

RESOLUTION NO. 1316

A RESOLUTION ACCEPTING A STREET DEDICATION, AND SIDEWALK AND PUBLIC UTILITY EASEMENT ASSOCIATED WITH THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS FOR LOCAL IMPROVEMENT DISTRICT NO. 12-95-ST, CANYON CREEK ROAD NORTH; GRANTOR, BURNS-WESTERN.

WHEREAS, Resolution No. 1275, a Resolution authorizing the City of Wilsonville to negotiate and acquire land for the construction of public improvements associated with Local Improvement District No. 12-95-ST, Canyon Creek Road North, authorized the acquisition of certain property and property interests.

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

1. The street dedication, a copy of which is marked Exhibit 1, attached hereto and incorporated herein, is hereby accepted by the City of Wilsonville.
2. The sidewalk and public utility easement, a copy of which is marked Exhibit 2, attached hereto and incorporated herein, is hereby accepted by the City of Wilsonville.

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

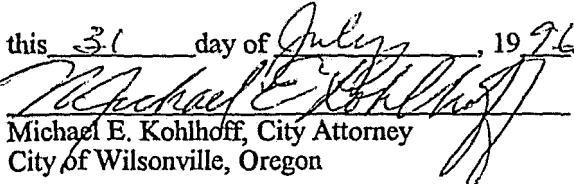
STATE OF OREGON)
)ss
County of)

On this day of _____, 19____, 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 hereunder 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 31 day of July, 1996


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

APPROVED AS TO LEGAL DESCRIPTION

this _____ day of _____, 19____.

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. Krunimel, Mayor

ATTESTED TO:

Sandra C. King, City Recorder

Date:



2828 SW Corbett Avenue

Portland, Oregon 97201

Tel: 503.223.6663

Fax: 503.223.2701

EXHIBIT A

WILX0011
L.I.D. No. 12-95-ST
Canyon Creek Road North
City of Wilsonville, Oregon
GRA, DEA Inc. 4-8-96
Amended 4-29-96
Parcel(s) 2

Burns-Western
516 S.E. Morrison St No. 1200
Portland, OR 97214
Clackamas County
Document No. 91-47695
3S-1W-12-300 & 407

PARCEL 1 - Street Dedication

A parcel of land lying in the Northwest one-quarter of Section 12, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon and, being a portion of those properties conveyed in the Deed to Burns-Western, recorded September 20, 1991 as Document No. 91-47695, Clackamas County Book of Records; the said parcel of land being more particularly described as follows:

That portion of said properties within a 62.00 foot wide strip, lying 31.00 feet on each side of the centerline of Canyon Creek Road North being more particularly described as follows:

Beginning at a 3" brass disk Monument marked "W&H PACIFIC CL-CL 1991" on the South line of Section 12, Township 3 South, Range 1 West W.M., said point lying South 88° 52' 36" East a distance of 1,694.84 feet from the Southwest corner of said Section 12, and said point being Station 10+00.00 Northerly for the purposes of this project; and running thence North 1° 28' 35" East 2,288.99 feet to a point of curvature; thence along the arc of a 1,900.00 foot radius curve, (the long chord of which bears North 3° 47' 15" East a distance of 153.25 feet) a distance of 153.29 feet; thence North 6° 05' 56" East a distance of 307.61 feet to a point of curvature; thence along the arc of a 3,000.00 foot radius curve, (the long chord of which bears North 4° 42' 28" East a distance of 145.68 feet) a distance of 145.70 feet; thence North 3° 18' 59" East a distance of 227.34 feet to a point of curvature; thence along the arc of a 1,800.00 foot radius curve, (the long chord of which bears North 5° 43' 54" East a distance of 151.71 feet) a distance of 151.75 feet; thence North 8° 08' 49" East a distance of 352.73 feet to a point of curvature; thence along the arc of a 1,400.00 foot radius curve, (the long chord of which bears North 4° 42' 56" East a distance of 167.58 feet) a distance of 167.68 feet; thence North 1° 17' 4" East a distance of 168.06 feet to a point of non-tangent curvature; thence along the arc of a 700.00 foot radius curve, (the long chord of which bears North 10° 28' 24" East a distance of 223.57 feet) a distance of 224.53 feet to a point of reverse curvature; thence along the arc of a 700.00 foot radius curve, (the long chord of which bears North 5° 45' 56" West a distance of 601.12 feet) a distance of 621.32 feet; thence North 31° 11' 36" West a distance of 7.26 feet to a point of curvature; thence along the arc of a 600.00 foot radius curve, (the long chord of which bears North 2° 50' 30" East a distance of 671.64 feet) a distance of 712.83 feet to a point of reverse



curvature; thence along the arc of a 600.00 foot radius curve, (the long chord of which bears North 19° 02' 00" East a distance of 367.70 feet) a distance of 373.71 feet; thence North 1° 11' 24" East a distance of 797.31 feet to a point on the centerline of Elligsen Road, (said point being station 77+00.12 Northerly for the purposes of this project) to which bears North 88° 47' 43" West a distance of 771.31 feet from a 3/4" iron pipe with yellow plastic cap marked "WASH.CO.SURV." at the C.S. 1/16 corner of Section 1, Township 3 South Range 1 West, W.M.

TOGETHER WITH those portions of said properties lying adjacent to the above described 62.00 foot wide strip and being more particularly described as follows:

Beginning at the point of intersection of the Easterly line of said 62.00 foot strip and the Northerly line of Wiedmann Road (50.00-foot wide); thence along said Easterly line on the arc of a 669.00 foot radius curve (the long chord of which bears North 5° 34' 05" East a distance of 44.50) a distance of 44.51 feet to a point of curvature; thence along the arc of a 40.00 foot radius curve, (the long chord of which bears South 40° 39' 43" East a distance of 59.58 feet) a distance of 67.21 feet to a point on said Northerly line; thence along said Northerly line North 88° 47' 52" West a distance of 43.15 feet to the point of beginning.

ALSO beginning at the point of intersection of the Westerly line of said 62.00 foot strip and the Northerly line of Wiedmann Road (50.00-foot wide); thence along said Westerly line on the arc of a 731.00 foot radius curve (the long chord of which bears North 4° 53' 04" East a distance of 36.51) a distance of 36.51 feet to a point of curvature; thence along the arc of a 40.00 foot radius curve, (the long chord of which bears South 48° 45' 32" West a distance of 53.99 feet) a distance of 59.26 feet to a point on said Northerly line; thence along said Northerly line South 88° 47' 52" East a distance of 37.50 feet to the point of beginning.

Bearings are based on the Oregon Coordinate System, North Zone.

The parcel of land to which this description applies contains 0.017 acres, to which this description applies contains or 750 square feet, more or less outside of existing right-of-way.

PARCEL 2 - Permanent Sidewalk, and Utility Facilities Easement

A parcel of land lying in the Northwest one-quarter of Section 12, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon and, being a portion of those properties conveyed in the Deed to Burns-Western, recorded September 20, 1991 as Document No. 91-47695, Clackamas County Book of Records; the said parcel being two strips of land more particularly described as follows:

That portion of said properties within a 6.00 foot wide strip lying adjacent to and West of the Westerly line of the above described PARCEL 1 - Street Dedication.



Burns
Page 3 of 3

TOGETHER WITH that portion of said properties lying West of the centerline of Canyon Creek Road North as described herein above and lying East of a line described as follows:

Beginning at a point lying 70.00 feet Westerly of centerline Station 57+00; thence Northerly and parallel with said centerline to a point 70.00 feet Westerly of Station 58+16.26 and the end of this line description.

AND that portion of said properties within a 6.00 foot wide strip lying adjacent to and East of the Easterly line of the described PARCEL 1 - Street Dedication.

TOGETHER WITH that portion of said properties lying East of the centerline of Canyon Creek Road North as described herein above and lying West of a line described as follows:

Beginning at a point lying 60.00 feet Easterly of centerline Station 57+25; thence Northerly and parallel with said centerline to a point 60.00 feet Easterly of Station 58+75 and the end of this line description.

The parcel of land to which this description applies contains 0.568 acres, to which this description applies contains or 24,740 square feet, more or less outside of existing right-of-way.

GRA, DEA Inc.
4-29-96

GRA:\jgo\project\wilx0011\burnswst.lcg

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary R. Anderson
OREGON
JULY 25, 1990
GARY R. ANDERSON
2434

Renewd 12/31/97

SEE BURNS-WESTERN EXHIBIT (2 OF 2)

3S-1W-12-407
BURNS-WESTERN
516 SE MORRISON ST # 1200
PORTLAND OR 97214

3S-1W-12-300

CITY OF WILSONVILLE
EASEMENT

CANYON CREEK ROAD

6.00

6.00

BPA EASEMENT

WIEDEMANN ROAD



PERMANENT SIDEWALK
& UTILITY FACILITIES EASEMENT
0.568 ACRE



RIGHT OF WAY
DEDICATION
0.017 ACRE



DAVID EVANS AND ASSOCIATES, INC
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
3040 N.W. CORNELL AVENUE PORTLAND, OR 97201 (503) 223-0443

PROJECT

CANYON CREEK ROAD NORTH

TITLE

L.I.D. NO. 12-95-ST

BURNS-WESTERN EXHIBIT

JOB NO

WILX 0011

DRAWN BY

TAS

DESIGN BY

GRA

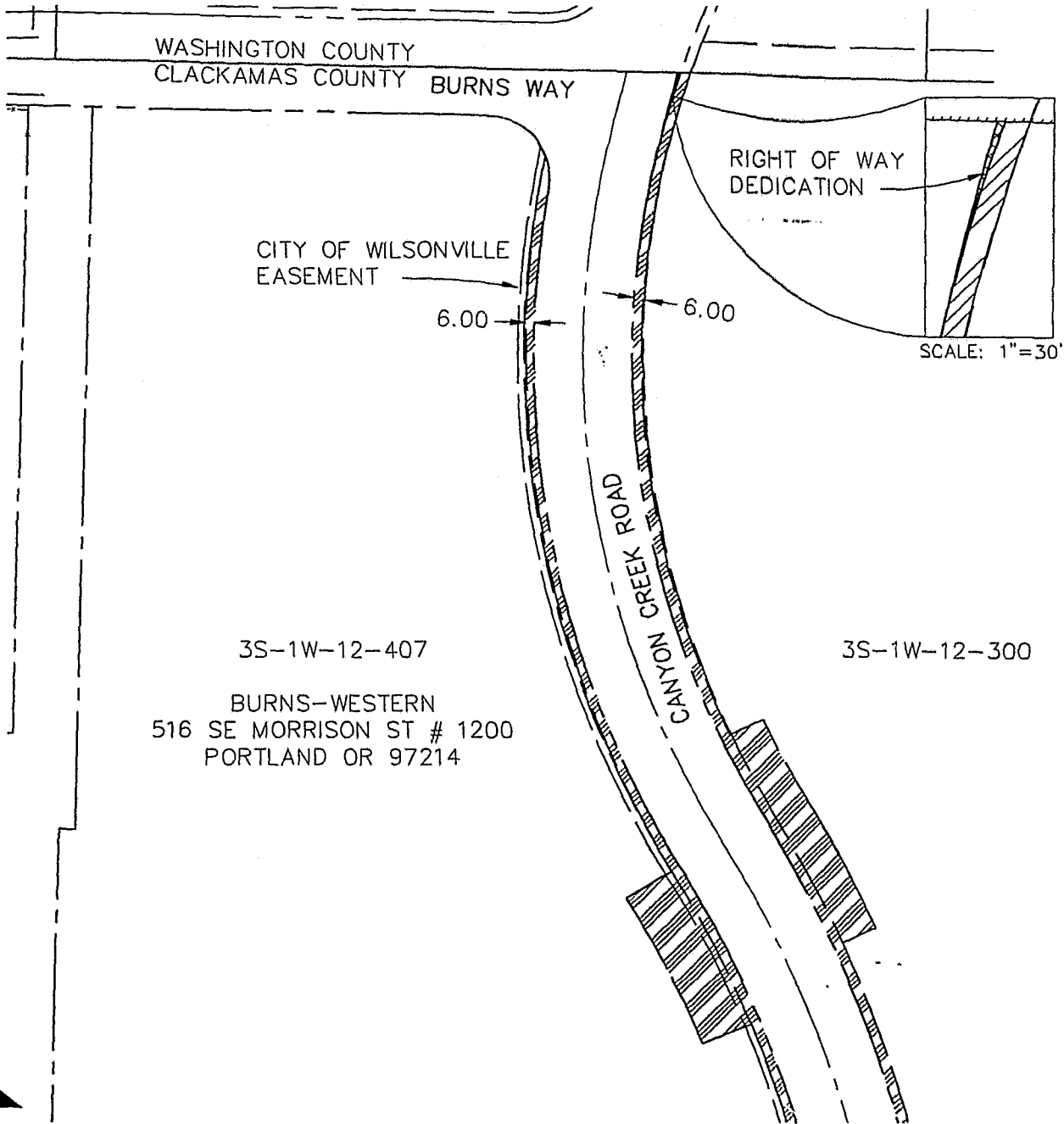
SCALE

1" = 100'

DATE

5-21-86

1
OF
2



SEE BURNS-WESTERN EXHIBIT (1 OF 2)



PERMANENT SIDEWALK
& UTILITY FACILITIES EASEMENT



RIGHT OF WAY
DEDICATION



DAVID EVANS AND ASSOCIATES, INC
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
2809 S.W. COUNTY AVENUE PORTLAND, OR 97201 (503)223-4463

PROJECT	CANYON CREEK ROAD NORTH		
TITLE	L.I.D. NO. 12-95-ST		
	BURNS-WESTERN EXHIBIT		
JOB NO.	DRAWN BY	DESIGN BY	SCALE
WILX 0011	TAS	GRA	1" = 100'
			DATE
			5-01-96

SIDEWALK & PUBLIC UTILITY EASEMENT
Grantor - Corporation

KNOW ALL MEN BY THESE PRESENTS, that BURNS-WESTERN, hereinafter referred to as "Grantor", for the consideration hereinafter stated, does forever donate and grant unto the CITY OF WILSONVILLE, a municipal corporation, hereinafter referred to as "Grantee", a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

1. Legal description is set forth in PARCEL 2 OF EXHIBIT "A" attached hereto, and incorporated by reference herein.
2. A map of the above legal description is also set forth in EXHIBIT "A" and incorporated by reference herein.

together with a temporary working easement as follows: None.

The temporary working easement shall be effective only for and during the time of the initial construction and laying of the pipeline hereinafter described.

The true and actual consideration paid for this 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.

In the event the permanent right-of-way and easement shall no longer serve a public purpose, it shall revert back to the Grantor(s), his/her/their heirs, successors and/or assigns; and

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

1. The Grantee, thorough its officers, employees and agents, shall have the right to enter upon said lands in such a manner and at such times from this date as may be reasonably necessary for the purpose of constructing, building, patrolling, replacing and maintaining thereon a sidewalk and public utilities easement along said right-of-way for the conveyance of pedestrian, power, electric, natural gas, telephone or cable, including such renewals, repairs, replacements and removals as may be from time to time required. Said right shall be perpetual for so long as Grantee shall operate or cause to be operated a sidewalk and a public utility for said purposes as herein provided.
2. Immediately after any construction or repair of said sidewalk and public utilities easement the surface of the ground shall be restored equal to its original condition so that the Grantor and its successors and/or assigns shall have the free and unobstructed use thereof, subject to rights of Grantee herein provided.

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

3. Grantee will make no unreasonable interference with such use of the surface of said land by Grantor and its successors and/or assigns.¹
4. Grantor and its successors and/or assigns will not be responsible for damage by others to said sidewalk and public utilities.
5. Grantee will indemnify and hold harmless the Grantor, its successors and/or assigns from claims or injury to person or property as a result of the negligence of the Grantee, its agents or employees in the construction, operation or maintenance of said easement for sidewalk and public utilities.

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 25th day of June, 1996.

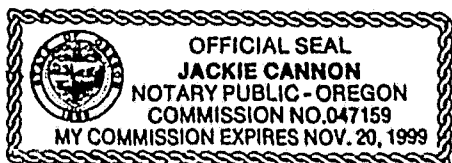
GRANTOR(S): BURNS WESTERN
(Burns-Western)

By: Daniel B. Griffith
PRESIDENT
Title

STATE OF OREGON }
County of Washington } ss

On this 25th day of June, 1996, before me, a notary public in and for said County and State, personally appeared Daniel B. Griffith 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.



Jackie Cannon
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-20-99

¹

APPROVED AS TO FORM

this ____ day of _____ 19 ____.

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

APPROVED AS TO LEGAL DESCRIPTION

this ____ day of _____ 19 ____.

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:



2828 SW Corbett Avenue

Portland, Oregon 97201

Tel: 503.223.6663

Fax: 503.223.2701

EXHIBIT A

WILX0011
L.I.D. No. 12-95-ST
Canyon Creek Road North
City of Wilsonville, Oregon
GRA, DEA Inc. 4-8-96
Amended 4-29-96
Parcel(s) 2

Burns-Western
516 S.E. Morrison St No. 1200
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Clackamas County
Document No. 91-47695
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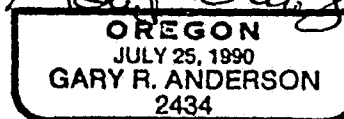
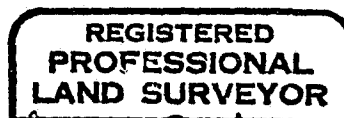
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GRA, DEA Inc.
4-29-96

GRA:\jg\o:\project\wilx0011\burnswst.leg



Renewd 12/31/97

SEE BURNS-WESTERN EXHIBIT (2 OF 2)

3S-1W-12-407
BURNS-WESTERN
516 SE MORRISON ST # 1200
PORTLAND OR 97214

3S-1W-12-300

CITY OF WILSONVILLE
EASEMENT

CANYON CREEK ROAD

6.00

6.00

BPA EASEMENT

WIEDEMANN ROAD



PERMANENT SIDEWALK
& UTILITY FACILITIES EASEMENT
0.568 ACRE



RIGHT OF WAY
DEDICATION
0.017 ACRE



DAVID EVANS AND ASSOCIATES, INC
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
3800 S.W. CORBETT AVENUE PORTLAND, OR 97201 (503)253-8443

PROJECT

CANYON CREEK ROAD NORTH

TITLE

L.I.D. NO. 12-95-ST

BURNS-WESTERN EXHIBIT

JOB NO

WILX 0011

DRAWN BY

TAS

DESIGN BY

GRA

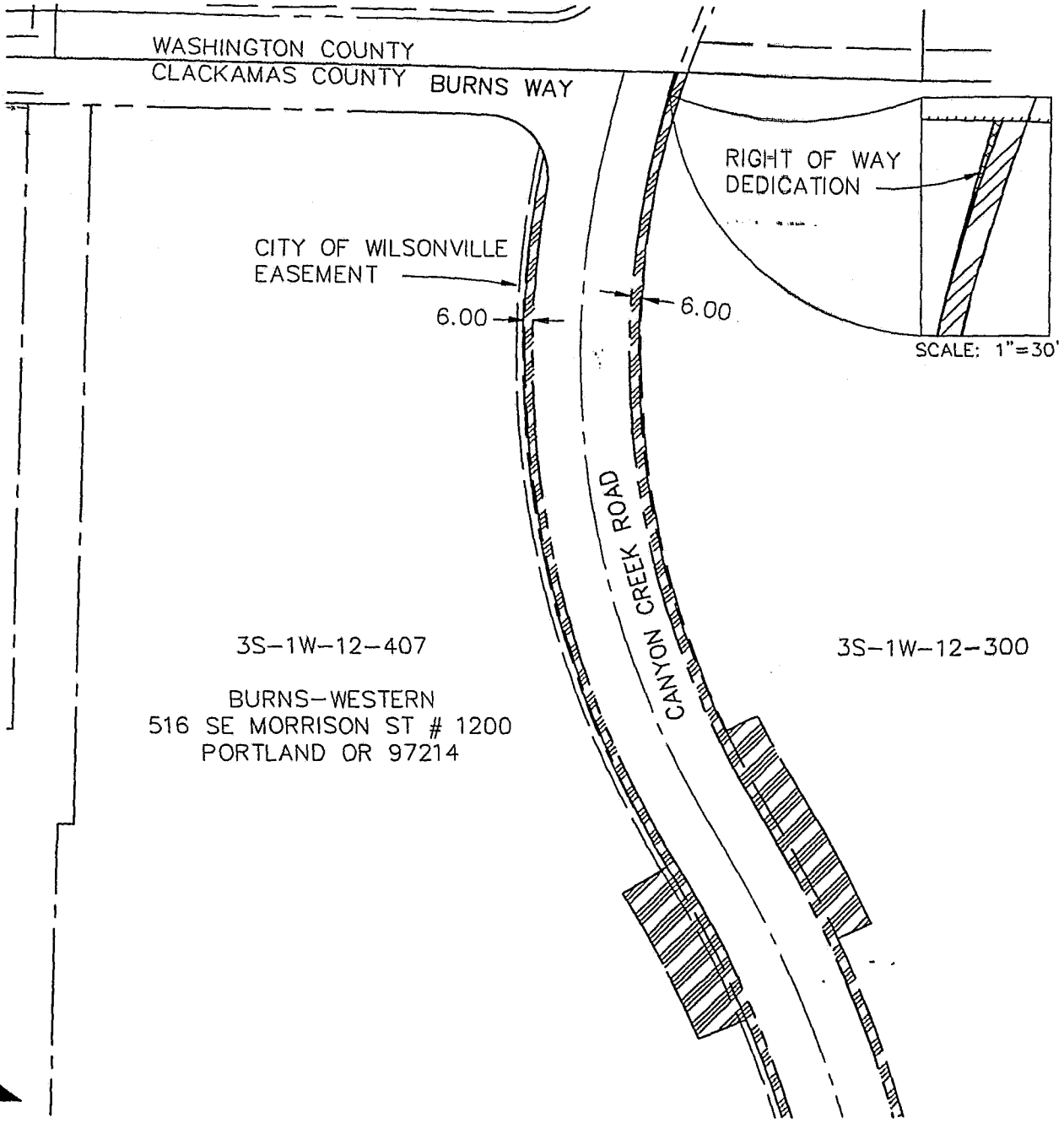
SCALE

1" = 100'

DATE

5-01-86

1
OF
2



SEE BURNS-WESTERN EXHIBIT (1 OF 2)



PERMANENT SIDEWALK
& UTILITY FACILITIES EASEMENT



RIGHT OF WAY
DEDICATION



DAVID EVANS AND ASSOCIATES, INC
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
2825 S.W. CORBETT AVENUE PORTLAND, OR 97201 (503)223-6643

PROJECT

CANYON CREEK ROAD NORTH

TITLE

L.I.D. NO. 12-95-ST

BURNS-WESTERN EXHIBIT

JOB NO.

WILX 0011

DRAWN BY

TAS

DESIGN BY

GRA

SCALE

1" = 100'

DATE

5-01-96

2
OF
2