

RESOLUTION NO. 1346

**A RESOLUTION EXCHANGING AND ADOPTING EASEMENTS,
SECURITY CAPITAL INDUSTRIAL TRUST, GRANTOR.**

WHEREAS, the City of Wilsonville Planning Commission approved the Stage II development of Wilsonville Corporate Center, 95PC15, which required as a condition of approval that a public utility easement be conveyed to the City; and

WHEREAS, there currently exists on the property an easement recorded as Fee No. 78-5701 and dated September 24, 1976. However, the location of this easement does not meet the requirements of the easement described above. Furthermore, the existing easement does not conform to the needs and requirements of the Public Works Department and, therefore, said easement is no longer needed by the City of Wilsonville; and

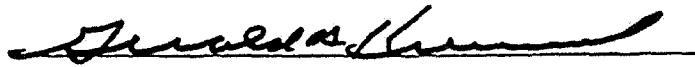
WHEREAS, the City Council finds that the existing above referenced real property easement is being exchanged pursuant to ORS 271.310(3) for a real property easement which is of equal or superior useful value for public use for the City's water and sewer lines; therefore, extinguishment by vacation is unnecessary.

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

Based on the above recitals and findings, the City of Wilsonville adopts the following exchange of easements:

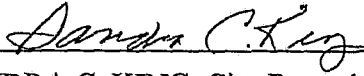
- (1) The City's release of all its interest in the Sanitary Sewer Easement described in Exhibit 1, attached hereto and incorporated herein, in exchange for
- (2) Security Capital Industrial Trust's conveyance to the City of the Sanitary Sewer Pipeline Easement described in Exhibit 2, attached hereto and incorporated herein.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 16th day of December, 1996.



GERALD A. KRUMMEL, Mayor

ATTEST:



SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Excused</u>
Councilor MacDonald	<u>Yes</u>
Councilor Luper	<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 Security Capital Industrial Trust, a Mayrland real estate investment trust, Grantee, for the consideration hereinafter stated, all right, title and interest in and to the following real property easement, described as follows:

The legal description is set forth in Exhibit "A" attached hereto, and incorporated by reference herein.

A map of the above legal description is set forth in Exhibit "B" 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned grantor has executed this Reconveyance and Quitclaim of Easement this 16 day of DECEMBER, 1996.

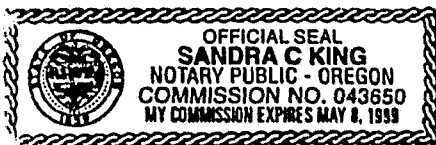
GRANTOR: CITY OF WILSONVILLE, a municipal corporation

Gerald A. Krummel
GERALD A. KRUMMEL, Mayor

STATE OF OREGON)
) ss
County of Clackamas)

On this 16 day of DECEMBER, 1996, before me, a notary public in and for said County and State, personally appeared Gerald R. Krummel, known to me to be the person whose name he 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.

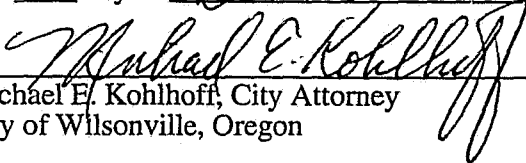


Sandra P. King
NOTARY PUBLIC FOR OREGON
My commission expires: 5/8/98

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

APPROVED AS TO FORM

this 11 day of December, 19 96.



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

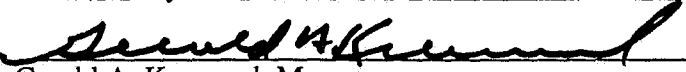
APPROVED AS TO LEGAL DESCRIPTION

this ____ day of _____, 19 ____.

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

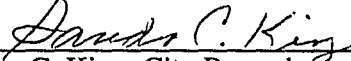
AUTHORIZED on behalf of the City of Wilsonville, Oregon

this 16 day of DECEMBER, 19 96.



Gerald A. Krummel, Mayor

ATTESTED TO:



Sandra C. King, City Recorder

12-16-96
Date

EXHIBIT A
LEGAL DESCRIPTION FOR MACKENZIE ENGINEERING, INC.
Phase II - Wilsonville Cooperate Center
Vacation of Existing Sanitary Sewer Easement

September 25, 1996

A parcel of property 20.00 feet wide lying 10.00 feet on each side of the following described centerline, being a portion of Parcel 3 of Partition Plat # 1994-158, Clackamas County records, Clackamas county, Oregon, described as follows:

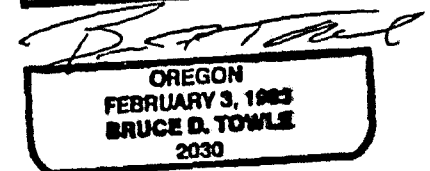
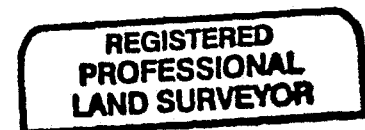
COMMENCING at the Northwest corner of the Northeast quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian;

THENCE South 01° 35' 55" West along the West line of said Parcel 3 and it's Northerly extension 481.00 feet to the centerline of that existing sanitary sewer easement recorded under fee Number 78-5701, Clackamas County records and TRUE POINT OF BEGINNING ;

THENCE South 06° 25' 20" East along the centerline of said easement 274.08 feet;

THENCE South 17° 08' 50" West along the centerline of said easement 142.67 feet to the end of said centerline.

The sidelines of said 20.00 feet wide parcel shall be lengthened or shortened to intersect each other and the West line of said Parcel 3.



RENEWAL DATE: 6/30/98

9/25/96

NW CORNER OF THE NE 1/4
SECTION 11, T3S, R1W, WM

CL RIDDER ROAD
POB WATERLINE EASEMENT

POB WATERLINE EASEMENT

STORM EASEMENT

POB STORM SEW
EASEMENT

Exhibit B

PARCEL 3 PARTITION PLAT #1994-158

SW 95TH AVE

CL P.U.E. EASEMENT

WATERLINE EASEMENT

POINT B

POINT C

POINT D

POINT E

EASEMENT TO BE VACATED

SAN

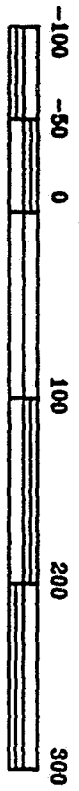
NEW SAN SEW EASEMENT

WATERLINE EASEMENT

POINT H

POINT F

POINT G



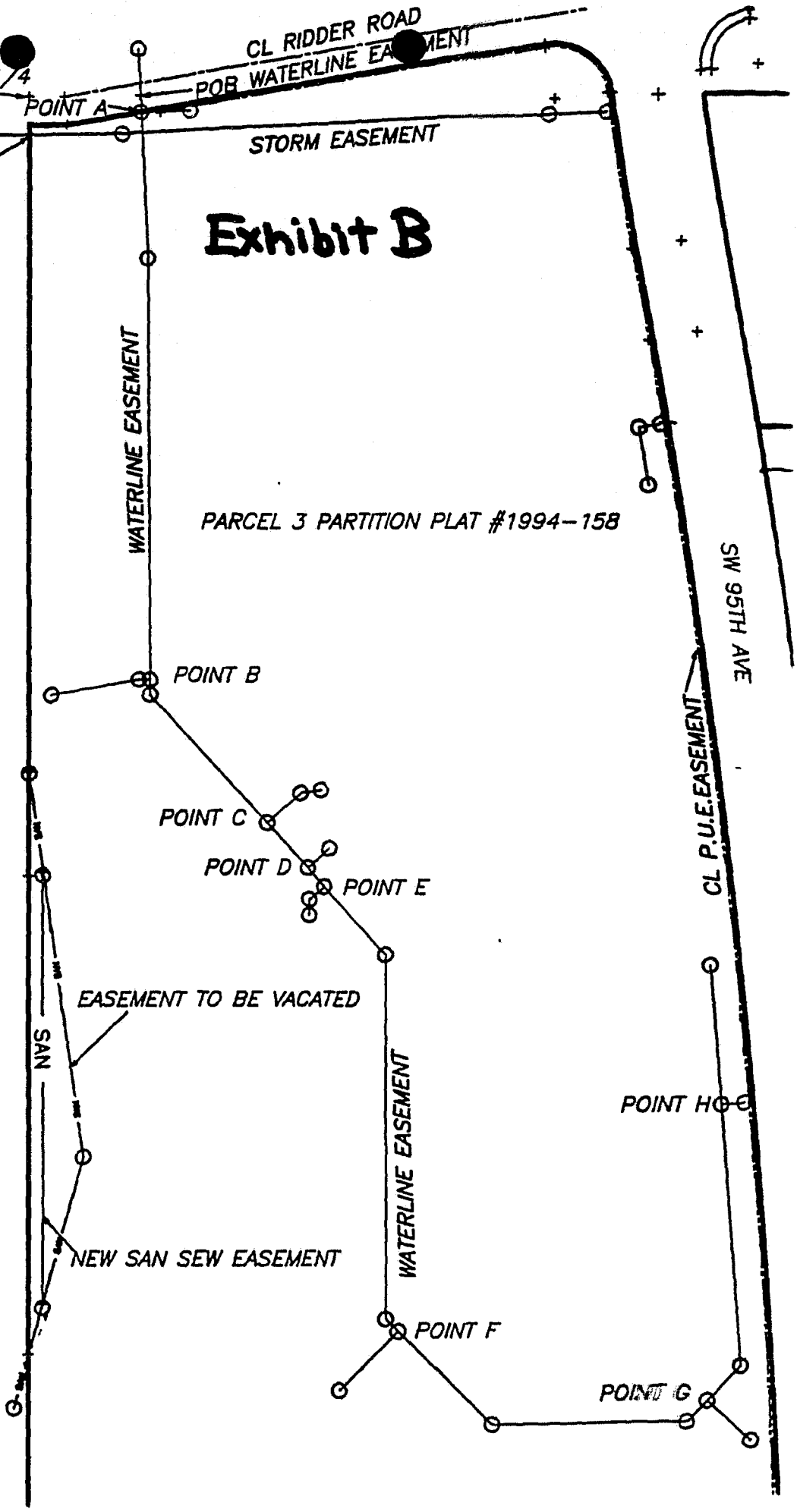
Scale 1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
FEBRUARY 3, 1989
D. TOWLE
#030

Expires 6-30-96

[Handwritten initials]



~~EXHIBIT B~~

**SANITARY SEWER
PIPELINE EASEMENT
Grantor - Corporation**

KNOW ALL MEN BY THESE PRESENTS, that SECURITY CAPITOL INDUSTRIAL TRUST

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 C attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT D 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 \$ Ø.
However, the actual consideration consists of or includes other property or value given or promised which is (the whole/part of the) consideration (indicate which). (If not applicable, the sentence between the symbols * should be deleted. See ORS 93.030.)

In the event the permanent right-of-way and easement shall no longer serve a public purpose, it shall revert back to the Grantor, its 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.

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

2. Grantee will indemnify and hold harmless the Grantor, its 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.

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, 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 may, at its 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 LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

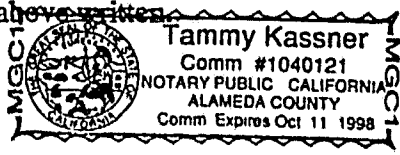
IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 26th day of FEBRUARY, 1996.

GRANTOR(S): SECURITY CAPITAL INDUSTRIAL TRUST
(Name of Corporation)
BY: Donald L. Harrier DONALD L. HARRIER
(Name of Duty Authorized Representative)
VICE PRESIDENT
Title

STATE OF California OREGON
County of Alameda) ss

On this 26th day of February, 1996 before me, a notary public in and for said County and State, personally appeared Donald L. Harrier, 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.

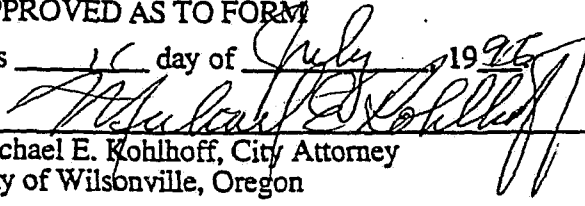
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.



Tammy Kasner
NOTARY PUBLIC FOR OREGON California
My Commission Expires: 10-11-98

APPROVED AS TO FORM

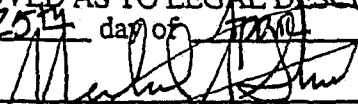
this 10 day of July, 1996



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

APPROVED AS TO LEGAL DESCRIPTION

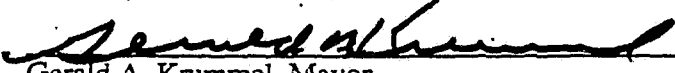
this 25th day of April, 1996



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


ACCEPTED on behalf of the City of Wilsonville, Oregon

this 16 day of DECEMBER, 1996



Gerald A. Krummel, Mayor

ATTESTED TO:



Sandra C. King, City Recorder

12-16-96

Date:

EXHIBIT C

LEGAL DESCRIPTION FOR MACKENZIE ENGINEERING, INC.
Phase II - Willsonville Corporate Center
Relocated Sanitary Sewer Easement

1111 Broadway
Vancouver, WA
98660

February 13, 1996

A parcel of property 20.00 feet wide, lying 10.00 feet on each side of the following described centerline, situated within a portion of the Northeast quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

COMMENCING at the Northwest corner of said Northeast quarter of Section 11;

THENCE South $00^{\circ} 03' 21''$ East along the West line of said Northeast quarter 480.17 feet to an existing sanitary sewer line and the TRUE POINT OF BEGINNING;

THENCE South $08^{\circ} 07' 05''$ East along said sewer line 71.74 feet;

THENCE South $00^{\circ} 03' 31''$ East along said sewer line 305.61 feet;

THENCE South $15^{\circ} 30' 18''$ West along said sewer line 37.57 feet to the West line of said Northeast quarter and the end of said centerline.

The sidelines of said parcel shall be lengthened or shortened to intersect each other and the West line of said Northeast quarter.

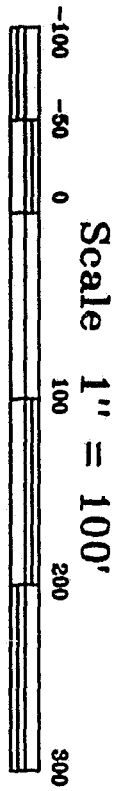
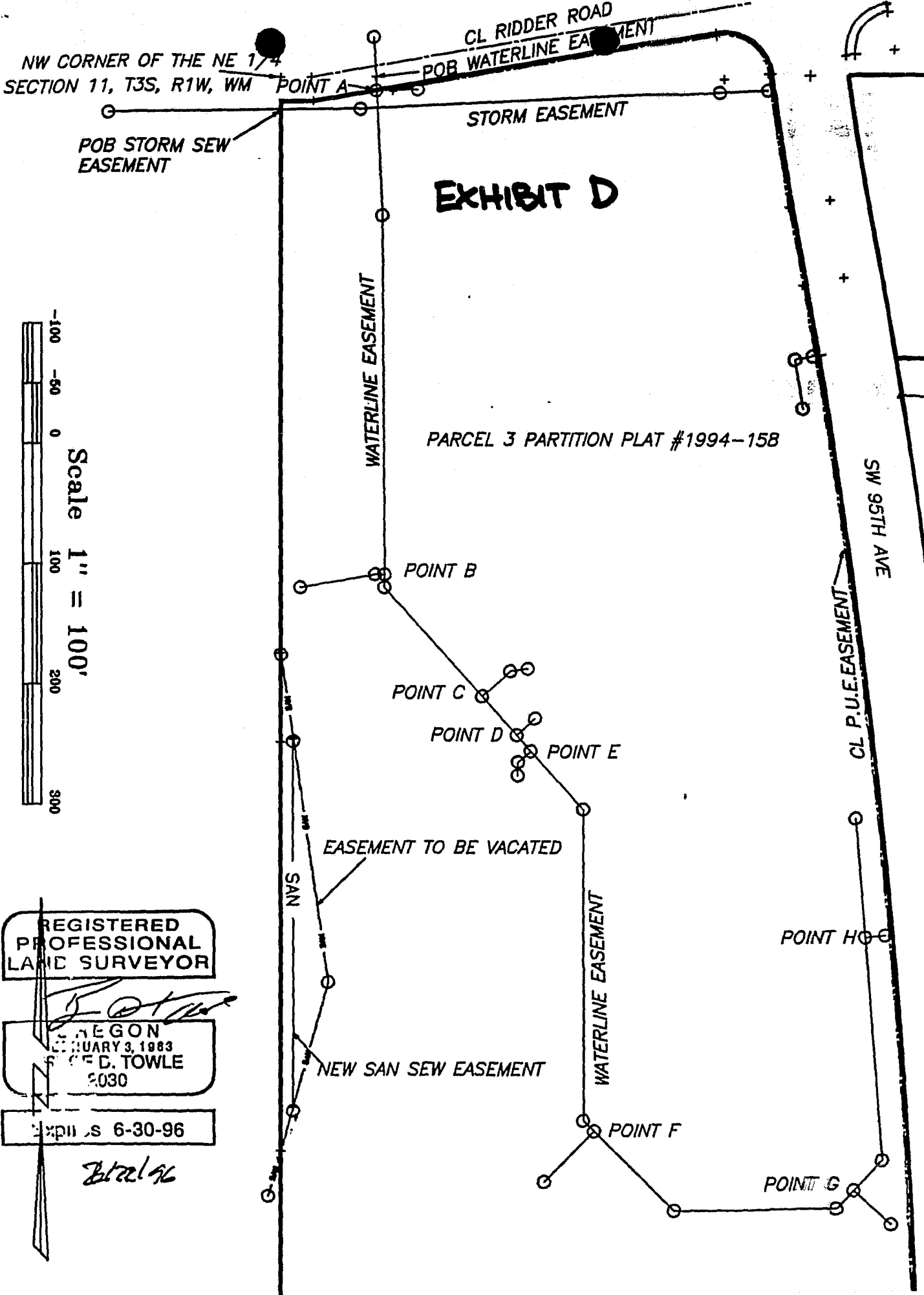
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Bruce D. Towle

OREGON
FEBRUARY 3, 1983
BRUCE D. TOWLE
2030

Expires 8-30-96

2/20/96



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

[Signature]
 OREGON
 FEBRUARY 3, 1983
 D. TOWLE
 2030

Expires 6-30-96

[Handwritten initials]