

**RESOLUTION NO. 2200**

**A RESOLUTION OF THE CITY OF WILSONVILLE QUITCLAIMING AN UNNEEDED SANITARY EASEMENT TO THE WILSONVILLE URBAN RENEWAL AGENCY, OWNER, SUBJECT TO RECEIPT OF NEEDED EASEMENT FROM THE AGENCY**

WHEREAS, the City of Wilsonville Design Review Board approved the Creekside Woods Apartments development on land previously purchased by the City of Wilsonville Urban Renewal Agency; and

WHEREAS, an existing public sanitary line had bisected the site and the City of Wilsonville contracted to have a section of the sanitary line reconstructed; and had the unused section of the old sanitary line abandoned and grouted in place, and has no further use of this abandoned section of line; and

WHEREAS, the land encumbered by the easement containing the abandoned line is held by the Agency and the easement was granted to the City by previous owners Stuart A. Lindquist and Peter N. Olson and recorded as Fee No. 85 02422 and Fee No. 85 02423 in Clackamas County Deed Records on January 23, 1985. Because the City abandoned a portion of the public sanitary line and constructed a replacement line, the location of this easement does not track the location of the utility; does not conform to the needs and requirements of the Public Works Department and, therefore, is no longer needed by the City of Wilsonville; and

WHEREAS, the City Council finds that the public interest is served by an "exchange" of easements through a quitclaim of the existing above-referenced real property easement pursuant to ORS 271.310(3) in return for a real property easement to be granted by the Agency through a partition plat which tracks the City's reconstructed sanitary lines which services this and other properties in the area.

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

1. Based on the above recitals and findings, the City of Wilsonville approves the following:

(a) The City's release, by a Quitclaim deed, of all its interest in the Sanitary Easements described in Exhibits A and B, attached hereto and incorporated herein, subject to

(b) The Wilsonville Urban Renewal Agency's dedication to the City by partition replat, a Sanitary Easement as shown in Exhibit B, attached hereto and incorporated herein;

2. The City Manager is authorized to sign the associated instruments on behalf of the City;
3. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17<sup>th</sup> day of August, 2009, and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, MAYOR

ATTEST:

  
Sandra C. King, MMC, City Recorder

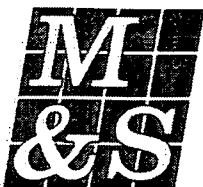
SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Excused
Councilor Ripple	Excused
Councilor Núñez	Yes
Councilor Hurst	Yes

Attachments:

Exhibit A Legal Description Sanitary Sewer Easement Vacation  
Exhibit B Sketch To Accompany Legal Description Sanitary Seer Easement Quitclaim

EXHIBIT "A"



Mackay & Sposito, Inc. www.mackaysposito.com

Mackay & Sposito, Inc.  
1325 SE Tech Center Drive, Suite 140  
Vancouver, WA 98683  
Phone: 360-695-3411  
Fax: 360-695-0833

14731LD2  
8/11/09  
btm

**LEGAL DESCRIPTION**  
**SANITARY SEWER EASEMENT VACATION**  
**CITY OF WILSONVILLE, OREGON**

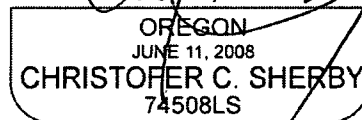
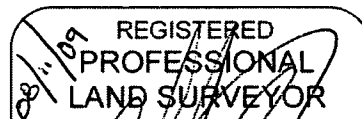
A sanitary sewer easement quitclaim over real property situated in the South half of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon, being a portion of Parcel IV as described in that Statutory Warranty Deed to the Urban Renewal Agency of the City of Wilsonville recorded in Document No. 2007-092115, described as follows:

A portion of that sanitary sewer easement to the City of Wilsonville as described in Exhibit A of those Pipeline Easements recorded under Document No.'s 85 02422 and 85 02423, more particularly described as follows:

Commencing at the most Westerly Northwest corner of said Parcel IV, said corner being on the South line of Parcel III of said Statutory Warranty Deed to the Urban Renewal Agency of the City of Wilsonville recorded in Document No. 2007-092115 as shown in PS-28184; thence South 89° 58' 59" East along the North line of said Parcel IV and the South line of said Parcel III a distance of 12.50 feet to the **Point of Beginning**; thence South 89° 58' 59" East continuing along the North line of said Parcel IV and the South line of said Parcel III a distance of 107.41 feet to the Southeast corner of said Parcel III; thence North 00° 01' 54" East along the West line of said Parcel IV and the East line of said Parcel III a distance of 2.50 feet; thence South 89° 58' 59" East a distance of 105.03 feet; thence South 05° 36' 55" West a distance of 15.07 feet; thence North 89° 58' 59" West a distance of 210.96 feet; thence North 00° 01' 13" West a distance of 12.50 feet to the **Point of Beginning**.

Containing 2,907 square feet.

Subject to easements and restrictions of record.



EXPIRES 6/30/10

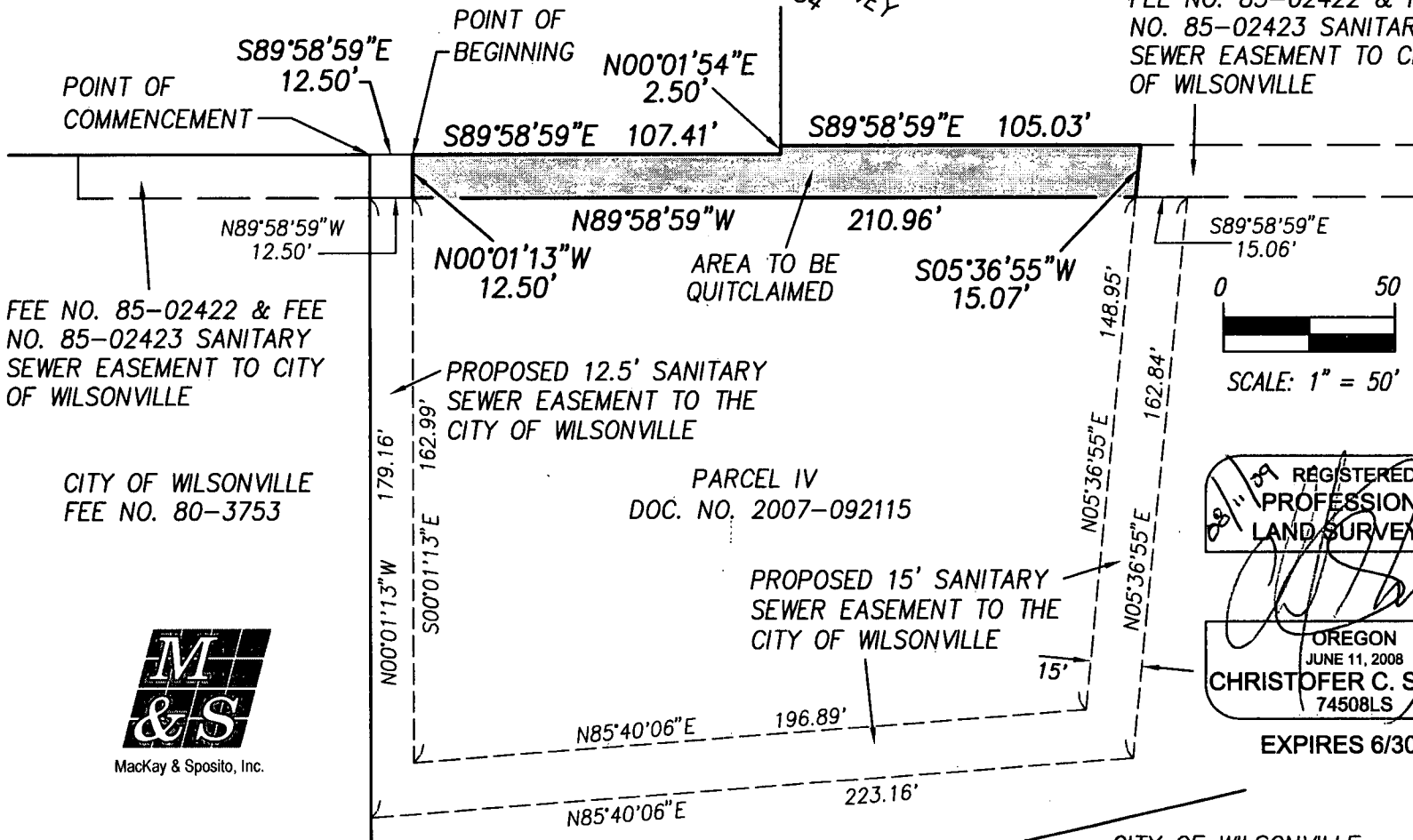
EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT QUITCLAIM  
CITY OF WILSONVILLE, OREGON

PARCEL III  
DOC. NO. 2007-092115

RECORD OF SURVEY  
PS-28184

FEE NO. 85-02422 & FEE  
NO. 85-02423 SANITARY  
SEWER EASEMENT TO CITY  
OF WILSONVILLE



FEE NO. 85-02422 & FEE  
NO. 85-02423 SANITARY  
SEWER EASEMENT TO CITY  
OF WILSONVILLE

CITY OF WILSONVILLE  
FEE NO. 80-3753

PARCEL IV  
DOC. NO. 2007-092115

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 11, 2008  
CHRISTOPHER C. SHERBY  
74508LS

EXPIRES 6/30/10

CITY OF WILSONVILLE  
FEE NO. 82-28205



MacKay & Sposito, Inc.

