

Subs.

RESOLUTION NO. CCXXXII (232)

A RESOLUTION AUTHORIZING DEED OF CITY PROPERTY TO MYRTLE A. MARSHALL TO CORRECT DESCRIPTION OF PROPERTY CONVEYED BY HER TO CITY FOR MAPLE STREET PARK.

WHEREAS, the Canby City Council approved the purchase by Resolution No. CLXXXI (181) adopted October 7, 1974 of a parcel of real property from Myrtle A. Marshall to be used for city park purposes; and a deed to the city was dated October 6, 1975 and recorded October 24, 1975 in Clackamas County Deed Records, Recorder's Fee No. 75 31275; and

WHEREAS development of the Maple Street Park which includes the property acquired from Marshall is ready to be commenced and surveys have been made for fencing and the stakes as set for that purpose has alerted Marshall to a mistake in the size and description of the property which she had intended and agreed to sell to the city. Her alleged intent was to convey a part of her property in Tax Lot 2300 (as originally designated) and retain a parcel ninety feet in width on Amrine Road (now N. Maple St.) and extending east to the west curb line on N. Noble St. a distance of 310 feet. The description of the property as deeded to the city left a parcel ninety feet in width and 300 feet in length extending to the east property line (if extended) of block 2 Amrine Addition. The mistake shorted Marshall 900 square feet of property which can only be corrected by a deed by the city to her; and

WHEREAS the parcel in contention is not needed by the city for its planned improvements of Maple Street Park or for other city purposes and no improvements have been constructed on said parcel which should in good conscience be returned to Marshall;

NOW THEREFORE IT IS HEREBY,

RESOLVED, that the City of Canby re-convey to Myrtle A. Marshall a strip of land ten feet in width and ninety feet in

length which is immediately east of and adjacent to her Tax Lot 2300 in Lot 55, Canby Gardens, Clackamas County, Oregon; and that the City Attorney prepare an appropriate legal description and deed by the city to be signed by the Mayor and City Recorder and delivered to Marshall for recording at city's expense and without any monetary consideration.

Adopted by the Canby City Council at a regular meeting thereof on Wednesday, October 5, 1977.

Robert E. Rapp  
ROBERT E. RAPP - Mayor

ATTEST:

Harold A. Wyman  
HAROLD A. WYMAN - City Recorder