

**RESOLUTION NO. 1580**

**A RESOLUTION ACCEPTING A STREET DEDICATION AND PIPELINE EASEMENT ASSOCIATED WITH FREEMAN COURT PHASE III; GRANTOR, SPECHT WILSONVILLE L.L.C.**

WHEREAS, Specht Wilsonville L.L.C. is developing a project with access to Freeman Court; and

WHEREAS, in order to develop the project, the grantor applied for and received an Engineering permit to construct a cul-de-sac at Freeman Court, known as Freeman Court Extension Phase III; and

WHEREAS, the current Transportation Master Plan contains a connection between 95th Avenue and the future extension of Kinsman Avenue, commonly referred to as Freeman Court Extension; and

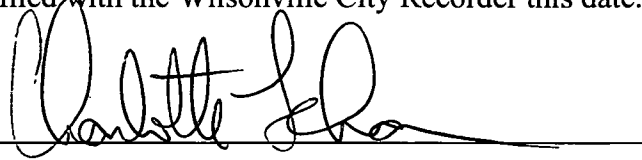
WHEREAS, portions of Freeman Court have been completed in conjunction with previously approved development; and

WHEREAS, Specht Wilsonville L.L.C. is proposing to construct the remaining portion of Freeman Court in conjunction with the Wilsonville Industrial Park.

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

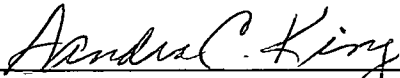
1. The street dedication and public utility easement, copies of which are marked "Exhibit 1" and "Exhibit 2" respectively, attached hereto and incorporated herein, are hereby accepted by the City of Wilsonville.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 19th day of July, 1999, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

Attest:



SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Kirk	Yes
Councilor Barton	Yes
Councilor Holt	Yes

**STREET DEDICATION FOR:**  
**Grantor - Limited Liability Company**

KNOW ALL MEN BY THESE PRESENTS, that SPECHT WILSONVILLE, LLC

hereinafter referred to as "GRANTOR" does hereby dedicate, grant, transfer and convey to the CITY OF WILSONVILLE and its assigns for the use of the public as public way, street and road, forever, certain real property described as follows, to-wit:

SEE EXHIBIT "A" Legal Description AND EXHIBIT "B" Locational Map attached hereto, and incorporated by reference as if fully set forth herein.

TO HAVE AND TO HOLD the above described and dedicated premises unto the City of Wilsonville for the Public forever for the uses and purposes herein above mentioned; provided, however, in the event said premises are not used or cease to be used for public purpose, the premises shall revert to the GRANTOR.

The true and actual consideration paid for the transfer, stated in terms of dollars, is \$ -0-

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 dedication this 16 day of September, 1998.

GRANTOR: SPECHT WILSONVILLE, LLC an Oregon limited  
(Name of Limited Liability Company liability company  
By: SPECHT PROPERTIES, INC. Its  
(Agent) President Manager  
Gregory L. Specht  
By: \_\_\_\_\_  
(Agent)

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

STATE OF OREGON )

County of WASHINGTON ) ss

On this 16 day of September 19 98, before me, a notary public in and for said County and State, personally appeared GREGORY L. SPECHT known to me to be the person whose name subscribed to the within instrument and acknowledged that HE 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.



Laurie D. Lonto  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: November 17, 2001

STATE OF OREGON )

County of ) ss

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 18 day of November, 1998.

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

APPROVED AS TO LEGAL DESCRIPTION

this 23<sup>rd</sup> day of November, 1998.

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

ACCEPTED on behalf of the City of Wilsonville, Oregon

this 20<sup>th</sup> day of July, 19 99

Charlotte Lehan, Mayor

ATTESTED TO:

Sandra C. King, CMC, City Recorder  
Street Dedication 713(e) Rev. 1/10/97  
Page 2 of 2

July 20, 1999  
Date:



**Weddle & Associates, Inc.**

**Professional Land Surveyors**

1750 S.W. Skyline Blvd., Suite 105  
Portland, Oregon 97221

OFFICE (503) 292-6083 - TOLL FREE (888) 222-8083  
FAX (503) 292-0938

July 9, 1999  
Job No. 2788BLB  
(Rev.)

EXHIBIT "A"  
ROAD DEDICATION  
SW FREEMAN CT. (SPECHT)  
LEGAL DESCRIPTION:

A tract of land for street dedication purposes, being part of that real property described in Warranty Deed to Specht Wilsonville LLC, Document No. 96-81429, Clackamas County Deed Records, situated in the Northwest quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point on the east line of the aforesaid Sphect Wilsonville LLC tract of land, said point bears South 00°03'57" East, 703.24 feet from the northeast corner thereof; thence continuing along said east line South 00°03'57" East, 46.00 feet; thence leaving said east line South 89°30'19" West, 2.83 feet to the beginning of a tangent 26.00 foot radius curve to the left; thence along the arc of said curve 22.62 feet through a central angle of 49°51'13" (the long chord bears South 64°34'43" West, 21.92 feet) to the beginning of a 50.00 foot reverse curve to the right; thence along the arc of said curve 244.09 feet through a central angle of 279°42'27" (the long chord bears North 00°29'41" East, 64.47 feet) to the beginning of a 26.00 foot reverse curve to the left; thence along the arc of said curve 22.62 feet through a central angle of 49°51'13" (the long chord bears South 65°34'04" East, 21.92 feet; thence North 89°30'19" East, 3.17 feet to the point of beginning.

Containing therein 8,498 square feet.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 21, 1997  
C. R. PELSER  
2801

EXPIRES 12-30-2000

# Exhibit "B"

## STREET DEDICATION

NW 1/4 SEC. 11, T.3S., R.1W., W.M.  
 City of Wilsonville, Clackamas County  
 Oregon



SCALE: 1" = 30'  
 JULY 9, 1999

EAST LINE  
 DOC. NO. 96-81429  
 SPECHT WILSONVILLE LLC

BONNEVILLE POWER ADMINISTRATION  
 BOOK 267 PAGE 308

DOC. NO. 95 053803

N 89°30'19"E 100.00'

P.O.B.

N 89°30'19"E 3.17'

S 89°30'19"W 61.09'

S 89°30'19"W

S.W. Freeman Ct.

S 89°30'19"W 2.83'

S 89°30'19"W 100.00'

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

DOC. NO. 97-022467

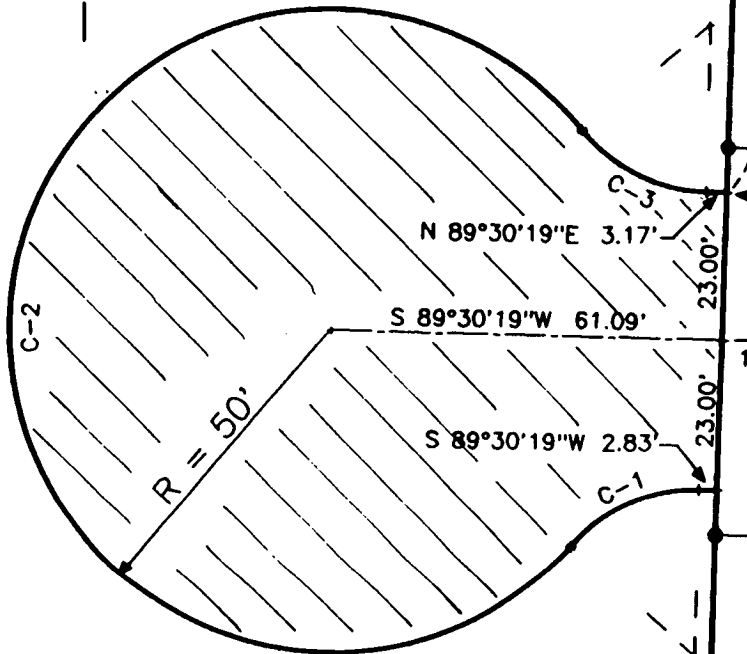
*C.R. Pelsler*  
 OREGON  
 JANUARY 21, 1997  
 C.R. PELSNER  
 2801

EXPIRES DECEMBER 31, 2000

Job No. 2788BLB

(Rev.)

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH. BEARING
C-1	26.00'	22.62'	49°51'13"	21.92'	S 64°34'43"W
C-2	50.00'	244.09'	279°42'27"	64.47'	N 00°29'41"W
C-3	26.00'	22.62'	49°51'13"	21.92'	S 65°34'04"E



**PUBLIC UTILITY EASEMENT**  
**Grantor - Limited Liability Company**

KNOW ALL MEN BY THESE PRESENTS, that SPECHT WILSONVILLE, LLC

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.
2. A map of the above legal description is set forth in EXHIBIT "B" and incorporated by reference herein.

together with a temporary working easement as follows:

N/A

The temporary working easement shall be effective only for and during the time of the initial construction of the improvement 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/part of the) consideration (indicate which)\*. (If not applicable, the sentence between the symbols \* should be deleted. 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 Grantee, through 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 public utility 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.
4. Grantor and its successors and/or assigns will not be responsible for damage by others to said public utilities.
5. Grantee will indemnify and hold harmless the Grantor and 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 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 16 day of September, 1998.

Grantor(s): SPECHT WILSONVILLE, LLC an Oregon limited liability company  
 (Name of Limited Liability Company) liability company  
 By: SPECHT PROPERTIES, INC. Its Manag  
 By: [Signature]  
 (Authorized Manager and/or Member) President  
Gregory L. Specht  
 (Authorized Manager and/or Member)

STATE OF OREGON )  
 ) ss  
 County of WASHINGTON )

On this 16 day of SEPTEMBER, 1998, before me, a notary public in and for said County and State, personally appeared GREGORY L. SPECHT, 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.

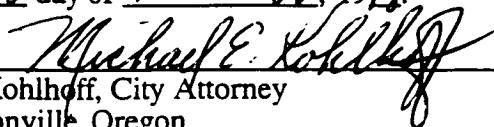
[Signature]  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: November 17, 2001






APPROVED AS TO FORM

this 18 day of November, 1998.

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

APPROVED AS TO LEGAL DESCRIPTION

this 27<sup>th</sup> day of NOVEMBER, 1998

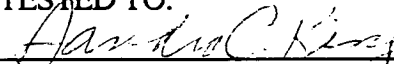
  
\_\_\_\_\_  
Mike Stone, P.E., City Engineer  
City of Wilsonville, Oregon

ACCEPTED on behalf of the City of Wilsonville, Oregon

this 20<sup>th</sup> day of July, 1999.

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

ATTESTED TO:

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

July 20, 1999  
\_\_\_\_\_  
Date:



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REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 21, 1997  
C. R. PELSER  
2801

EXPIRES 12-30-2000

EXHIBIT "A"  
PUBLIC UTILITY EASEMENT (SPECHT)  
LEGAL DESCRIPTION:

July 9, 1999  
Job No. 2788BEA  
(Rev)

A strip of land, 6 feet in width, for public utility easement purposes, being part of that real property described in Warranty Deed to Specht Wilsonville LLC, Document No. 96-81429, Clackamas County Deed Records, situated in the Northwest quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point on the east line of the aforesaid Specht Wilsonville LLC tract of land, said point bears South 00°03'57" East, 749.24 feet from the northeast thereof; thence leaving said east line South 89°30'19" West, 2.83 feet to the beginning of a tangent 26.00 foot radius curve to the left; thence along the arc of said curve 22.62 feet through a central angle of 49°51'13" (the long chord bears South 64°34'43" West, 21.92 feet) to the beginning of a 50.00 foot reverse curve to the right; thence along the arc of said curve 244.09 feet through a central angle of 279°42'27" (the long chord bears North 00°29'41" West, 64.47 feet) to the beginning of a 26.00 foot reverse curve to the left; thence along the arc of said curve 22.62 feet through a central angle of 49°51'13" (the long chord bears South 65°34'04" East, 21.92 feet); thence North 89°30'19" East, 3.17 feet to the east line of that tract of land described in Document No. 96-81429 said Deed Records; thence along said east line North 00°03'57" West, 6.00 feet; thence leaving said east line South 89°30'19" West, 3.22 feet to the beginning of a tangent 20.00 foot radius curve to the right; thence along the arc of said curve 17.40 feet through a central angle of 49°51'13" (the long chord bears North 65°34'04" West, 16.86 feet) to the beginning of a 56.00 foot reverse curve to the left; thence along the arc of said curve 273.38 feet through a central angle of 279°42'27" (the long chord bears South 00°29'41" East, 72.21 feet) to the beginning of a 20.00 foot reverse curve to the right; thence along the arc of said curve 17.40 feet through a central angle of 49°51'13" (the long chord bears North 64°34'43" East, 16.86 feet); thence North 89°30'19" East, 2.78 feet to the east line of that tract of land described in Document No. 96-81429, said Deed Records; thence along said east line North 00°03'57" West, 6.00 feet to the point of beginning.

Containing therein 1,829 square feet.

# Exhibit "B"

## PUBLIC UTILITY EASEMENT

NW 1/4 SEC. 11, T.3S., R.1W., W.M.  
City of Wilsonville, Clackamas County

OREGON

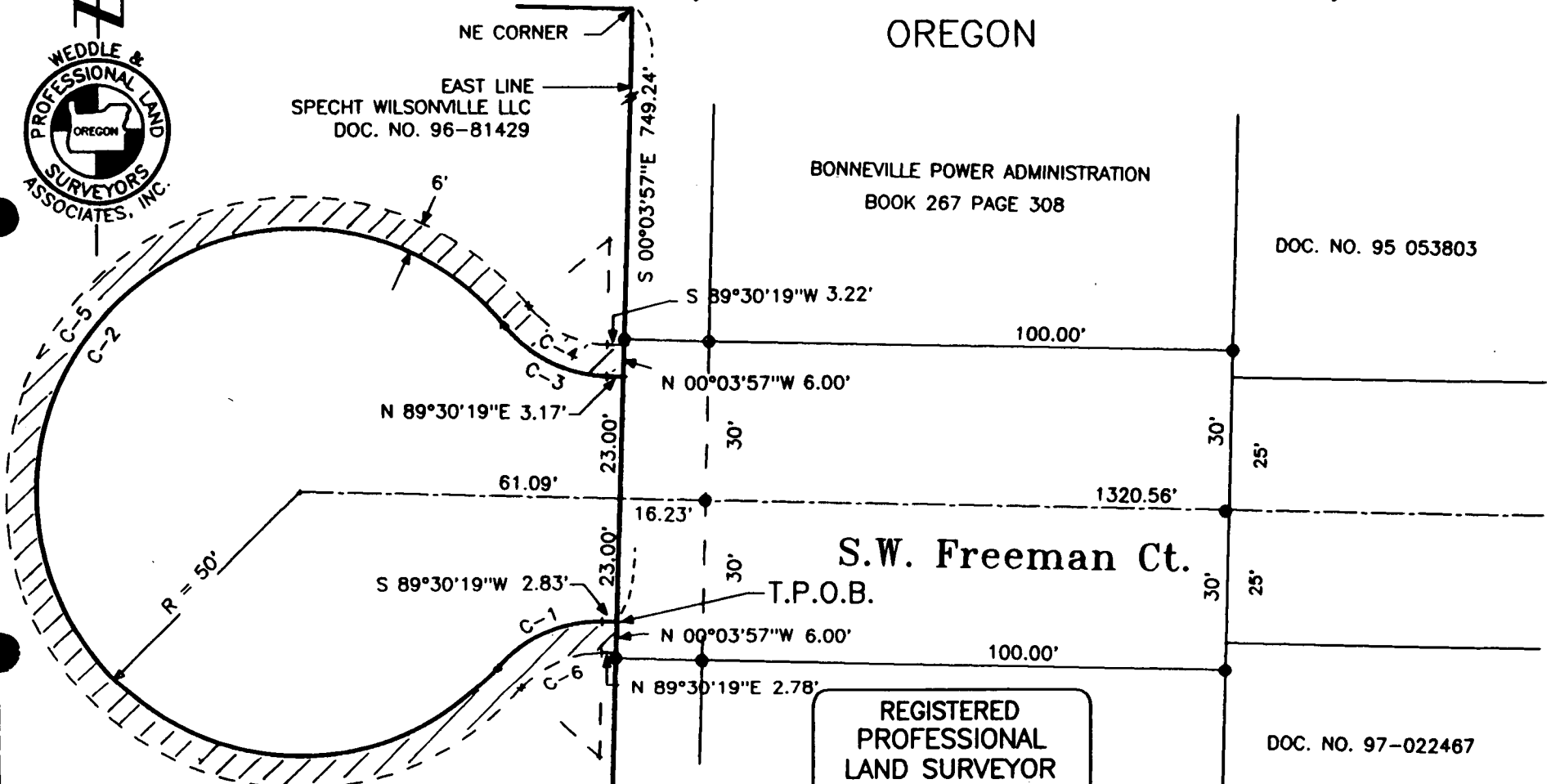
SCALE: 1" = 30'  
JULY 9, 1999



EAST LINE  
SPECHT WILSONVILLE LLC  
DOC. NO. 96-81429

BONNEVILLE POWER ADMINISTRATION  
BOOK 267 PAGE 308

DOC. NO. 95 053803



S.W. Freeman Ct.  
T.P.O.B.

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
C-1	26.00'	22.62'	49°51'13"	21.92'	S 64°34'43"W
C-2	50.00'	244.09'	279°42'27"	64.47'	N 00°29'41"W
C-3	26.00'	22.62'	49°51'13"	21.92'	S 65°34'04"E
C-4	20.00'	17.40'	49°51'13"	16.86'	N 65°34'04"W
C-5	56.00'	273.38'	279°42'27"	72.21'	S 00°29'41"E
C-6	20.00'	17.40'	49°51'13"	16.86'	N 64°34'43"E

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*C.R. Pelsner*  
OREGON  
JANUARY 21, 1997  
C.R. PELSER  
2801

EXPIRES DECEMBER 31, 2000

DOC. NO. 97-022467

Job No. 2788BEA  
(REV)