

RESOLUTION NO. CCLXXIII (273)

A RESOLUTION AUTHORIZING QUIT CLAIM DEED OF CITY EASEMENTS TO GARY H. SOWLES AND DIANE M. SOWLES, HUSBAND AND WIFE, AND ROBERT D. WESTCOTT AND SHARON J. WESTCOTT, HUSBAND AND WIFE; AND MARTIN CLARK CONSTRUCTION, INC. AND GLYNN RICHKOFF BECAUSE OF ABANDONMENT OF EASEMENT.

WHEREAS, the City of Canby, Oregon was granted an easement to construct, maintain, operate and replace a water main across property described as follows:

Beginning at a point in the easterly boundary of the tract of land described in that certain conveyance from D. H. Solomon, et ux to City of Canby and recorded July 13, 1933 in Book 220, on page 33, Record of Deeds for Clackamas County, Oregon, that is South 63° 00' West 2456.6 feet distant and South 20° 03' West 561.65 feet distant and South 2° 00' East 123.38 feet distant from a stone located in the northwest corner of the Philander Lee Claim No. 56 in Section 33, Township 3 South, Range 1 East; from said beginning point thence South 49° 33' 30" East 1050.43 feet for a terminus in the southeasterly boundary of the tract of land described in that certain conveyance from Roderick Mackenzie, et ux to Edward O. Mueller and Bertha Mueller and recorded July 19, 1935 in Book 228, on page 234, Record of Deeds for Clackamas County, Oregon, and which point is South 63° 27' 55" West 48.39 feet distant from an iron pipe located at the most easterly corner of said tract and being in the southwesterly extension of the southeasterly boundary of Third Street in Canby, a townplat recorded in Book 1, on page 14, record of Townplats for Clackamas County, Oregon

Said easement was created by instrument dated August 3, 1946 and first recorded October 7, 1947 in Book 398, page 394 and subsequently recorded February 11, 1952, in Book 453, page 268, Clackamas County Deed Records.

WHEREAS, said easement now traverses across the property described as follows:

PARCEL I

That portion of the southeast-quarter of Section 32, Township 3 South Range 1 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the northwest corner of the Lucius A. Seely Donation Land Claim No. 48; thence South, 173.60 feet to the most southerly corner of that tract of land conveyed to Richard H. Capron, et ux, by deed recorded July 11, 1973 under Recorder's Fee No. 73-21868, Clackamas County Records; thence along the southerly line of said Capron tract North 64° 08' 00" East, 833.55 feet to a 5/8-inch iron rod at the most southerly corner of that tract conveyed to the City of Canby by deed recorded in Book 381, page 136, Clackamas

County deed records; thence along the westerly line of said strip North 26° 30' 00" West, 605.993 feet, to the Northerly corner of that tract sold to Glynn Richkoff on contract recorded March 13, 1979 as Recorder's Fee No. 79-10112, and the true point of beginning; thence continuing along the westerly line of said City of Canby strip North 26° 30' 00" West, 242.41 feet, more or less, to a point that is Southeasterly 363.62 feet from the most Westerly corner of said City of Canby tract; thence South 63° 35' 00" West parallel to the Northwest line of said Richkoff tract, 359.41 feet to the easterly line of that tract conveyed to the Canby Utility Board by deed recorded April 20, 1977 under Recorder's Fee No. 77-14613, Clackamas County records; thence Southeasterly along said easterly line and the westerly line of that tract described as Parcel II in the memorandum of agreement recorded February 22, 1978 under Recorder's Fee No. 78-7352, South 26° 30' 00" east, 242.41 feet, more or less, to the Westerly corner of said Richkoff tract; thence North 63° 35' East, along the Northwesterly line of said Richkoff tract, 359.41 feet to the true point of beginning.

Except therefrom the Easterly 15 feet thereof as cut off by a line drawn parallel with the Southwesterly line of that tract conveyed to the City of Canby by deed recorded in Book 381, page 136, Clackamas County Deed Records.

Said parcel is now owned by Gary H. Sowles and Diane M. Sowles, husband and wife, and Robert D. Westcott and Sharon J. Westcott, husband and wife.

PARCEL II:

That portion of the Lucius Seely D. L. C. in Section 32, Township 3 South, Range 1 East, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Southwesterly extension of the southerly line of Third Street in the Town of Canby, South 65° 35' West, 1240 feet from the west corner of Block 7, in said town; thence North 26° 25' West along the Southwesterly line of that tract conveyed to the City of Canby, by deed recorded in Book 381, Page 136, Clackamas County Deed Records, a distance of 605.993 feet to a point; thence South 65° 35' West, parallel to the southeasterly line of that tract conveyed to Martin L. Clark, et al, by deed recorded May 9, 1978 as Recorder's Fee No. 78-19381, Clackamas County Records, a distance of 359.41 feet to a point on the Southwesterly line of said Clark Tract; thence South 26° 25' East, along said southwesterly line and parallel with said City of Canby tract, 605.993 feet to the southeasterly line of said Clark tract; thence North 65° 35' East 359.41 feet to the point of beginning.

Said parcel is now owned in fee title by Martin Clark Construction, Inc. Martin Clark Construction, Inc. has sold said parcel by Contract to Glynn Richkoff.

WHEREAS, the Canby Utility Board has advised the Canby City Council that it presently has no need nor in the future will it

need the land described in the easement for a water main.

WHEREAS, Parcels I and II can be best utilized and developed without the easement; now, therefore, it is hereby

RESOLVED that:

The City of Canby quit claim unto the owners of Parcels I and II and their heirs, successors and assigns all the right, title, interest, estate, claim and demand of, in and to all that land described above and as created by that certain instrument dated August 3, 1946, recorded October 7, 1947 in book 398, page 394, Clackamas County Deed Records and as subsequently recorded a second time February 11, 1952, book 453, page 268, Clackamas County Deed Records. The City Attorney shall prepare appropriate deeds by the City to be signed by the Mayor and City Recorder and delivered to the owners of Parcels I and II for recording at the owner's expense and without any monetary consideration.

Adopted by the Canby City Council at a regular meeting thereof on Wednesday, October 17, 1979.

  
Robt.E. Rapp - Mayor

ATTEST:

  
Marilyn K. Perkett - City Recorder, Pro Tem