

RESOLUTION NO. 1693

A RESOLUTION ACCEPTING WARRANTY DEED FROM GRANTORS TONI A. BERNERT AND THOMAS L. BERNERT, AND AUTHORIZING ACCEPTANCE OF CERTAIN EASEMENTS FROM THOMAS L. BERNERT ET AL.

WHEREAS, pursuant to Resolution No. 1682 authorizing certain agreements involving access to the Water Treatment Plant; Toni A. Bernert and Thomas L. Bernert have conveyed to the City each as to their 1/4 interest the property described in the Warranty Deed, a copy of which is marked Exhibit 1, attached hereto and incorporated by reference herein (and which corresponds to Exhibit 11 of Resolution No. 1682); and

WHEREAS, Thomas L. Bernert et al have also tendered the easements which are legally described as Exhibits 4, 5, 6, 8, 9 and 10 attached to Resolution No. 1682.

WHEREAS, the City Engineer has approved the legal description of the Warranty Deed and easements and the City Attorney has approved their form;

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

1. The mayor is authorized to accept said property and Warranty Deed, marked Exhibit 1 attached hereto and incorporated herein, by executing the document on behalf of the Grantee City of Wilsonville; and

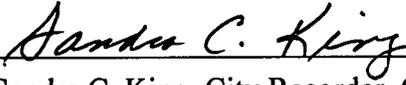
2. The City Council further finds that certain easement documents, the legal descriptions of which are Exhibits 4, 5, 6, 8, 9 and 10 to Resolution No. 1682, and which the City Council has previously authorized, have now been tendered to the City with an acceptance for the Mayor or City Manager to execute on each of the documents, and the Mayor or City Manager is hereby authorized to accept the easements and to acknowledge acceptance thereon.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 5th day of February, 2001, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, City Recorder, CMC

SUMMARY OF VOTES:

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

After recording return to:
CITY RECORDER
CITY OF WILSONVILLE
30000 SW Town Center Loop East
Wilsonville, Oregon 97070

WARRANTY DEED - STATUTORY FORM

Toni A. Bernert and Thomas L. Bernert, each as to an undivided ¼ interest, Grantor, conveys and warrants to City of Wilsonville, Grantee, the real property in Clackamas County, Oregon, described in Exhibit A and depicted in Exhibit B, attached hereto and by this reference made a part hereof.

The Property is free from all encumbrances except for those matters disclosed by the public records and by this reference made a part hereof.

REQUIRED NOTICE: 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.

CONSIDERATION: The true and actual consideration for this conveyance, stated in terms of dollars, is \$-0-; however, the true and actual consideration consists of other value given or promised which is the whole of the consideration.

DATED this 1 day of Feb, 2001

GRANTOR:

By: Toni A. Bernert
Toni A. Bernert

By: Thomas L. Bernert
Thomas L. Bernert

GRANTEE:

City of Wilsonville, a municipal corporation of the state of Oregon

By: _____
Charlotte Lehan
City Mayor

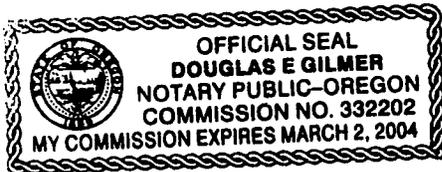
Warranty Deed

Page 1 of 3

STATE OF OREGON)
) ss
County of CLACKAMAS)

On this 1 day of FEB., 2001, before me, a notary public in and for said County and State, personally appeared TONI A BERNERT, known to me to be the person whose name IS subscribed to the within instrument and acknowledged that WAS 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.

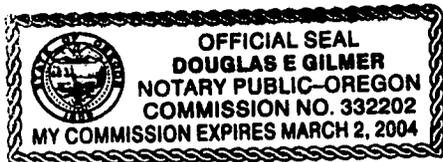


Douglas E Gilmer
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-2-2004

STATE OF OREGON)
) ss
County of CLACKAMAS)

On this 1 day of FEB, 2001, before me, a notary public in and for said County and State, personally appeared THOMAS L BERNERT, known to me to be the person whose name IS subscribed to the within instrument and acknowledged that WAS 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.



Douglas E Gilmer
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-2-2004

LEGAL DESCRIPTION FOR PROPERTY ACQUISITION

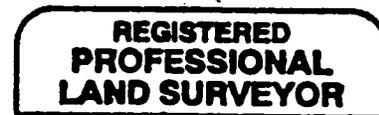
PORTION OF TAX LOT 600, 3 1W 23B

A tract of land located in the Northwest one-quarter of Section 23, Township 3 South, Range 1 West, Willamette Meridian in the City of Wilsonville, Clackamas County, Oregon more particularly described as follows:

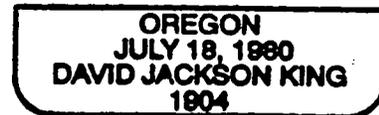
A part of the Thomas Bailey Donation Land Claim Number 45, in Section 23, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon being southerly of the northwesterly line of the B.P.A. Oregon City - Chemawa No. 3 transmission line easement, westerly of a 60.00 foot strip of land described in Document Number 87-57702, Deed Records of Clackamas County, Oregon and easterly of the West line of the said D.L.C. No. 45 particularly described as:

Beginning at the intersection of the West line of the Thomas Bailey Donation Land Claim No. 45, Clackamas County, Oregon with the northwesterly line of the B.P.A. Oregon City - Chemawa No. 3 transmission line easement which bears South 1°36'58" West, 419.68 feet from the northwest corner of said D.L.C. No. 45; thence North 48°28'58" East along said northwesterly line, 92.38 feet to the westerly line of a 60.00 foot strip of land described in Document Number 87-57702; thence South 11°58'58" West along said westerly line, 374.63 feet to said West line of D.L.C. No. 45; thence North 1°36'58" East along said West line, 305.36 feet to the point of beginning, containing 10,293 square feet or 0.24 acres, more or less.

The bearing base for the description contained herein above is the North line of Section 23, Township 3 South, Range 1 West, Willamette Meridian between the Northwest section corner of said Section 23 and the North one-quarter of said Section 23, as being South 88°24'47" East based on the Oregon State Plane Coordinate System, North Zone.



David Jackson King



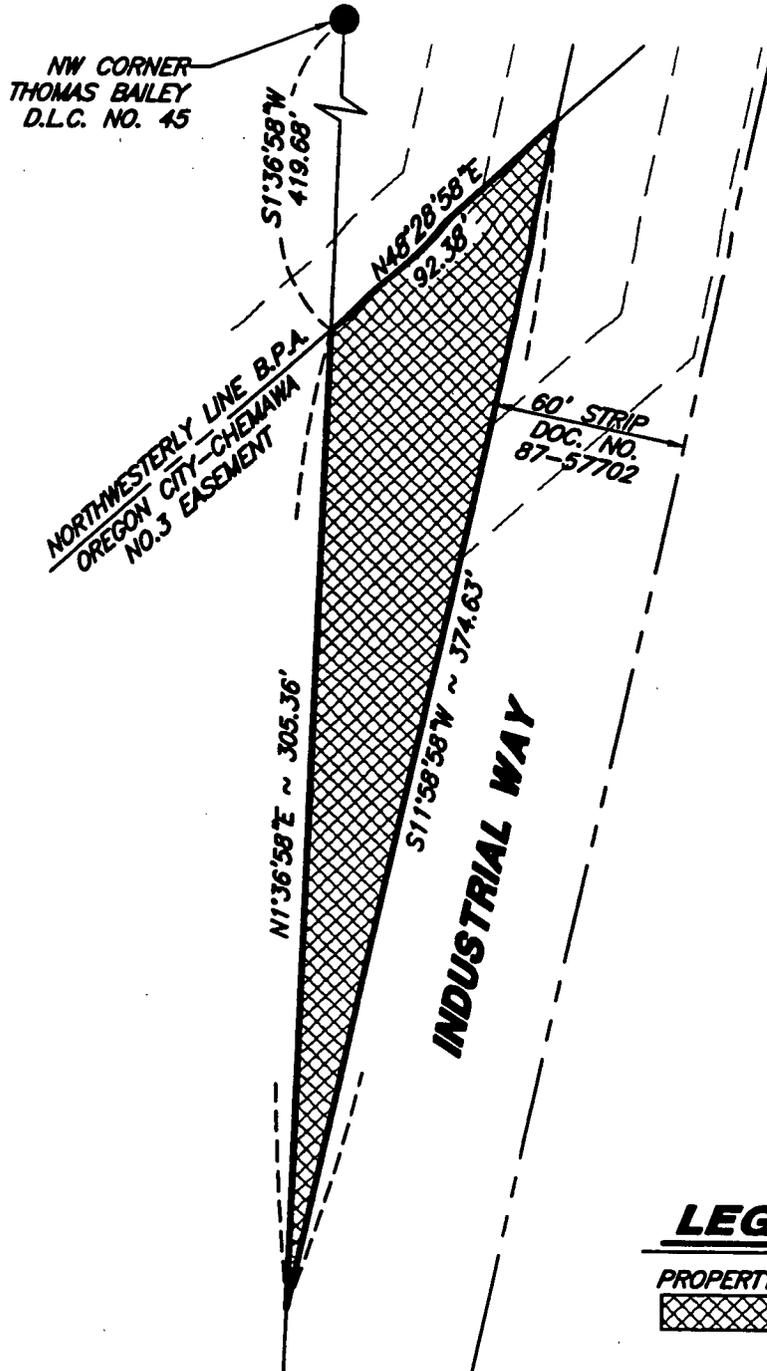
RENEWAL: 6/30/01

EXHIBIT TO ACCOMPANY DESCRIPTION

NW 1/4 Sec 23, Township 3 South, Range 1 West, Willamette Meridian,
City of Wilsonville, Clackamas County, Oregon

TL 600, 3 1W 23B
Doc. No. 93-08551

EXHIBIT "B"



Scale: 1"=60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

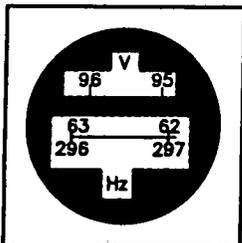
David Jackson King

OREGON
JULY 18, 1980
DAVID JACKSON KING
1904

RENEWAL: 6/30/01

LEGEND

PROPERTY ACQUISITION



DE HAAS
&
ssociates, Inc.

Consulting Engineers & Surveyors

Suite 300 - AGC Center
9450 S.W. Commerce Circle
Wilsonville, Oregon 97070

PHONE: (503) 682-2450
FAX: 682-4018

Property Acquisition

DATE

October 13, 2000

FILE No.

99.309.317