

**RESOLUTION NO. 1272**

**A RESOLUTION AUTHORIZING A DEED OF CORRECTION TO DEED OF PROPERTY GRANTED FROM THE CITY OF WILSONVILLE TO BENCHMARK LAND CO. -- LANDOVER L.L.C. TO FACILITATE THE EXCHANGE OF PROPERTY FOR THE REALIGNMENT OF WILSONVILLE ROAD.**

WHEREAS, the City Council adopted Resolution No. 1246 on February 5, 1996, adopting an exchange of property to facilitate the realignment of Wilsonville Road; and

WHEREAS, the deed of property granted to the Benchmark Land Co. - Landover L.L.C. by the City of Wilsonville incorrectly contained words of public dedication; and

WHEREAS, the City wishes to reaffirm that the City property is granted, rather than dedicated, in order to avoid any misunderstanding.

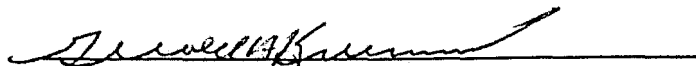
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. A deed of correction to deed of property recorded as Clackamas County Fee No. 96-012470 is hereby adopted to clarify the language of the grant of property of 1.525 acres from the City of Wilsonville to Benchmark Land Co. -- Landover L.L.C.;

2. The deed of correction is attached hereto as Exhibit A, and the deed previously recorded as Fee No. 96-012470 and adopted in Resolution No. 1246 is attached hereto as Exhibit B.

3. The correction deed does not alter the legal descriptions, grants, or exchange of property authorized in Resolution No. 1246 to facilitate the realignment of Wilsonville Road.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 6th day of May, 1996.



GERALD A. KRUMMEL, Mayor

ATTEST:

Sandra C. King  
SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Krummel	<u>Yes</u>
Councilor Hawkins	<u>Absent</u>
Councilor Leahy	<u>Yes</u>
Councilor Leo	<u>Absent</u>
Councilor Lehan	<u>Yes</u>

**DEED OF CORRECTION  
TO DEED OF PROPERTY**  
**Grantor - Corporation**

KNOW ALL MEN BY THESE PRESENTS, that the City of Wilsonville, a municipal corporation, hereinafter referred to as "GRANTOR" does hereby grant, transfer and convey to BENCHMARK LAND CO. - LANDOVER L.L.C. and its assigns all of Grantor's right, title and interest in certain real property described as follows, to-wit:

SEE "EXHIBIT 1" Legal Description, and "EXHIBIT 2" Locational Map, attached hereto and incorporated by reference as if fully set forth herein.

This deed corrects Deed of Property, recorded as Clackamas County Fee No. 96-012470, by deleting the word "dedicate" from paragraph 1, substituting the word "grant" in place of "dedication" in paragraph 3, changing the word "easement" to "deed" in paragraph 5, and by deleting in full the following language:

"TO HAVE AND TO HOLD the above described and dedicated premises unto the City of Wilsonville for the Public forever for the uses and purposes herein above mentioned; provided, however, in the event said premises are not used or cease to be used for public purpose, the premises shall revert to the GRANTOR."

The true consideration for the grant of property is in exchange for other property of equal or superior value.

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.

IN WITNESS WHEREOF, the undersigned GRANTOR has executed this deed this \_\_\_\_ day of \_\_\_\_\_, 1996.

**GRANTOR:** CITY OF WILSONVILLE, a municipal corporation

\_\_\_\_\_  
(Name of Duly Authorized Representative)

\_\_\_\_\_  
Title

**Grantor:** City of Wilsonville

**Grantee:** Benchmark Land Company - Landover L.L.C.

After recording, return to:  
CITY RECORDER  
CITY OF WILSONVILLE  
30000 SW Town Center Loop E.  
Wilsonville, OR 97070

Until further notice, send tax statements to:  
BENCHMARK LAND COMPANY  
16325 SW Bones Ferry Rd., #203  
Lake Oswego, OR 97035

STATE OF OREGON            )  
                                  ) ss  
County of Clackamas        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, 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 hereunder 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 \_\_\_\_\_, 1996.

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

APPROVED AS TO LEGAL DESCRIPTION  
this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

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

**PACIFIC**8405 S.W. Nimbus Avenue  
Beaverton, OR 97008-7120

EXHIBIT 1

## LEGAL DESCRIPTION FOR VACATION OF A PORTION OF WILSONVILLE ROAD

A TRACT OF LAND BEING A PORTION OF WILSONVILLE ROAD, KNOWN AS MARKET ROAD NUMBER 12, ALSO KNOWN AS COUNTY ROAD NUMBER 1208, SAID PORTION BEING LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN AND LOCATED IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, SAID PORTION BEING DESCRIBED SPECIFICALLY AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD, ALSO KNOWN AS COUNTY ROAD NUMBER 80, SAID SOUTH RIGHT-OF-WAY LINE BEING 30.00 FEET FROM THE CENTER LINE THEREOF, MEASURED PERPENDICULAR THERETO, SAID POINT OF BEGINNING BEARING SOUTH 89°47'31" WEST, ALONG THE NORTH LINE OF SAID SECTION 13, WHICH IS ALSO THE CENTER LINE OF SAID BOECKMAN ROAD, 294.36 FEET AND SOUTH 00°12'29" EAST, 30.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 13, SAID POINT OF BEGINNING BEING AT A POINT OF CURVATURE, THE RADIAL CENTER OF WHICH BEARS SOUTH 00°12'29" EAST, 160.99 FEET;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE ARC OF A 160.99 FOOT RADIUS CURVE, CONCAVE SOUTHEAST, THE CENTRAL ANGLE OF WHICH IS 88°14'53", THE LONG CHORD OF WHICH BEARS SOUTH 45°40'05" WEST, 224.16 FEET, AN ARC DISTANCE OF 247.95 FEET TO A POINT OF TANGENCY;

THENCE, SOUTH 01°32'38" WEST, 842.54 FEET;

THENCE, SOUTH 23°43'31" WEST, 171.07 FEET TO A POINT OF NON-TANGENT CURVATURE, THE RADIAL CENTER OF WHICH BEARS NORTH 77°36'24" WEST, 256.48 FEET;

THENCE, ALONG THE ARC OF A 256.48 FOOT RADIUS CURVE, CONCAVE-WESTERLY, THE CENTRAL ANGLE OF WHICH IS 10°50'58", THE LONG CHORD OF WHICH BEARS NORTH 06°58'07" EAST, 48.49 FEET, AN ARC DISTANCE OF 48.57 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 01°32'38" EAST, 952.67 FEET TO A POINT OF CURVATURE;

THENCE, ALONG THE ARC OF A 220.99 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THE CENTRAL ANGLE OF WHICH IS 45°00'29", THE LONG CHORD OF WHICH BEARS NORTH 24°02'52" EAST, 169.16 FEET, AN ARC DISTANCE OF 173.59 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD;

THENCE, NON-TANGENT TO THE LAST DESCRIBED COURSE, NORTH 89°47'31" EAST, 151.39 FEET TO THE POINT OF BEGINNING.

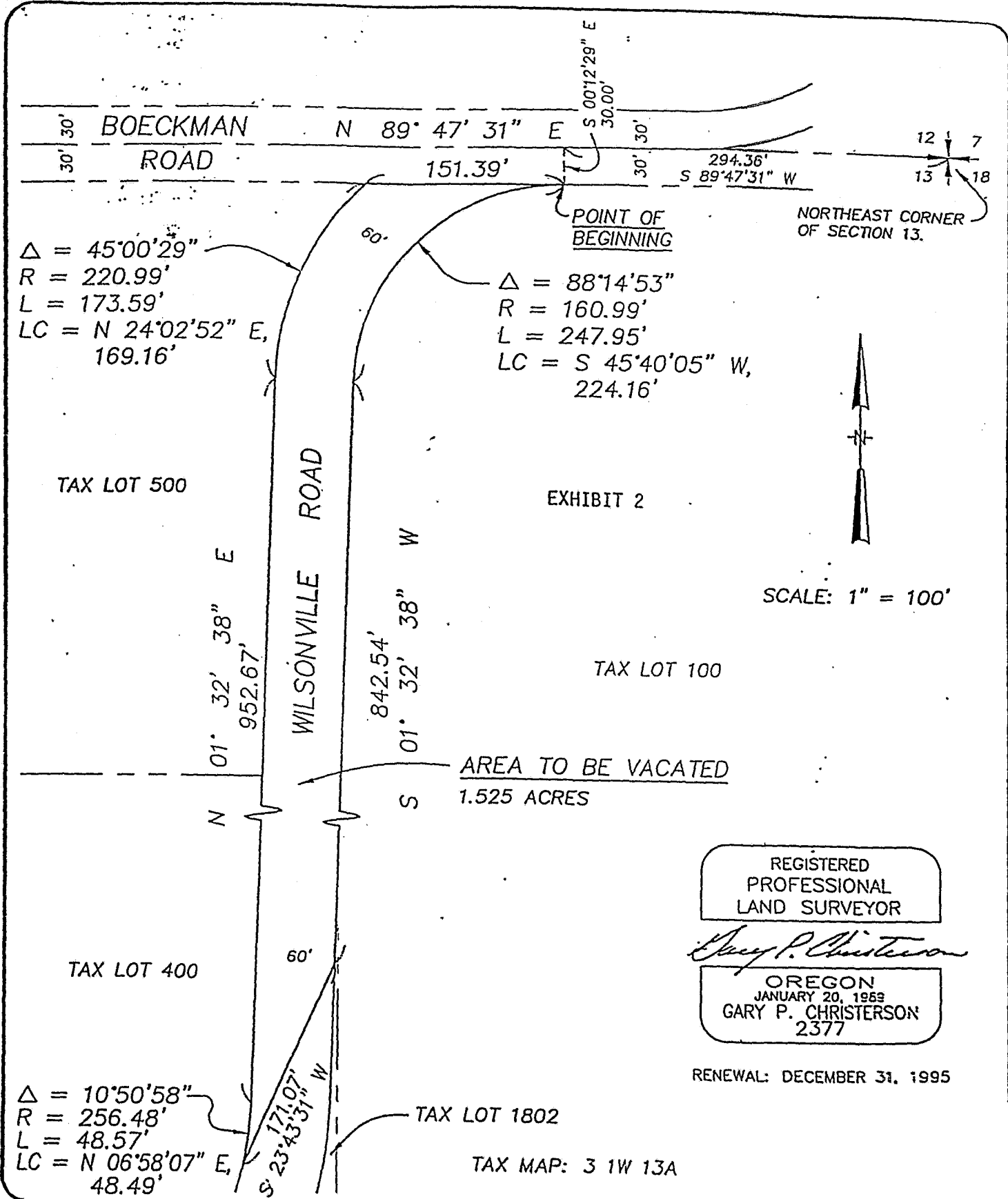
THE ABOVE DESCRIBED TRACT CONTAINS 1.525 ACRES.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gary P. Christerson*

OREGON  
JANUARY 20, 1989  
GARY P. CHRISTERSON  
2377

*Renewal: 12-31-95*

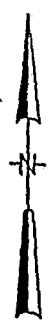


$\Delta = 45^{\circ}00'29''$   
 $R = 220.99'$   
 $L = 173.59'$   
 $LC = N 24^{\circ}02'52'' E,$   
 $169.16'$

$\Delta = 88^{\circ}14'53''$   
 $R = 160.99'$   
 $L = 247.95'$   
 $LC = S 45^{\circ}40'05'' W,$   
 $224.16'$

$\Delta = 10^{\circ}50'58''$   
 $R = 256.48'$   
 $L = 48.57'$   
 $LC = N 06^{\circ}58'07'' E,$   
 $48.49'$

NORTHEAST CORNER  
 OF SECTION 13.



SCALE: 1" = 100'

EXHIBIT 2

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Gary P. Christerson*

OREGON  
 JANUARY 20, 1963  
 GARY P. CHRISTERSON  
 2377

RENEWAL: DECEMBER 31, 1995

AREA TO BE VACATED  
 1.525 ACRES

TAX MAP: 3 1W 13A

5  
20

**DEED OF PROPERTY**  
**Grantor - Corporation**

KNOW ALL MEN BY THESE PRESENTS, that CITY OF WILSONVILLE, a  
municipal corporation,

1-96-02-63 CHICAGO TITLE INSURANCE COMPANY

Benchmark Land Co - Landover L.L.C. hereinafter referred to as "GRANTOR" does hereby dedicate, grant, transfer and convey to  
LANDOVER CORPORATION and its assigns all of Grantor's right, title and interest in certain  
real property described as follows, to-wit:

SEE "EXHIBIT 1" Legal Description, and "EXHIBIT 2" Locational Map, attached  
hereto and incorporated by reference as if fully set forth herein.

TO HAVE AND TO HOLD the above described and dedicated premises unto the City of  
Wilsonville for the Public forever for the uses and purposes herein above mentioned; provided,  
however, in the event said premises are not used or cease to be used for public purpose, the  
premises shall revert to the GRANTOR.

The true consideration for the dedication of property is in exchange for other property of equal or  
superior value.

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.

IN WITNESS WHEREOF, the undersigned GRANTOR has executed this easement, this 5th  
day of FEBRUARY, 19 96.

GRANTOR(s):

CITY OF WILSONVILLE, a municipal corporation.  
(Name of Corporation)

CHICAGO TITLE INSURANCE COMPANY OF  
OREGON HAS RECORDED THIS INSTRUMENT AS  
AN ACCOMODATION ONLY AND ASSUMES NO  
LIABILITY FOR ERRORS OR OMISSIONS HEREIN,  
NOR DOES CHICAGO TITLE REPRESENT THAT IT  
WILL CREATE THE ESTATE OR INTEREST IN  
REAL PROPERTY WHICH IT PURPORTS TO  
CREATE.

[Signature]  
(Name of Duly Authorized Representative)

Mayor  
Title

After recording, return to:  
CITY RECORDER, CITY OF WILSONVILLE  
30000 SW Town Center Loop E.  
Wilsonville OR 97070

Until further notice, send tax statements  
to: Benchmark Land Company  
16325 SW Boones Ferry Rd., #203  
Lake Oswego, OR 97035



STATE OF OREGON )  
County of ) ss

On this 5 day of FEBRUARY, 1996, before me, a notary public in and for said County and State, personally appeared GERALD A. KRUMMEL, MAYOR known to me to be the person whose name subscribed to the within instrument and acknowledged that HE executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal on the day and year above written.



Sandra C. King  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 5/8/99

APPROVED AS TO FORM

this 13 day of February, 1996  
Michael E. Kohlhoff  
Michael E. Kohlhoff, City Attorney  
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this 5th day of FEBRUARY 1996  
Mike Stone  
Mike Stone, P.E., City Engineer  
City of Wilsonville, Oregon

ACCEPTED on behalf of the City of Wilsonville, Oregon

this 5th day of FEBRUARY, 1996  
Gerald A. Krummel  
Gerald A. Krummel, Mayor

ATTESTED TO:

Sandra C. King  
Sandra C. King, City Recorder

5/5/96  
Date:

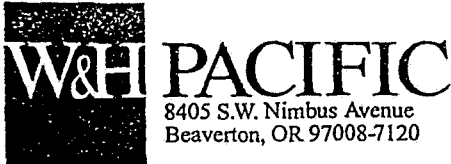


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THE ABOVE DESCRIBED TRACT CONTAINS 1.525 ACRES.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gary P. Christerson*

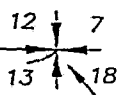
OREGON  
JANUARY 20, 1989  
GARY P. CHRISTERSON  
2377

*Renewal: 12-31-95*

BOECKMAN ROAD N 89° 47' 31" E 151.39'

S 00° 12' 29" E 30.00'

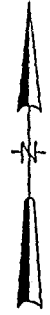
294.36' S 89° 47' 31" W



NORTHEAST CORNER OF SECTION 13.

Δ = 45° 00' 29" R = 220.99' L = 173.59' LC = N 24° 02' 52" E, 169.16'

Δ = 88° 14' 53" R = 160.99' L = 247.95' LC = S 45° 40' 05" W, 224.16'



SCALE: 1" = 100'

TAX LOT 500

EXHIBIT 2

TAX LOT 100

N 01° 32' 38" E 952.67'

WILSONVILLE ROAD

842.54' 01° 32' 38" W

AREA TO BE VACATED 1.525 ACRES

TAX LOT 400

REGISTERED PROFESSIONAL LAND SURVEYOR

Gary P. Christerson

OREGON JANUARY 20, 1969 GARY P. CHRISTERSON 2377

RENEWAL: DECEMBER 31, 1995

Δ = 10° 50' 58" R = 256.48' L = 48.57' LC = N 06° 58' 07" E, 48.49'

S 23° 43' 31" W 171.07'

TAX LOT 1802

TAX MAP: 3 1W 13A

STATE OF OREGON 96-012470 CLACKAMAS COUNTY

Received and placed in the public records of Clackamas County

RECEIPT# AND FEE: 32129 \$45.00

DATE AND TIME: 02/23/96 09:22 AM

JOHN KAUFFMAN, COUNTY CLERK

S

**DEED OF CORRECTION**  
**TO DEED OF PROPERTY**  
**Grantor - Corporation**

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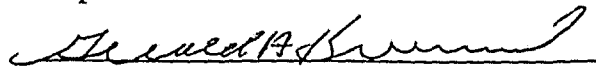
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IN WITNESS WHEREOF, the undersigned GRANTOR has executed this deed this 6  
day of MAY, 1996.

**GRANTOR: CITY OF WILSONVILLE, a municipal  
corporation**

  
(Name of Duly Authorized Representative)

MAYOR  
Title

---

**Grantor: City of Wilsonville**

**Grantee: Benchmark Land Company - Landover L.L.C.**

---

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Lake Oswego, OR 97035

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STATE OF OREGON )  
 ) ss  
County of Clackamas )

On this 6 day of May, 1996, before me, a notary public in and for said County and State, personally appeared GERALD A. KRUMHOLTZ known to me to be the person whose name \_\_\_\_\_ subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal on the day and year above written.



Sandra C King  
Notary Public for Oregon  
My Commission Expires: 5/8/99

APPROVED AS TO FORM  
this 8 day of May, 1996.

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

APPROVED AS TO LEGAL DESCRIPTION  
this 8th day of May, 1996.

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



**W&H PACIFIC**

8405 S.W. Nimbus Avenue  
Beaverton, OR 97008-7120

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*Renewal: 12-31-95*



