

**RESOLUTION NO. 1552**

**A RESOLUTION APPROVING AND AUTHORIZING RELOCATION AND EXCHANGE OF ACCESS, CONSTRUCTION, AND PIPELINE AND UTILITY EASEMENTS TO AND FROM WATER RESERVOIR SITE ON AND THROUGH PHEASANT RIDGE R.V. PARK, INC., PROPERTY; APPROVING AND AUTHORIZING ACCEPTANCE OF WATER RESERVOIR ACCESS EASEMENT AGREEMENT AND PIPELINE AND UTILITY EASEMENT GRANTED AND CONVEYED TO CITY BY PHEASANT RIDGE R.V. PARK, INC., TO RELOCATE EASEMENTS; AND APPROVING AND AUTHORIZING CONVEYANCE BY CITY TO PHEASANT RIDGE R.V. PARK, INC., THE EXISTING ACCESS, CONSTRUCTION, AND PIPELINE EASEMENTS IN EXCHANGE FOR RELOCATED ACCESS EASEMENT AND PIPELINE AND UTILITY EASEMENT.**

WHEREAS, pursuant to ORS 271.300 to 271.330, the City desires to effect an exchange of access, construction and pipeline easements on and through the property of Pheasant Ridge R.V. Park, Inc., an Oregon corporation, in order to relocate said easements in furtherance of the public interest to access its water reservoir site and to enhance its water piping and utility system; and

WHEREAS, the City of Wilsonville is the grantee of certain access, construction and pipeline easements created by an instrument, recorded in the Washington County Recorder's Office, January 27, 1989, Recorder's Fee No. 89-03961, encumbering the east 25 feet of property, together with 10 feet for construction (total 35 feet) of the property owned by Pheasant Ridge R.V. Park, Inc., an Oregon corporation which the parties mutually desire to relocate and with the right to relocate the easements set forth in Recorder's Fee No. 89-03961, as they will no longer be needed for a public purpose by the City; and

WHEREAS, in order to accomplish the aforementioned relocations and exchanges, the City and Pheasant Ridge R.V. Park, Inc., have entered into a Water Reservoir Access Easement Agreement and a separate Pipeline and Utility Easement, which have been made of record to these proceedings and filed with the City Recorder; and

WHEREAS, the parties desire and intend that the northerly portion of the current access and construction easement will be retained as is described in the exhibits to the Water Reservoir Access Easement Agreement. To accomplish this as part of the exchange, the City will convey to Pheasant Ridge R.V. Park, Inc., by Reconveyance and Quitclaim of Easement all of its interest to the easements in Recorder's Fee No. 89-03961 and then will sequentially record the Water Reservoir Access Easement Agreement and the Pipeline and Utility Easement; and

WHEREAS, the City has obtained appraisal information and has weighed and balanced the various components of consideration set forth in the above mentioned documents in making these findings. By entering into and accepting the Water Reservoir Access Easement Agreement and the Pipeline and Utility Easement and conveying its easements described in Washington County Recorder's Fee No. 89-03961, the City is effecting a relocation and an exchange of easements and consideration of equal value in keeping with ORS 271.430. The City Manager shall be authorized to accept amendments to the legal description for access upon staff recommendation and agreement of the property owner to save trees and which do not impair access.

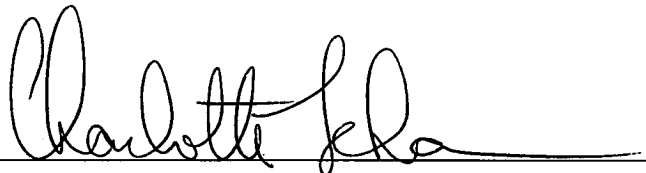
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The above findings are incorporated herein;
2. The City Council hereby approves the conveyance to Pheasant Ridge R.V. Park, Inc., the easements created by instrument recorded in Washington County Recorder's Office January 27, 1989, Recorder's Fee No. 89-03961 by Reconveyance and Quitclaim of Easement, a copy of which is marked Exhibit 1 and incorporated by reference herein;
3. The City Council hereby approves and accepts the Water Reservoir Access Agreement and the Pipeline and Utility Easement executed, granted and conveyed by Pheasant Ridge R.V. Park, Inc., to the City of Wilsonville;


4. The City Recorder is directed to record in sequential order: (1) this resolution, (2) the Reconveyance and Quitclaim of Easement, (3) the Water Reservoir Access Easement Agreement, and (4) the Pipeline and Utility Easement; and

5. If City staff and the duly authorized representative of Pheasant Ridge R.V. Park, Inc., agree that amendment(s) to the legal description of the access will preserve trees without impairing access, then the City Manager is authorized to execute and/or accept any such amendment(s) on behalf of the City and to cause same to be duly recorded.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 3rd day of May, 1999.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, Mayor

Attest:

  
\_\_\_\_\_  
SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Holt	<u>Yes</u>

Reconveyance and Quitclaim of Easement

KNOW ALL MEN BY THESE PRESENTS that City of Wilsonville, a municipal corporation, hereinafter called Grantor, releases and quitclaims to Pheasant Ridge R.V. Park, Inc., for the consideration hereinafter stated, all right, title and interest in and to the following real property easements, described as follows:

Pipeline and Access Road Easement, Washington County Deed Records, Recorder No. 89-03961, The legal description is set forth in "EXHIBIT A" attached hereto, and incorporated by reference herein.

The consideration paid for this transfer, stated in terms of dollars, is \$ 2500.00 . However, the actual consideration consists of or includes other property or value given or promised which is part of 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 \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

GRANTOR: CITY OF WILSONVILLE, a municipal corporation,

By \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON )
) ss
County of Clackamas )

This instrument was acknowledged before me on \_\_\_\_\_, 199\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of the City of Wilsonville.

Notary Public for Oregon
My Commission Expires: \_\_\_\_\_

After recording, return to:
City Recorder, City of Wilsonville
30000 SW Town Center Loop E.
Wilsonville, OR 97070

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\_\_.

\_\_\_\_\_  
Michael A. Stone, P.E., City Engineer  
City of Wilsonville, Oregon

AUTHORIZED on behalf of the city of Wilsonville, Oregon

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

\_\_\_\_\_  
Charlotte Lehan, Mayor

ATTESTED TO:

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

\_\_\_\_\_  
Date

Pipeline and Access Road Easement Description

A strip of land in Section 1, Township 3 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

The east 25 feet of a parcel of land described in Fee #80-034765 as recorded in the Records of Deeds of Washington County, State of Oregon; also including an additional 35 foot temporary easement for construction purposes; said 35 foot strip of land being contiguous to the west line of the above described 25 foot strip of land. Excepting therefrom that portion dedicated as a public way by instrument recorded 10-24-88 as Fee Number 88-47286.

