

RESOLUTION NO. 1889

A RESOLUTION OF THE CITY OF WILSONVILLE RELEASING THE CITY'S INTEREST IN A SEWER PIPELINE EASEMENT, CLACKAMAS COUNTY RECORDER'S NO. 73-15186

WHEREAS, a perpetual easement along with a temporary construction easement for sewer pipeline purposes from Wilsonville Investments Co. Inc., Grantor, to the City of Wilsonville, Grantee, was recorded on May 17, 1973, Clackamas County Recorder's No. 73-15186, which legal descriptions are attached as Exhibit A; and

WHEREAS, a public sanitary sewer line has been realigned within the Lowrie's Marketplace development, replacing the need for the easement set forth in Recorder's No. 73-15186 and it no longer serves a public purpose; and

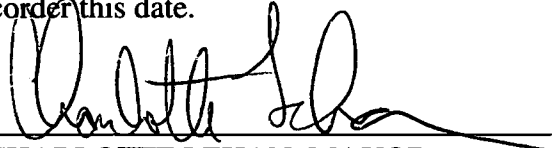
WHEREAS, permanent easements over the realigned sewer pipeline from Wilsonville Investors, LLC, Grantor, to the City of Wilsonville, Grantee, were recorded on May 10, 2004, Clackamas County Recorder's No. 2004-041425, 2004-041429, and 2004-041434;

WHEREAS, a map representing the location of the sewer easements recording no. 73-15186, recording no. 2004-041425, recording no. 2004-041429, and recording no. 2004-041434 are attached as Exhibit B.

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

1. Based on the findings recited above, the City of Wilsonville's interest in the easement set forth in Clackamas County Recorder's No. 73-15186 no longer serve a public purpose and the interest in said easement hereby reverts and is granted to Wilsonville Investors, LLC, an Oregon Limited Liability Company and Wilsonville Shopping Center, Inc., an Oregon corporation.
2. This resolution is effective the date of adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of August, 2004, 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
Council President Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

EXHIBIT "A"

1. Perpetual Easement:

A perpetual easement and right-of-way for the purpose of constructing, operating and maintaining an underground sewer line, reserving to Grantor the title to the land, subject to the easement and the right to make such use thereof as will not interfere with the uses and purposes of the easement, of the following described premises:

The southerly 20 feet of that parcel of land described in instrument number 71-1960, Clackamas County Records.

The southerly 20 feet of that parcel of land adjoining on the north that parcel of land described in instrument number 71-1961 Clackamas County Records excepting the westerly 60 feet.

A strip of land 20 feet in width adjacent to and southerly of the northerly line of the Thomas Bailey D.L.C. in that parcel of land described in Bk. 645, Pg. 629, Clackamas County Records.

2. Temporary Easement:

Together with a temporary right of ingress, egress and regress for construction purposes only, during the period of construction of the sewer facilities within the above designated perpetual easement area, within a strip of land lying Northerly, parallel to, along and within 15 feet of the Northerly boundary of the above described perpetual easement area.

This temporary easement shall terminate upon completion of the construction of the sewer line within the permanent easement area, and upon such completion, the City shall execute and record a written release thereof.

EXHIBIT "1"

1. Perpetual Easement:

A perpetual easement and right-of-way for the purpose of constructing, operating and maintaining an underground sewer line, reserving to Grantor the title to the land, subject to the easement and the right to make such use thereof as will not interfere with the uses and purposes of the easement, of the following described premises:

The southerly 20 feet of that parcel of land described in instrument number 71-1960, Clackamas County Records.

The southerly 20 feet of that parcel of land adjoining on the north that parcel of land described in instrument number 71-1961 Clackamas County Records excepting the westerly 60 feet.

A strip of land 20 feet in width adjacent to and southerly of the northerly line of the Thomas Bailey D.L.C. in that parcel of land described in Bk. 645, Pg. 629, Clackamas County Records.

2. Temporary Easement:

Together with a temporary right of ingress, egress and regress for construction purposes only, during the period of construction of the sewer facilities within the above designated perpetual easement area, within a strip of land lying Northerly, parallel to, along and within 15 feet of the Northerly boundary of the above described perpetual easement area.

This temporary easement shall terminate upon completion of the construction of the sewer line within the permanent easement area, and upon such completion, the City shall execute and record a written release thereof.

35
12
7P

EXHIBIT "2"

COPY

Clackamas County Official Records
Sherry Hall, County Clerk

2004-041425

PIPELINE EASEMENT
Grantor - Limited Liability Company



\$56.00

05/10/2004 02:04:39 PM

D-E Cnt=1 Stn=3 BEVERLY
\$35.00 \$11.00 \$10.00

28108M

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



KNOW ALL MEN BY THESE PRESENTS, that Wilsonville Investors, LLC, an
Oregon limited liability company

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 construction easement as follows: _____

The temporary construction easement shall be effective only for and during the time of the initial construction of the below described public improvements, and shall under any circumstances be extinguished and expire on _____, 200__ (specific date).

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. 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 or structure shall be constructed over the pipeline easement right-of-way.

2. To the extent allowed by law, 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.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 20th day of April, 2004.

GRANTOR:

Wilsonville Investors LLC
(Name of Limited Liability Company)

By:

[Signature]
(Agent)

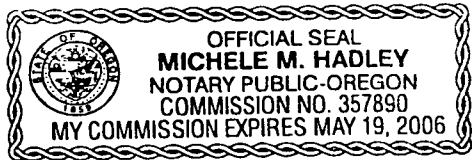
Lance E. Killian
(Agent)

STATE OF OREGON)

County of Multnomah) ss

On this 20th day of April, 2004, before me, a notary public in and for said County and State, personally appeared Lance F. Killian, 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.



NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

STATE OF OREGON)

County of _____) ss

On this _____ day of _____, 200__, 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 hereunto set my hand and official seal on the day and year above written.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

3

APPROVED AS TO FORM

this 30 day of April, 2004.

Paul A. Lee
Paul A. Lee, Assistant City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this 4th day of May, 2004.

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

ACCEPTED on behalf of the City of Wilsonville, OR,
this 6th day of May, 2004.

David Donaldson
David Donaldson, Deputy City Manager

ATTESTED TO:

Sandra C. King
Sandra C. King, CMC, City Recorder
Date: May 6, 2004

STATE OF OREGON)
) ss
County of Clackamas)

On this 6 day of May, 2004, before me personally appeared David Donaldson, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that she executed the same.

Diane M. Pankonin
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/29/07



4

EXHIBIT A

TETSUKA ASSOCIATES, INC.

LEGAL DESCRIPTION FOR
15.00 FOOT WIDE SANITARY LINE
PUBLIC UTILITY EASEMENT

REAL PROPERTY SITUATED IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN THAT DEED, RECORDED UNDER FEE NUMBER 2002-127237, RECORD IN SAID COUNTY, LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 23;

THENCE S88°24'44"E, ALONG THE NORTH LINE OF SECTION 23, A DISTANCE OF 464.91 FEET TO THE NORTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SW BOONES FERRY ROAD

THENCE S14°49'19"W, ALONG SAID WEST RIGHT-OF-WAY LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 458.83 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN FEE NUMBER 2002-127238;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, N88°19'05"W, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 91.86 FEET TO THE **TRUE POINT OF BEGINNING;**

THENCE S76°12'22"E, LEAVING THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 79.52 FEET;

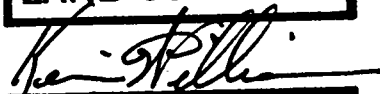
THENCE S13°47'38"W, A DISTANCE OF 15.00 FEET;

THENCE N76°12'22"W, A DISTANCE OF 149.42 FEET TO THE SOUTH LINE OF SAID TRACT;

THENCE S88°19'05"E, ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 71.49 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1717 SQUARE FEET (0.039ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JAN. 18, 1904
KEVIN WILLIAMS
2860

RENEWS 6/30/04

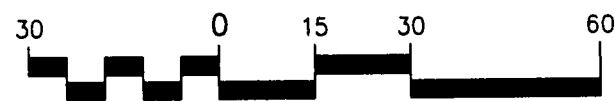
EXHIBIT B



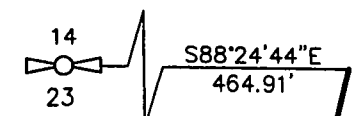
JOB NO.: SIM 1147
TETSUKA ASSOCIATES, INC.
LAND SURVEY CONSULTING

9900 S.W. WILSHIRE STREET, #110
PORTLAND, OR 97225
503.517.0682 FAX: 503.445.1300

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
15.00 FOOT WIDE SANITARY LINE EASEMENT
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON
FEBRUARY 10, 2004



GRAPHIC SCALE
(IN FEET)
1 INCH = 30 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kevin Williams

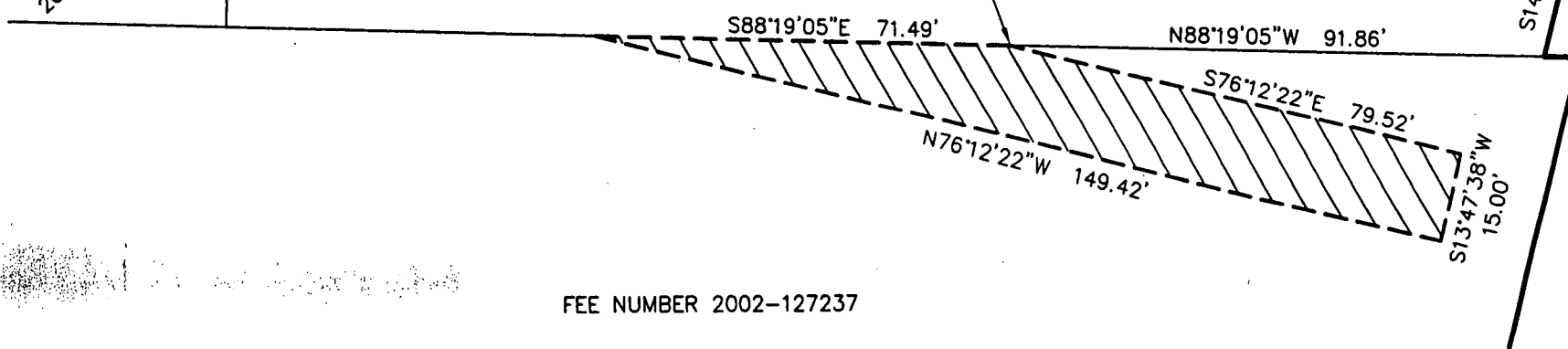
OREGON
JAN. 18, 1994
KEVIN WILLIAMS
2650

RENEWAL DATE 6-30-04

FEE NUMBER
2002-127239

FEE NUMBER
2002-127238

POINT OF
BEGINING



SW BOONES FERRY ROAD

FEE NUMBER 2002-127237

COPY

EXHIBIT "3"

Clackamas County Official Records
Sherry Hall, County Clerk

2004-041429

PIPELINE EASEMENT
Grantor - Limited Liability Company



\$56.00

05/10/2004 02:04:39 PM

D-E Cnt=1 Stn=3 BEVERLY
\$35.00 \$11.00 \$10.00

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

KNOW ALL MEN BY THESE PRESENTS, that Wilsonville Investors, LLC, an Oregon limited liability company

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 construction easement as follows: _____

The temporary construction easement shall be effective only for and during the time of the initial construction of the below described public improvements, and shall under any circumstances be extinguished and expire on _____, 200__ (specific date).

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. 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

CHICAGO

281085
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-035

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 or structure shall be constructed over the pipeline easement right-of-way.

2. To the extent allowed by law, 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.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 20th day of April, 2004.

GRANTOR:

Wilsonville Investors, LLC
(Name of Limited Liability Company)

By:

[Signature]
(Agent)

Lorne E. Killian
(Agent)

STATE OF OREGON)
County of Multnomah) ss

On this 20th day of April, 2004, before me, a notary public in and for said County and State, personally appeared Lance E. Killian, 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.



Michele M. Hadley
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-19-06

STATE OF OREGON)
County of _____) ss

On this _____ day of _____, 200__, 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 hereunto set my hand and official seal on the day and year above written.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

3

APPROVED AS TO FORM

this 30 day of April, 2004.

Paul A. Lee

Paul A. Lee, Assistant City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this 4th day of May, 2004.

Michael A. Stone

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

ACCEPTED on behalf of the City of Wilsonville, OR,
this 6th day of May, 2004.

David Donaldson

David Donaldson, Deputy City Manager

ATTESTED TO:

Sandra C. King

Sandra C. King, CMC, City Recorder
Date: May 6, 2004

STATE OF OREGON)

) ss

County of Clackamas)

On this 6 day of May, 2004, before me personally appeared David Donaldson, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that ~~she~~ he executed the same.

Diane M. Pankonin

NOTARY PUBLIC FOR OREGON

My Commission Expires: 11/29/07



4

EXHIBIT A

TETSUKA ASSOCIATES, INC.

LEGAL DESCRIPTION FOR
15.00 FOOT WIDE SANITARY LINE
PUBLIC UTILITY EASEMENT

REAL PROPERTY SITUATED IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN THAT DEED, RECORDED UNDER FEE NUMBER 2002-127238, RECORD IN SAID COUNTY, LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 23;

THENCE S88°24'44"E, ALONG THE NORTH LINE OF SECTION 23, A DISTANCE OF 464.91 FEET TO THE NORTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SW BOONES FERRY ROAD

THENCE S14°49'19"W, ALONG SAID WEST RIGHT-OF-WAY LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 458.83 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN FEE NUMBER 2002-127238;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, N88°19'05"W, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 91.86 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N76°12'22"W, LEAVING THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 138.13 FEET TO THE WEST LINE OF SAID TRACT;

THENCE S01°40'55"W, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 15.34 FEET;

THENCE S76°12'22"E, LEAVING THE WEST LINE OF SAID TRACT, A DISTANCE OF 65.01 FEET TO THE SOUTH LINE OF SAID TRACT;

THENCE S88°19'05"E, ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 71.49 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1524 SQUARE FEET (0.035ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kevin Williams

OREGON
JAN. 18, 1984
KEVIN WILLIAMS
2650

RENEWAL 6/30/04

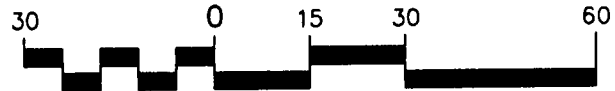
EXHIBIT B



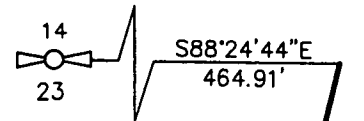
JOB NO.: SIM 1147
TETSUKA ASSOCIATES, INC.
LAND SURVEY CONSULTING

9900 S.W. WILSHIRE STREET, #110
PORTLAND, OR 97225
503.517.0682 FAX: 503.445.1300

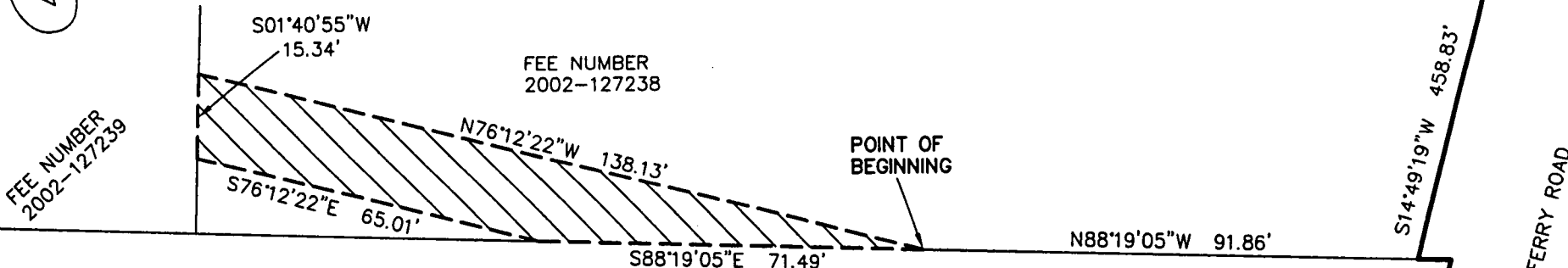
EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
15.00 FOOT WIDE SANITARY LINE EASEMENT
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON
FEBRUARY 10, 2004



GRAPHIC SCALE
(IN FEET)
1 INCH = 30 FEET



(V)



FEE NUMBER
2002-127239

FEE NUMBER
2002-127238

POINT OF
BEGINNING

FEE NUMBER 2002-127237

SW BOONES FERRY ROAD



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Kevin Williams
OREGON
JAN. 18, 1994
KEVIN WILLIAMS
2650

RENEWAL DATE 6-30-04

7p

COPY

EXHIBIT "A"

Clackamas County Official Records
Sherry Hall, County Clerk

2004-041434

PIPELINE EASEMENT

Grantor - Corporation



\$56.00

05/10/2004 02:04:39 PM

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

D-E Cnt=1 Stn=3 BEVERLY
\$35.00 \$11.00 \$10.00

KNOW ALL MEN BY THESE PRESENTS, that Wilsonville Shopping Center, Inc.,
an Oregon corporation

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 construction easement as follows: _____

The temporary construction easement shall be effective only for and during the time of the initial construction of the below described public improvements, and shall under any circumstances be extinguished and expire on _____, 200__ (specific date).

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. 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 or structure shall be constructed over the pipeline easement right-of-way.

2. To the extent allowed by law, 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.

IN WITNESS WHEREOF, the undersigned grantor has executed this easement, this 27 day of April, 2004.

GRANTOR(S): Wilsonville Shopping Center LLC
(Name of Corporation)

BY: Terry Lowrie V.P.
(Name of Duly Authorized Representative)

Terry Lowrie, V.P.
Title

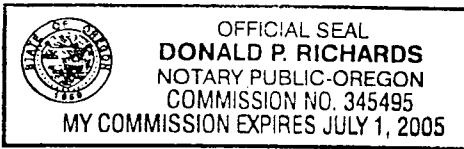
2

STATE OF OREGON)
) ss
County of CLACKAMAS)

On this 27th day of APRIL, 2004, before me, a notary public in and for said County and State, personally appeared TERRY LOWRIE, 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.

Donald P. Richards
NOTARY PUBLIC FOR OREGON
My Commission Expires: 7-1-05



APPROVED AS TO FORM

this 30th day of April, 2004.

Paul A. Lee

Paul A. Lee, Assistant City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this 9th day of April, 2004.

Michael A. Stone

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

ACCEPTED on behalf of the City of Wilsonville,
OR, this 6th day of May, 2004.

David Donaldson

David Donaldson
Deputy City Manager

ATTESTED TO:

Sandra C. King

Sandra C. King, CMC, City Recorder
Date: May 6, 2004

STATE OF OREGON)
) ss
County of Clackamas)

On this 6 day of May, 2004, before me personally
appeared David Donaldson, personally known to me to be the person whose
name is subscribed to this instrument, and acknowledged that she executed the same.

Diane M. Pankonin

NOTARY PUBLIC FOR OREGON

My Commission Expires: 11/29/07



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EXHIBIT A

TETSUKA ASSOCIATES, INC.

LEGAL DESCRIPTION FOR
15.00 FOOT WIDE SANITARY LINE
PUBLIC UTILITY EASEMENT

REAL PROPERTY SITUATED IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN THAT DEED, RECORDED UNDER FEE NUMBER 2002-127239, RECORDS IN SAID COUNTY, LYING IN THE NORTH HALF OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 23;

THENCE N88°24'44"W, ALONG THE NORTH LINE OF SECTION 23, A DISTANCE OF 110.04 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN FEE NUMBER 2002-127240;

THENCE LEAVING SAID NORTH LINE, S01°34'31"W, ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF THOSE TRACTS OF LAND DESCRIBED IN FEE NUMBER 2002-127240 AND 2002-127239, A DISTANCE OF 437.69 FEET TO THE **TRUE POINT OF BEGINNING;**

THENCE S88°31'11"E, LEAVING SAID WEST LINE, A DISTANCE OF 39.83 FEET;

THENCE N53°03'17"E, A DISTANCE OF 28.89 FEET;

THENCE S88°34'54"E, A DISTANCE OF 153.68 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE S76°12'22"E, A DISTANCE OF 27.43 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN FEE NUMBER 2002-127239 AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION;

TOGETHER WITH A 15.00 FOOT WIDE STRIP THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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BEGINNING AT A POINT DEFINED AS POINT "A", ABOVE

THENCE N01°43'37"E, A DISTANCE OF 136.93 FEET TO THE NORTH LINE OF SAID TRACT AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION.

THE SIDELINES OF SAID EASEMENT ARE TO BE EXTENDED AND/OR SHORTENED TO BEGIN ON THE WEST LINE OF SAID TRACT OF LAND AND END ON THE NORTH AND EAST LINES OF SAID TRACT OF LAND.

CONTAINS 5694 SQUARE FEET (0.131 ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JAN. 18, 1884
KEVIN WILLIAMS
2650

RENEWAL 6/30/04

6

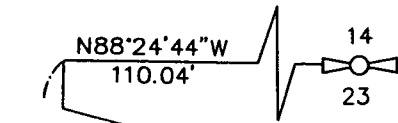


JOB NO.: SIM 1147
TETSUKA ASSOCIATES, INC.
LAND SURVEY CONSULTING
9900 S.W. WILSHIRE STREET, #110
PORTLAND, OR 97225
503.517.0682 FAX: 503.445.1300

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
15.00 FOOT WIDE SANITARY LINE EASEMENT
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON
FEBRUARY 10, 2004

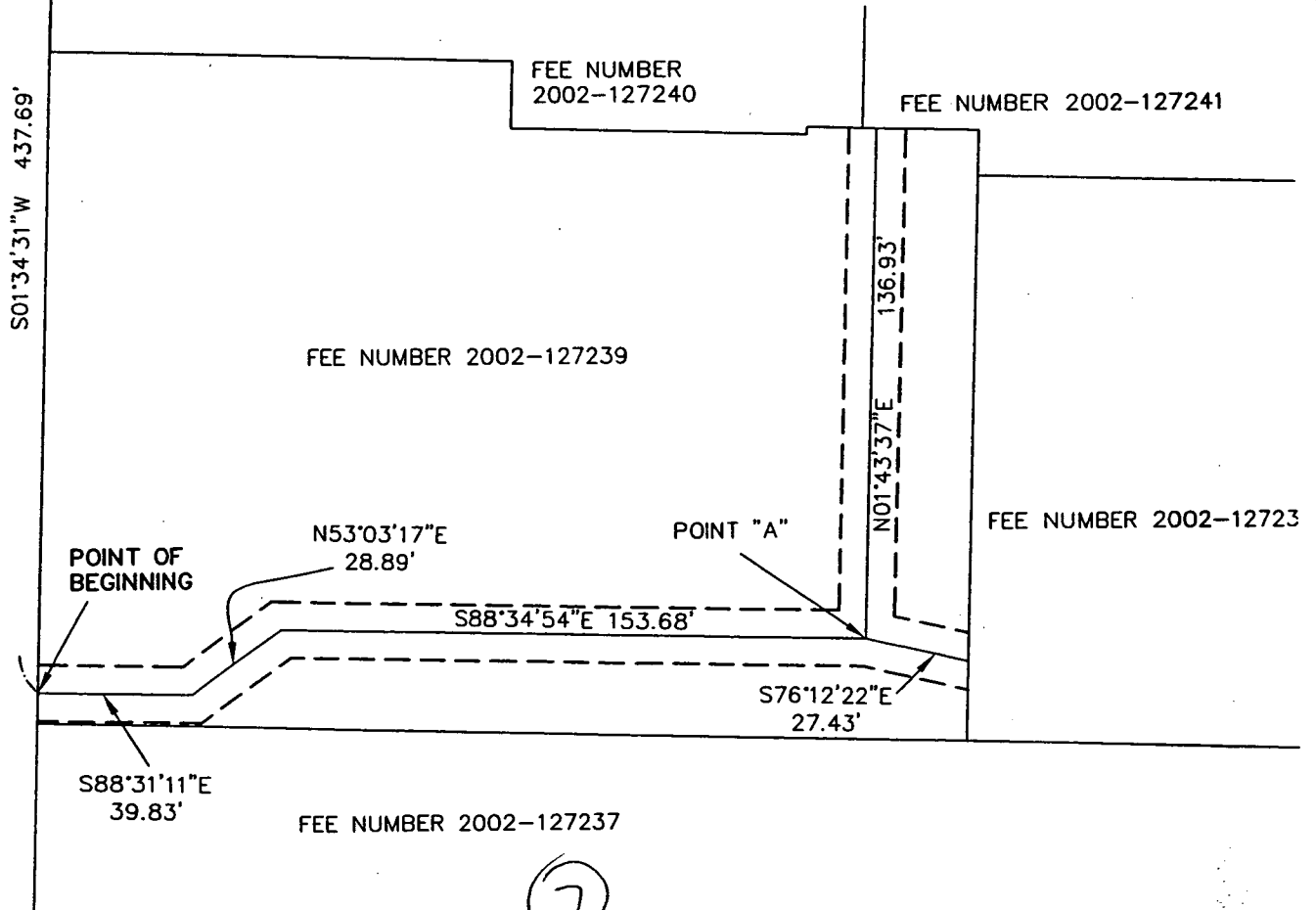


GRAPHIC SCALE
(IN FEET)
1 INCH = 50 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Kevin Williams
OREGON
JAN. 18, 1994
KEVIN WILLIAMS
2650

RENEWAL DATE 6-30-04



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Exhibit "5"

RECONVEYANCE AND QUITCLAIM OF EASEMENT

Grantor - Corporation

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

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF WILSONVILLE, a municipal corporation, Grantor, releases and quitclaims to Wilsonville Investors, LLC, an Oregon Limited Liability Company, Grantee, and Wilsonville Shopping Center, Inc., an Oregon Corporation, 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 as set forth in Exhibit "A" attached hereto and incorporated by reference herein.

A map of the above legal description as 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 30.390.

IN WITNESS WHEREOF, the undersigned grantor has executed this Reconveyance and Quitclaim of Easement this ____ day of _____, 2004.

GRANTOR: CITY OF WILSONVILLE, a municipal corporation

CHARLOTTE LEHAN, MAYOR

STATE OF OREGON)
) ss
County of Clackamas)

On this ____ day of _____, 2004, 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 THEREOF, I have hereunto 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 ____ day of _____, 2004

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

APPROVED AS TO LEGAL DESCRIPTION

This ____ day of _____, 2004

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

AUTHORIZED on behalf of the City of Wilsonville, Oregon

This ____ day of _____, 2004

Charlotte Lehan, Mayor

ATTESTED TO:

Sandra King, City Recorder,

Date

EXHIBIT "A"

1. Perpetual Easement:

A perpetual easement and right-of-way for the purpose of constructing, operating and maintaining an underground sewer line, reserving to Grantor the title to the land, subject to the easement and the right to make such use thereof as will not interfere with the uses and purposes of the easement, of the following described premises:

The southerly 20 feet of that parcel of land described in instrument number 71-1960, Clackamas County Records.

The southerly 20 feet of that parcel of land adjoining on the north that parcel of land described in instrument number 71-1961 Clackamas County Records excepting the westerly 60 feet.

A strip of land 20 feet in width adjacent to and southerly of the northerly line of the Thomas Bailey D.L.C. in that parcel of land described in Bk. 645, Pg. 629, Clackamas County Records.

2. Temporary Easement:

Together with a temporary right of ingress, egress and regress for construction purposes only, during the period of construction of the sewer facilities within the above designated perpetual easement area, within a strip of land lying Northerly, parallel to, along and within 15 feet of the Northerly boundary of the above described perpetual easement area.

This temporary easement shall terminate upon completion of the construction of the sewer line within the permanent easement area, and upon such completion, the City shall execute and record a written release thereof.

EXHIBIT B



JOB NO.: SIM 1147
TETSUKA ASSOCIATES, INC.
LAND SURVEY CONSULTING

9900 S.W. WILSHIRE STREET, #110
PORTLAND, OR 97225
503.517.0682 FAX: 503.445.1300

EXHIBIT FOR EXISTING SANITARY SEWER EASEMENT PER
DOCUMENT NUMBER 73-15186 TO BE REMOVED.
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON
JUNE 24, 2004

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 18, 1994
KEVIN WILLIAMS
2650

RENEWAL DATE 6-30-04



GRAPHIC SCALE
(IN FEET)
1 INCH = 60 FEET

