35° 06' 47" West a distance of 33.10 feet; thence South 40° 12' 08" West a distance of 47.44 feet; thence South 37° 43' 59" West a distance of 44.72 feet; thence South 75° 32' 08" West a distance of 35.03 feet; thence South 68° 23' 27" West a distance of 54.34 feet; thence South 75° 21' 04" West a distance of 65.47 feet; thence South 47° 00' 26" West a distance of 66.14 feet; thence South 15° 18' 23" West a distance of 85.78 feet; thence South 17° 25' 09" West a distance of 53.69 feet; thence South 32° 53' 27" West a



distance of 94.52 feet; thence South 13° 47' 58" West a distance of 58.55 feet; thence South 30° 22' 42" West a distance of 36.48 feet; thence South 78° 13' 43" West a distance of 27.76 feet; thence North 78° 56' 25" West a distance of 42.81 feet; thence South 80° 45' 56" West a distance of 88.41 feet; thence South 72° 50' 16" East a distance of 69.52 feet; thence South 67° 11' 33" East a distance of 35.03 feet; thence South 26° 19' 05" East a distance of 19.03 feet; thence South 03° 33' 38" West a distance of 47.97 feet; thence South 00° 26' 16" East a distance of 42.58 feet; thence South 10° 34' 01" West a distance of 53.24 feet; thence South 08° 27' 57" West a distance of 79.58 feet; thence South 35° 06' 01" West a distance of 47.28 feet; thence South 26° 16' 40" West a distance of 42.63 feet; thence South 49° 02' 28" West a distance of 43.47 feet; thence South 26° 50' 46" West a distance of 42.56 feet; thence South 08° 02' 41" West a distance of 58.36 feet; thence South 11° 21' 44" West a distance of 48.68 feet; thence South 06° 33' 42" East a distance of 43.30 feet; thence South 06° 49' 12" East a distance of 53.50 feet; thence South 12° 18' 12" East a distance of 49.36 feet; thence South 05° 03' 50" East a distance of 55.07 feet; thence South 01° 08' 08" West a distance of 43.10 feet; thence South 07° 22' 01" East a distance of 53.02 feet; thence South 01° 42' 03" West a distance of 57.53 feet; thence South 22° 38' 34" East a distance of 58.01 feet; South 10° 21' 06" West a distance of 19.30 feet; thence South 34° 13' 14" East a distance of 35.43 feet; thence South 09° 23' 33" East a distance of 45.54 feet; thence South 19° 35' 06" East a distance of 57.40 feet; thence South 21° 48' 59" East a distance of 39.31 feet; thence South 29° 09' 01" East a distance of 57.52 feet; thence South 13° 16' 52" East a distance of 30.92 feet; thence South 37° 14' 36" East a distance of 28.45 feet; thence South 20° 52' 01" East a distance of 42.60 feet; thence South 08° 20' 27" East a distance of 58.71 feet; thence South 00° 06' 45" West a distance of 45.68 feet; thence South 17° 06' 49" East a distance of 44.13 feet; thence South 12° 16' 41" East a distance of 49.59 feet; thence South 22° 37' 43" East a distance of 35.16 feet; thence South 74° 02' 20" East a distance of 15.52 feet; thence South 88° 55' 42" East a distance of 42.56 feet; thence North 85° 45' 49" East a distance of 37.07 feet to the point of beginning.

Bearings are based on the Oregon Coordinate System, North Zone. Elevations are based on Cith of Wilsonville vertical datum.

The parcel of land to which this description applies contains 2.101 acres, or 91,505 square feet, more or less.

GRA, DEA Inc.  
2-26-96

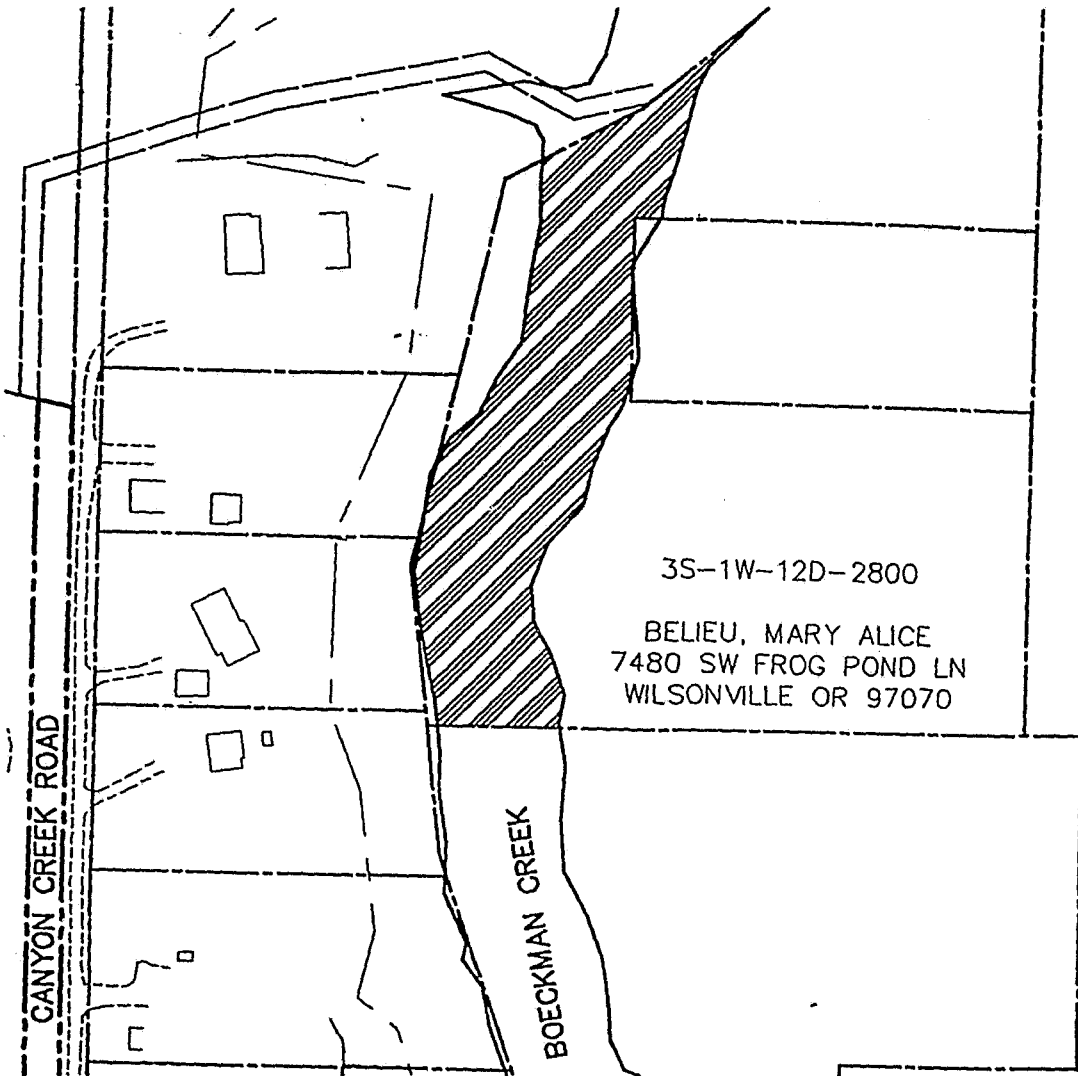
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REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

ORÉGON  
JULY 25, 1990  
GARY R. ANDERSON  
2434

DAVID EVANS AND ASSOCIATES, INC.  
A PROFESSIONAL SERVICES CONSULTING FIRM

Renewal 12/31/97



PERMANENT DRAINAGE  
EASEMENT



DAVID EVANS AND ASSOCIATES, INC.  
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS  
2000 N.W. COUNTY AVENUE SUITE 100, WILSONVILLE, OREGON 97070

PROJECT	<b>CANYON CREEK ROAD NORTH</b>		
TITLE	<b>L.I.D. NO. 12-95-ST</b>		
	<b>BELIEU EXHIBIT</b>		
JOB NO	DRAWN BY	DESIGN BY	SCALE
WLX 0011	TAS	GRA	1" = 200'
			DATE
			2-26-96