

RESOLUTION NO. 1324

A RESOLUTION ACCEPTING A PIPELINE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ASSOCIATED WITH THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS FOR LOCAL IMPROVEMENT DISTRICT NO. 12-95-ST, CANYON CREEK ROAD NORTH; GRANTOR, MICHAEL A. AND BETH E. TIMM.

WHEREAS, Resolution No. 1255, 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:

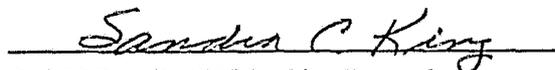
1. The pipeline easement, a copy of which is marked Parcel 1, in Exhibit 1, attached hereto and incorporated herein, is hereby accepted by the City of Wilsonville.
2. The temporary construction easement, a copy of which is marked Parcel 2, in Exhibit 1, attached and incorporated herein, is hereby accepted by the City of Wilsonville.
3. The City of Wilsonville authorizes payment of the consideration recited therein.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 7th day of October, 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 Excused
Councilor Hawkins Yes
Councilor MacDonald Yes

PIPELINE EASEMENT
Grantor - Individual

KNOW ALL MEN BY THESE PRESENTS, that Michael A. Timm and Beth E. Timm, hereinafter referred to as "Grantor", for the consideration hereinafter stated, does forever 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 EXHIBIT "A" attached hereto, and incorporated by reference herein.

together with a temporary working easement as follows: Parcel 2 as described in EXHIBIT "A".

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 \$ **3,500.00**.

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 permanent right-of-way and easement shall include the right, privilege, and authority, to the said City of Wilsonville, to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove an underground sanitary sewer, storm drain, or water pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, including aboveground valve boxes, fire hydrants or manholes, for the purpose of carrying and conveying sewage wastes, surplus waters, or potable water as the case may be, and for similar uses in, under, and across the said premises, 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 pipelines, 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, useful, or convenient for the enjoyment of the easement hereby granted. No building shall be constructed over the pipeline easement right-of-way.

2. Grantee will indemnify and hold harmless the Grantor(s), his/her/their heirs, successors and/or assigns from claims for 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 pipeline.

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

3. The City of Wilsonville, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises of the Grantor(s), and any improvements disturbed by the City, to as good condition as they were prior to any such installation work, including, but not limited to, the restoration of any topsoil, lawn and nursery stock of like kind and quality subject to reasonable substitution as may be necessitated by obstruction or interference with the use granted herein.

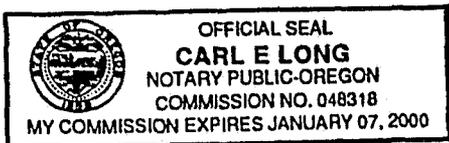
4. Grantor(s) may, at his/her/their option and expense, relocate said right-of-way, easement and associated public appurtenances and utilities, provided such relocation is accepted by the City as complying with applicable codes and standards, land use laws and regulations.

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 17th day of September, 1996.

GRANTOR(S): Michael A. Timm
Michael A. Timm
Beth E. Timm
Beth E. Timm

STATE OF OREGON)
County of) ss

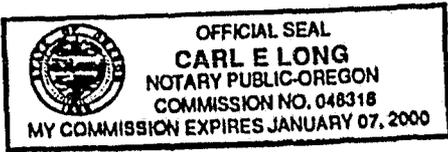


On this 17 day of September, 1996, before me, a notary public in and for said County and State, personally appeared Michael A. Timm & Beth E. Timm known to me to be the person whose name (s) subscribed to the within instrument and acknowledged that They He executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

Carl E Long
NOTARY PUBLIC FOR OREGON
My Commission Expires: January 07, 2000

STATE OF OREGON)
County of) ss



On this 17th day of September, 1996, before me, a notary public in and for said County and State, personally appeared Beth E. Timms & Michael A. Timms known to me to be the person whose name(s) 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.

Carl E. Jung
NOTARY PUBLIC FOR OREGON
My Commission Expires: January 07, 2000

APPROVED AS TO FORM

this 4 day of October, 1996
Michael E. Kohlhoff
Michael E. Kohlhoff, City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this 20th day of September 1996.
Mike Stone
Mike Stone, P.E., City Engineer
City of Wilsonville, Oregon

ACCEPTED on behalf of the City of Wilsonville, Oregon
this 7 day of OCTOBER 1996.

Gerald A. Krummel
Gerald A. Krummel, Mayor

ATTESTED TO:

Sandra C. King
Sandra C. King, City Recorder

10/9/96
Date:

EXHIBIT A

Page 1 of 2

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

Timm, Michael A.
& Beth E.
7400 S.W. Boeckman Rd.
Wilsonville, OR 97070
Clackamas County
Document No. 85-39909
3S-1W-13A-1700



PARCEL 1 - Permanent Utility Facilities Easement

A parcel of land lying in the Northeast one-quarter of Section 13, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon and, being a portion of that property conveyed in the Deed to Michael A. Timm and Beth E. Timm, recorded November 1, 1985 as Document No. 85-39909, Clackamas County Book of Records; the said parcel being that portion of said property within a 20 foot wide strip, lying 10 feet on each side of the facility, the center line of which is more particularly described as follows:

Beginning at a point South 88° 52' 36" East, a distance of 2,632.47 feet along the North line of said Section 13, and South 715.52 feet from the Northwest corner of said Section 13; thence North 13° 54' 09" East a distance of 108.60 feet; thence North 08° 42' 11" West a distance of 33.67 feet; thence North 11° 37' 19" West a distance of 75.13 feet; thence North 30° 39' 21" West a distance of 130.99 feet; thence North 14° 18' 26" West a distance of 179.32 feet; thence North 23° 33' 44" West a distance of 163.91 feet; thence North 88° 15' 11" West a distance of 99.74 feet; thence North 77° 02' 40" West a distance of 55.32 feet; thence North 27° 43' 59" West a distance of 96.71 feet; thence North 22° 05' 53" West a distance of 131.12 feet; thence North 55° 53' 07" West a distance of 57.53 feet; thence North 21° 55' 41" East a distance of 79.00 feet; thence North 37° 00' 53" West a distance of 115.42 feet; thence North 16° 10' 08" West a distance of 191.55 feet; thence North 50° 52' 06" West a distance of 54.21 feet; thence North 14° 36' 06" East a distance of 74.96; thence North 05° 39' 03" West a distance of 155.14 feet; thence North 20° 34' 51" West a distance of 88.19 feet; thence North 02° 05' 34" East a distance of 199.12 feet; thence North 23° 21' 52" East a distance of 194.67 feet; thence North 07° 44' 07" East a distance of 195.18 feet; thence North 80° 26' 05" West a distance of 255.73 feet; thence North 07° 00' 05" East a distance of 105.23 feet; thence North 59° 21' 37" East a distance of 200.09 feet to a point which bears South 88° 52' 36" East a distance of 2,046.83 feet and North 1,689.88 feet from the Northwest corner of said Section 13.

DAVID EVANS AND ASSOCIATES, INC.
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

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

The parcel of land to which this description applies contains 0.101 acres, or 4,380 square feet, more or less.

PARCEL 2 - Temporary Construction Easement



A parcel of land lying in the Northeast one-quarter of Section 13, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon and, being a portion of that property conveyed in the Deed to Michael A. Timm and Beth E. Timm, recorded November 1, 1985 as Document No. 85-39909, Clackamas County Book of Records; the said parcel being that portion of said property within a 60 foot wide strip, lying 30 feet on each side of the facility, the centerline of which is described above in PARCEL 1.

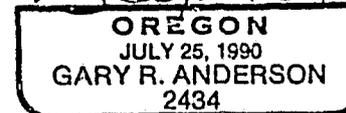
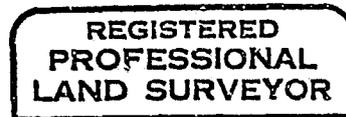
EXCEPTING THEREFROM all that portion described above as PARCEL 1.

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

The parcel of land to which this description applies contains 0.155 acres, or 6,750 square feet, more or less.

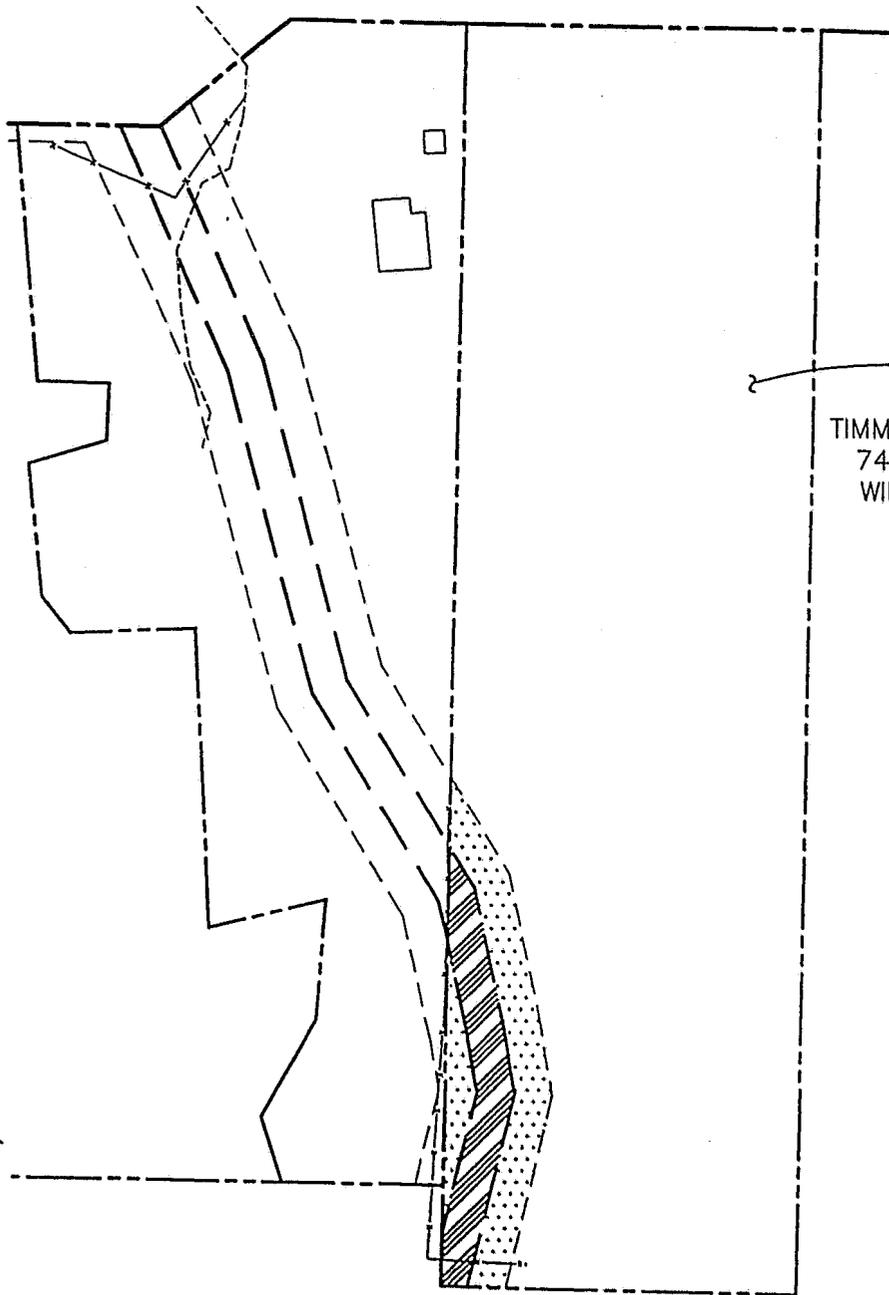
GRA, DEA Inc.
2-26-96

GRA:kyg\o:\project\w\wilx001\Timm.leg



Renewal 12/31/97

BOECKMAN ROAD

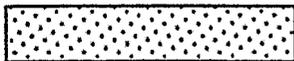


3S-1W-13A-1700

TIMM, MICHAEL A & BETH E
7400 SW BOECKMAN RD
WILSONVILLE, OR 97070



PERMANENT UTILITY
FACILITIES EASEMENT



TEMPORARY CONSTRUCTION
EASEMENT



DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS
2808 S.W. CORBETT AVENUE PORTLAND, OR 97201 (503)223-0402

PROJECT

CANYON CREEK ROAD NORTH

TITLE

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

TIMM EXHIBIT

JOB NO

WILX 0011

DRAWN BY

TAS

DESIGN BY

GRA

SCALE

1" = 100'

DATE

2-28-95