

RESOLUTION NO. 2749

A RESOLUTION OF THE CITY OF WILSONVILLE TO ACCEPT A TRANSFER OF LAND FROM THE WEST LINN-WILSONVILLE SCHOOL DISTRICT.

WHEREAS, the West Linn-Wilsonville School District (“School District”) and the City of Wilsonville entered into an agreement to exchange real property pursuant to the “Villebois School Site and Advance Road Sports Field Site Exchange Agreement,” dated September 22, 2010, and recorded in Clackamas County on June 8, 2011 as Recording No. 2011-033277 (“Exchange Agreement”), and the requirements of the “Intergovernment (*sic*) Cooperative Agreement for Villebois School Site Infrastructure Between City of Wilsonville and West Linn-Wilsonville School District,” dated September 22, 2010, and recorded in Clackamas County on June 8, 2011 as Recording No. 2011-033276 (“IGA”); and

WHEREAS, the real property exchange consists of approximately 10.25 acres located at the northeast intersection of SW 63rd Avenue and SW Hazel Street (the “Property”), adjacent to the location of Meridian Creek Middle School in Wilsonville, Oregon; and

WHEREAS, the Property is further described as Parcel 1, Partition Plat No. 2018-087, in the City of Wilsonville, County of Clackamas, and State of Oregon; and

WHEREAS, the true consideration for this transfer, stated in terms of dollars, is Zero Dollars but is comprised of the exchange of land referenced above, as more particularly described in the Exchange Agreement and the IGA; and

WHEREAS, the City has performed environmental due diligence on the Property, which due diligence included a **Phase 1 Environmental Site Assessment**, performed in accordance with *ASTM Standard E1527-13, Standard Practice for Environmental Site Assessment; Phase 1 Environmental Site Assessment Process* and a **Pesticide Assessment In Shallow Soils**, using protocol recommended in the Oregon Department of Environmental Quality guidance document; and

WHEREAS, title to the Property is free and clear of liens and encumbrances except for public easements approved by or granted to the City; and

WHEREAS, on April 22, 2019, the School District passed Resolution No. 2018-6, authorizing their Superintendent to execute a Bargain and Sale Deed to transfer the Property to the City of Wilsonville.

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

1. City Council hereby authorizes the City Manager to sign and accept a Bargain and Sale Deed from the School District for the Property in the form attached hereto.
2. City Council hereby authorizes the City Attorney to close the transaction with the School District, through a title company; to purchase title insurance for the Property in the amount directed by City Council; and to record the deed.
2. This Resolution becomes effective upon adoption, but transfer of the Property will not occur until the Bargain and Sale Deed has been recorded.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of May 2019, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor West	Yes

Exhibit:

- A. Bargain and Sale Deed
- B. School District Resolution No. 2018-6

EXHIBIT A

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Barbara A. Jacobson
City Attorney
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

SEND TAX STATEMENTS TO:

City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that **West Linn-Wilsonville School District**, Grantor, conveys all the following described real property in Clackamas County, Oregon, to **City of Wilsonville**, Grantee: Parcel 1, Partition Plat No. 2018-087.

**Parcel 1, Partition Plat No. 2018 - 087,
in the City of Wilsonville, County of Clackamas and State of Oregon.**

The true consideration for this transfer stated in terms of dollars is \$0.00 (zero dollars). The true and actual consideration is an agreement to exchange real property pursuant to "Villebois School Site and Advance Road Sports Field Site Exchange Agreement" between Grantor and Grantee, dated September 22, 2010 and recorded in Clackamas County as Recording No. 2011-033276, and the requirements of "Intergovernmental Cooperative Agreement for Villebois School Site Infrastructure Between Wilsonville and West Linn-Wilsonville School District," dated September 22, 2010 and recorded in Clackamas County as Recording No. 2011-033277.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE

EXHIBIT A

ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

In Witness Whereof, the Grantor has caused this instrument to be executed by its duly authorized officer this 23rd day of April, 2019.

WEST LINN-WILSONVILLE SCHOOL DISTRICT

(Signature) Kathleen E. Ludwig
By (Print Name): Kathleen E. Ludwig
As (Office of Signer): Supt.

STATE OF OREGON)
) ss
County of Clackamas)

This instrument was acknowledged before me on April 23rd, 2019, by (Name) Kathy Ludwig as (Office) Superintendent of West Linn-Wilsonville School District, the Grantor herein.



Hill Morgan
Notary Public for Oregon
My Commission expires: 2/2/20

ACCEPTANCE BY GRANTEE

Pursuant to ORS 93.808, the Grantee, a city of the State of Oregon, has approved this conveyance and accepted the title or interest conveyed, through its City Council at its regular meeting of _____, 201__, Agenda Item ____.

STATE OF OREGON)
) ss Bryan Cosgrove, City Manager
County of Clackamas)

This instrument was acknowledged before me on _____, by (Name) Bryan Cosgrove as (Office) City Manager of City of Wilsonville, the Grantee herein.

Notary Public for Oregon
My Commission expires: _____

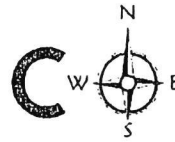


EXHIBIT A
MPASS
Land Surveyors

LEGAL DESCRIPTION
PROPOSED PARCEL 1
MERIDIAN CREEK MIDDLE SCHOOL
WILSONVILLE, OREGON

03/01/18
#6729 MAR

EXHIBIT "A"

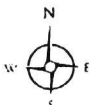
A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF ADVANCE ROAD (COUNTY ROAD X-24) (30.00 FEET FROM CENTERLINE) AND THE WEST RIGHT-OF-WAY LINE OF SW 60TH AVENUE (COUNTY ROAD NO. 2359) (20.00 FEET FROM CENTERLINE); THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF SW 60TH AVENUE (COUNTY ROAD NO. 2359) (20.00 FEET FROM CENTERLINE) S.00°07'28"W., 639.83 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" AT THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SW HAZEL STREET (29.00 FEET FROM CENTERLINE); THENCE ALONG SAID RIGHT-OF-WAY LINE, N.89°38'52"W., 683.21 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS"; THENCE 26.58 FEET ALONG THE ARC OF A 17.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°34'53" (THE LONG CHORD BEARS N.44°57'15"W., 23.95 FEET) TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" ON THE EAST RIGHT-OF-WAY OF SW 63RD AVENUE (29.00 FEET FROM CENTERLINE); THENCE ALONG SAID RIGHT-OF-WAY LINE, N.00°09'47"W., 229.16 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS"; THENCE N.05°19'08"E., 62.81 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS"; THENCE N.00°09'47"W., 331.08 FEET TO 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS LAND SURVEYORS" ON THE SOUTH RIGHT-OF-WAY LINE OF ADVANCE ROAD (COUNTY ROAD X-24) (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S.89°39'47"E., 697.30 FEET TO THE POINT-OF-BEGINNING, CONTAINING 446665 SQUARE FEET (10.25 ACRES) MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

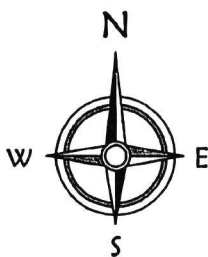
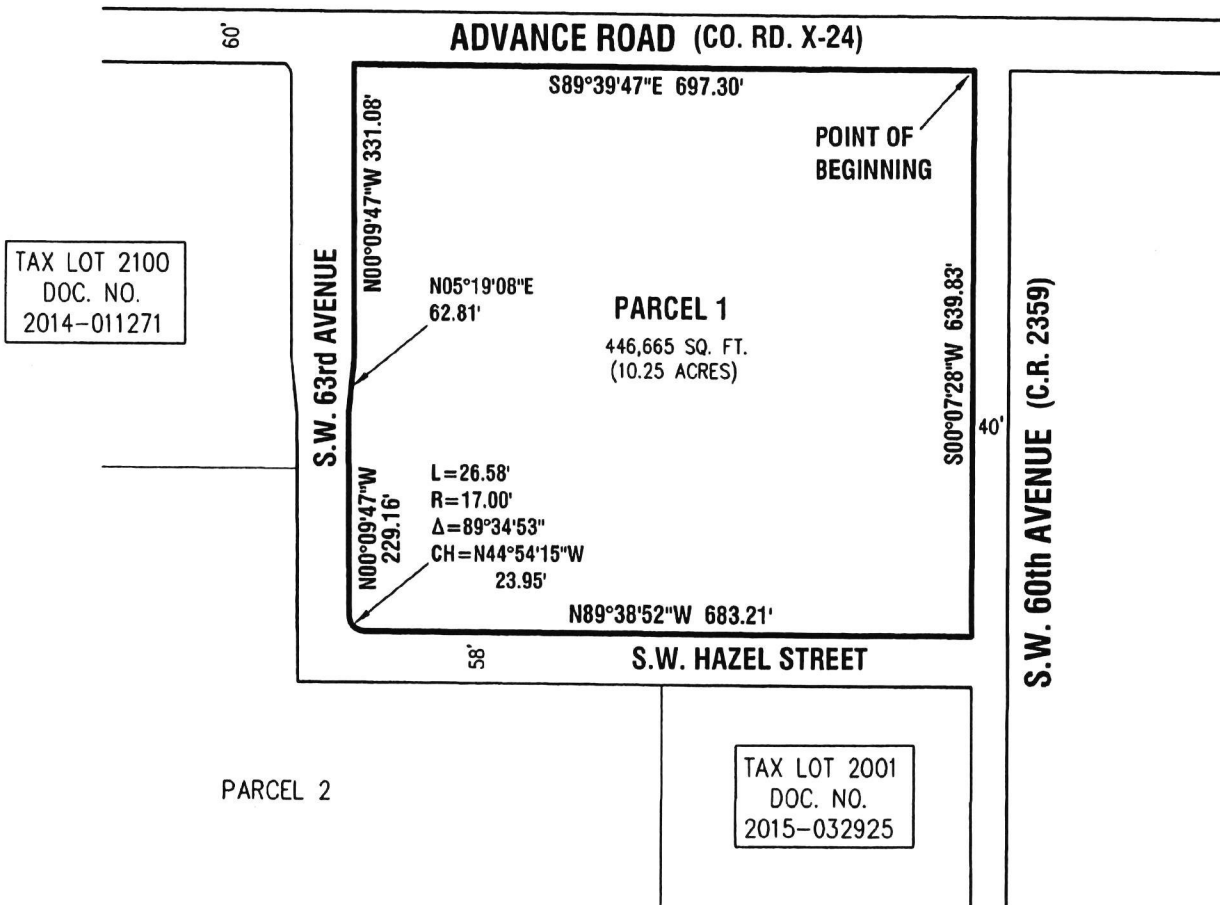
DATE OF SIGNATURE: 3-8-18
EXPIRES: 12/31/2018



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222

Phone: 503.653.9093 Fax: 503.653.9095 Email: compass@compass-landsurveyors.com

EXHIBIT A



Scale: 1" = 200'

EXHIBIT "B"

6729 Exh Parcel 1.dwg

CMPASS Land Surveyors
 4107 SE International Way, Suite 705
 Milwaukie, Oregon 97222 503-653-9093

**PROPOSED PARCEL 1
 MERIDIAN CREEK MIDDLE SCHOOL
 WILSONVILLE, OREGON**

WEST LINN- WILSONVILLE SCHOOL DISTRICT

RESOLUTION NO. 2018-6

CONVEYANCE OF REAL PROPERTY

WHEREAS, the West Linn-Wilsonville School District and City of Wilsonville entered into an agreement to exchange real property pursuant to “Villebois School Site and Advance Road Sports Field Site Exchange Agreement” dated September 22, 2010 and recorded in Clackamas County as Recording No. 2011-033276, and the requirements of “Intergovernmental Cooperative Agreement for Villebois School Site Infrastructure Between Wilsonville and West Linn-Wilsonville School District” dated September 22, 2010 and recorded in Clackamas County as Recording No. 2011-033277; and,

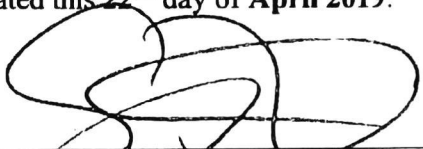
WHEREAS, the real property exchange consists of 10.25 acres (the Property) located at the northeast intersection of SW 63rd Avenue and SW Hazel Street adjacent to the location of Meridian Creek Middle School, Wilsonville, Oregon; and,

WHEREAS, the Property is further described as Parcel 1, Partition Plat No. 2018 – 087, in the City of Wilsonville, County of Clackamas and State of Oregon; and,

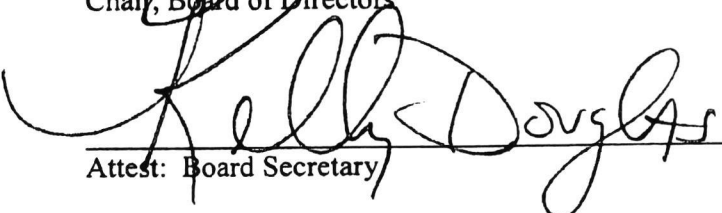
WHEREAS, the true consideration for this transfer stated in terms of dollars is \$0.00 (zero dollars).

Now, **THEREFORE**, by the authority vested in it under Oregon law, the West Linn-Wilsonville School District, Board of Directors, does hereby direct and authorize the Superintendent or her designee to execute the Bargain and Sale Deed and to instruct School District staff to carry out all the obligations of the School District as required, including but not limited to, the signing, delivery and recording of the Bargain and Sale Deed to the Property, together with any other documents that may be necessary or convenient to the transfer of legal ownership of the Property to the City of Wilsonville.

Dated this 22nd day of April 2019.



Chair, Board of Directors



Attest: Board Secretary