

RESOLUTION NO. XXXIV

A RESOLUTION AUTHORIZING ACCEPTANCE OF BILL OF SALE FOR TRANSFER OF PERSONAL PROPERTY BY WILLAMETTE FACTORS, INC. FOR WATER AND SEWER FACILITIES TO SERVE THE DEVELOPMENT IN THE CITY OF WILSONVILLE KNOWN AS "CHARBONNEAU, THE VILLAGE AT WILSONVILLE".

WHEREAS, The City of Wilsonville and Willamette Factors, Inc., an Oregon corporation, have previously approved and executed a "MEMORANDUM OF AGREEMENT" for installation of sewer and water lines and other necessary facilities for service to Charbonneau, a residential development being constructed by Willamette Factors, Inc. in the City of Wilsonville and said "MEMORANDUM OF AGREEMENT" was approved by the Wilsonville City Council by Resolution No. XXVIII adopted March 27, 1972; and

WHEREAS, Willamette Factors, Inc. is in the process of constructing that part of the City's municipal water and sewer facilities in accordance with said Agreement and has purchased and installed all necessary pipes, valves, fittings, manholes, cleanouts, hydrants and other appurtenances to serve its development in the City of Wilsonville known as "CHARBONNEAU, THE VILLAGE AT WILSONVILLE" which lies south of the Willamette River and east of Interstate Highway No. 5, being a part of the George L. Curry D.L.C. in Sections 23, 24, 25 and 26, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon; and

WHEREAS, Willamette Factors, Inc. has made, executed and delivered to the Wilsonville City Council a Bill of Sale, without monetary consideration, of all of said items of personal property, said Bill of Sale being dated June 12, 1972, and was approved for acceptance by the Wilsonville City Council at a recessed regular meeting of the Wilsonville City Council on June 19, 1972; and

WHEREAS, further and formal ratification of the acceptance of the tender of said Bill of Sale is required by the Wilsonville City Council and to be effective prior to July 1, 1972, in order to transfer personal

property tax liability from Willamette Factors, Inc. to the City of Wilsonville, which is exempt from taxation of personal property which it owns as a municipal corporation; now, therefore,

BE IT RESOLVED by the Common Council for the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the Bill of Sale by Willamette Factors, Inc., an Oregon corporation, to the City of Wilsonville, dated June 12, 1972, for transfer without monetary consideration of all of the various and sundry items of personal property purchased and installed by said corporation to construct the domestic water system, the storm drainage system and the sanitary sewer system that serves or will serve that development in the City of Wilsonville, Oregon, known as "CHARBONNEAU, THE VILLAGE AT WILSONVILLE" and which said items of personal property are itemized and particularly described in said Bill of Sale, is hereby accepted by the Wilsonville City Council as of the date of its delivery, i. e. June 19, 1972, and subject to all of the terms and conditions set forth in said Bill of Sale and on the express understanding and agreement with Willamette Factors, Inc. that the acceptance of said Bill of Sale and the personal property therein described does not imply, nor is it intended to imply that the City of Wilsonville is to maintain the said domestic water system, storm drainage system and sanitary system being constructed by Willamette Factors, Inc. for the aforesaid purposes until the systems have been completed and approved by the Wilsonville City Engineer and until the required warranty periods have expired. A true copy of said Bill of Sale is attached to this Resolution and by this reference expressly made a part hereof.

Adopted by the Wilsonville City Council at a regular meeting thereof on the <sup>14</sup>~~10th~~ day of <sup>August</sup>~~July~~, 1972, and filed with the City Recorder this <sup>14</sup>~~10th~~ day of <sup>August</sup>~~July~~, 1972.

ATTEST:

Marjorie A. Hintz  
MARJORIE A. HINTZ - City Recorder

Phillip R. Balsiger  
PHILLIP R. BALSIGER - Mayor

KNOW ALL MEN BY THESE PRESENTS, That WILLAMETTE FACTORS, INC., a Corporation duly organized and existing under and by virtue of the laws of the State of Oregon, hereinafter called "WILLAMETTE" does by these presents quitclaim, transfer and deliver unto the CITY OF WILSONVILLE, all of Willamette's right, title and interest in and to the following described personal property, to-wit:

All those pipes, valves, fittings, manholes, cleanouts hydrants, and other appurtenances which have been purchased and installed to construct the Domestic Water System, the Storm Drainage System, and the Sanitary Sewer System that serves or will serve that development in the City of Wilsonville, Oregon, known as "CHARBONNEAU, THE VILLAGE AT WILSONVILLE", which lies south of the Willamette River and east of Interstate Highway No. 5, being part of the George L. Curry D. L. C. in Sections 23, 24, 25, and 26, Township 3 South, Range 1 West, W.M. in Clackamas County, Oregon.

The approximate locations of these systems are shown on the drawing titled "Charbonneau Utilities--Installed Prior to January 1, 1972 - Wilsonville, Oregon", which has been marked "Exhibit A" and is attached hereto.

The approximate lineal footages of pipe and appurtenances installed for the different systems are as follows:

A. DOMESTIC WATER SYSTEM

1,090 lineal feet	14 inch diameter cast iron pipe
3,504 lineal feet	12 inch diameter cast iron pipe
36 lineal feet	10 inch diameter cast iron pipe
366 lineal feet	6 inch diameter cast iron pipe
72 lineal feet	4 inch diameter cast iron pipe
72 lineal feet	2 inch diameter cast iron pipe

B. STORM DRAINAGE SYSTEM

668 lineal feet	36 inch diameter corrugated aluminum pipe
438 lineal feet	30 inch diameter corrugated aluminum pipe
395 lineal feet	27 inch diameter corrugated aluminum pipe
968 lineal feet	24 inch diameter corrugated aluminum pipe
945 lineal feet	21 inch diameter corrugated aluminum pipe
1,996 lineal feet	18 inch diameter corrugated aluminum pipe
1,072 lineal feet	15 inch diameter corrugated aluminum pipe
1,878 lineal feet	12 inch diameter corrugated aluminum pipe

C. SANITARY SEWER SYSTEM

783 lineal feet	15 inch diameter concrete sewer pipe
1,095 lineal feet	12 inch diameter concrete sewer pipe
2,581 lineal feet	10 inch diameter concrete sewer pipe
2,465 lineal feet	8 inch diameter concrete sewer pipe
1,084 lineal feet	4 inch diameter concrete sewer pipe

TO HAVE and TO HOLD the same unto the CITY OF WILSONVILLE, its successors or assigns.

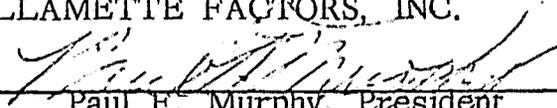
It is understood that the acceptance of the foregoing personal property by the City of Wilsonville does not imply, nor is it intended to imply, that the City of Wilsonville is to maintain the said systems in their present state nor release Willamette from any of the requirements set forth in the existing city ordinances, until the systems have been completed and approved by the City of Wilsonville's engineer and until the required warranty periods have expired.

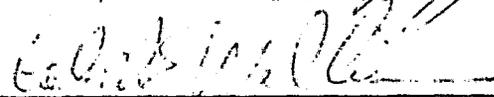
Willamette agrees to grant appropriate rights of way and access to the said personal property for those portions not within existing public rights of way.

There exists a blanket mortgage on the said real estate upon and in which the above described personal property is situated. It is understood that the City of Wilsonville does not assume and does expressly disclaim that it assumes any such mortgage or mortgages or any payments required thereunder by its acceptance of the said personal property, and that Willamette does hereby agree to save and hold the City of Wilsonville harmless from any suit or action arising out of, connected with or resulting from the City of Wilsonville's acceptance of the personal property herein described.

Done by order of the Executive Board of Directors, with the seal of said corporation, this 12<sup>th</sup> day of June, 1972.

WILLAMETTE FACTORS, INC.

By   
Paul F. Murphy, President

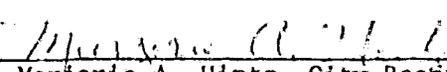
By   
Ralph Williams, Secretary

Accepted by the Wilsonville City Council at a recessed regular meeting thereof on the 19th day of June, 1972.

CITY OF WILSONVILLE

By   
Phillip R. Balsiger, Mayor

ATTEST:

By   
Marjorie A. Hintz, City Recorder

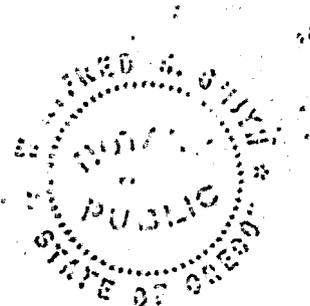


18,115

STATE OF OREGON }  
County of Multnomah } ss

On this 10<sup>th</sup> day of June, 1972, before me appeared PAUL F. MURPHY and RALPH WILLIAMS, both to me personally known, who being duly sworn, did say that he, the said Paul F. Murphy is the President and he, the said Ralph Williams is the Secretary of Willamette Factors, Inc., the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Executive Board of Directors and Paul F. Murphy and Ralph Williams acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



William A. Smith  
Notary Public for Oregon

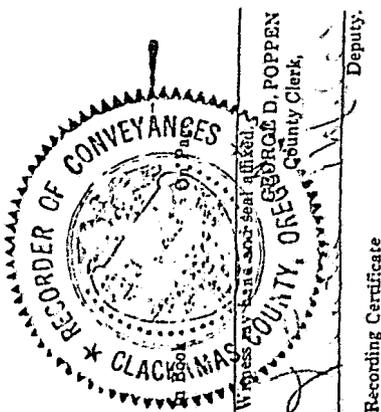
My Commission expires: Aug 17 1975

3

STATE OF OREGON, }  
County of Clackamas, } ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of

1972 JUNE 10 PM 1 of 46 County at



1.)

183475