

## **RESOLUTION NO. 825**

**A RESOLUTION ACCEPTING THE RESULTS OF MARCH 11, 2003 SPECIAL ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 151 ACRES DESCRIBED AS TAX LOTS 00100, 00300, 00301, 00400, 00500, 00600, 00800, 01600, 01800, 02000, 02100, 02101, 02200 AND 02500 OF TAX MAP 3-1E-34 AND TAX LOT 01001 OF TAX MAP 4-1E-03 LOCATED ON THE SOUTHEAST QUADRANT OF THE CITY, BORDERED GENERALLY BY SE 1<sup>ST</sup> AVENUE ON THE NORTH, MULINO ROAD ON THE EAST AND S. TOWNSHIP ROAD ON THE SOUTH, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.**

**WHEREAS**, on March 11, 2003 , at a special election, the voters of the City of Canby approved by a vote of 1884 to 788 Measure No. 3-98 which called for the annexation of 151 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on March 21, 2003. Applicant for the property was the Ball Janik LLP on behalf of the owners of 15 tax lots in the area more particularly described as Tax Lots 00100, 00300, 00301, 00400, 00500, 00600, 00800, 01600, 01800, 02000, 02100, 02101, 02200 AND 02500 of Tax Map 3-1E-34 and Tax Lot 01001 of Tax Map 4-1E-03. A complete legal description of each tax lot is attached hereto as Exhibit "A", and a map showing the location of the tax lots is attached hereto as Exhibit "B" and by this reference all are incorporated herein; and

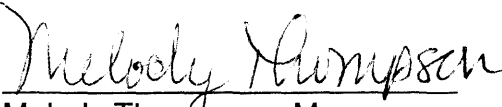
**WHEREAS**, pursuant to CMC 16.84.080, the City of Canby must proclaim by resolution, the annexation of said property into the City and set the boundaries of the new property by legal description;

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby that the Election Results as set forth in the abstract dated March 21, 2003, are official and accepted by the Council of Canby; and it is hereby

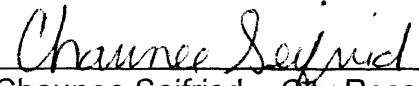
**PROCLAIMED** by the Council of Canby that 151 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

This resolution shall take effect on April 2, 2003.

ADOPTED this 2 day of April, 2003, by the Canby City Council.

  
Melody Thompson - Mayor

ATTEST:

  
Chaunee Seifried, City Recorder, Pro-Tem

CITY OF CANBY  
2003 INDUSTRIAL PARK ANNEXATION  
LEGAL DESCRIPTION

March 2003

The 2003 City of Canby industrial park annexation properties include the following described tracts in Clackamas County, Oregon:

Beginning at the Northeast corner of the donation land claim of Philander Lee and wife, in Township  
2 3 South of Range 1 East of the Willamette Meridian, Clackamas County, Oregon; thence South  
1,793.6 feet more or less to the southeast corner of that tract of land conveyed to Philip A. and Millie  
4 E. Borg in instrument number 97-35085, Clackamas County Deed records; thence South 82° 26' 28"  
West a distance of 504.12 feet more or less to a 5/8" diameter iron rod with a yellow plastic cap  
6 inscribed "Pacific Surveys/PLS 2319", thence South 82° 26' 28" West a distance of 536.35 feet,  
more or less, to a point on the Eastern boundary of that tract of land conveyed to Jacque Parsons by  
8 deed recorded in Article 96-36456, Clackamas County Deed Records; thence South parallel with the  
West line of said DLC to the Southeast corner of said tract; thence West 1,547 feet more or less to  
10 the Southwest corner of that tract of land conveyed to Ray L Burden in instrument number 94-  
70622, Clackamas County Deed Records; thence North 7° 45" West 25.818 chains (1703.8 feet)  
12 more or less to the Southeast corner of that tract of land conveyed to William W. Gale, et ux, by deed  
recorded in Book 498, page 339, Clackamas County Deed Records; thence North 89° 53' West  
14 238.15 feet more or less to the Southwest corner of said tract; thence North 0° 7' East along the West  
line of said Gale tract 171.20 feet to the Northwest corner of said Gale tract; thence North 64° 13"  
16 East 3.96 chains (261.36 feet) more or less to an angle point on the Northern line of the Philander  
Lee and Wife Donation Land Claim, thence Easterly from the angle point along the northerly  
18 boundary of said DLC 2,635.94 more or less to the point of beginning.

Including the following tracts:

1. Beginning at the Northeast corner of a tract of land heretofore conveyed by Horace N. Cook to Stephen Raschi which is a basalt stone 11x6x6 inches marked (X) on top set in the North boundary of said Philander Lee's D.L.C. at a point which bears North 63° 15 ' east 29.71 chains, distant from the quarter section corner on line between sections 33 and 34 of Township 3 South, Range 1 East, running thence North 63° 15' East along the North boundary of said claim 371 & 75/100 feet to a basalt stone 12x8x5 inches marked (X) on top; thence South 2060 & 52/100 feet to a stake set in the North boundary of Oathes Land 331 & 98/100 feet to the Southeast corner of Stephen Raschi's land, which is a basalt stone 10x6x6 inches marked (X) on top; thence North along the East boundary of Stephen Raschi's land 1898 & 16/100 feet to a place of beginning. (TL 800)
2. Beginning at the Southeast corner of the Philander Lee Donation Land claim; thence South 78° 23' West along the South line of said lee Donation Land claim, 1807.02 feet (16.47 chains) to the Southeast corner of the Henry Kraft tract; thence continuing South 78° 23' West along the South line of said Lee Donation Land Claim, 278.98 feet to a 3/4 inch iron pipe, the true point of beginning, thence North 14° 47' East 34.62 feet to a 3/4 inch iron pipe; thence North 21° 58' 30" West 147.65 feet to a 3/4 inch iron pipe; thence North 47° 39' West 41.76 feet to a 3/4 inch iron pipe; thence North 73° 51' 30" West 58.43 feet to a 3/4 inch iron pipe; thence South 86° 28' 30" West 164.15 feet to a 3/4 inch iron pipe; thence South 01° 18' 30" East 318.95 feet to a 3/4 inch iron pipe set on the South line of said Lee Donation Land Claim; thence North 78° 23' East along the South line of said Lee Donation Land Claim, 319.45 feet to a 3/4 inch iron pipe, being the true point of beginning. (TL 1600)
3. A part of Government Lot 5, Section 34, T3S, R1E, WM, Clackamas County, Oregon, more particularly described as follows: A certain tract of 5 acres of land off the North end of the tract of land conveyed to Sam Miller and Ella Miller, his wife, by Deed recorded May 3, 1919, in Book 152, Page 586, Deed Records, In the County of Clackamas and the State of Oregon. Said dividing line being parallel with the Northerly line of said tract which is the Southerly line of the Philander Lee DLC.
4. Beginning at a point in the North line of Section 3 that is 847.84 feet East of the Northwest

corner of the Northeast quarter of Section 3; thence South, at right angles to the North line of Section 3, a distance of 20.00 feet to a point in the South boundary of County Road No. 47, said point being the true point of beginning of the tract to be herein described; thence continuing South 694.29 feet more or less to a point in the Northeast boundary of the Southern Pacific right-of-way; thence South  $39^{\circ} 48'$  East along said boundary 727.22 feet to the East line of the Northwest quarter of the Northeast quarter of Section 3; thence North  $0^{\circ} 32'$  East along said line 1247.29 feet to a point in the South boundary of County Road No. 47; thence West on said boundary 471.94 feet to the true point of beginning.

Excepting therefrom the following tracts:

1.     ginning at a point that is South 22.37 chains and South  $82^{\circ} 45'$  West 16.18 chains from the Northeast corner of said Philander Lee Donation Land Claim, which beginning point is also the Northeast corner of that tract of land conveyed to Mary M. Kelly, by Deed recorded August 24, 1893, in Book 54, Page 32 Deed Records; running thence South parallel to the East line of said Donation Land Claim, a distance of 118.00 feet to a point; running thence West parallel with the North line of said Kelly tract 566.00 feet to a point; thence North parallel with the East line of the Lee Donation Land Claim 118.00 feet to a point on the North line of said Kelly tract; thence east along said North line 566.00 feet to a place of beginning.
2.     at tract of land conveyed to the Zoar Evangelical Lutheran Church as recorded on Instrument No. 63-103, Clackamas County Deed Records.
3.     All public right of ways within the above described boundary.

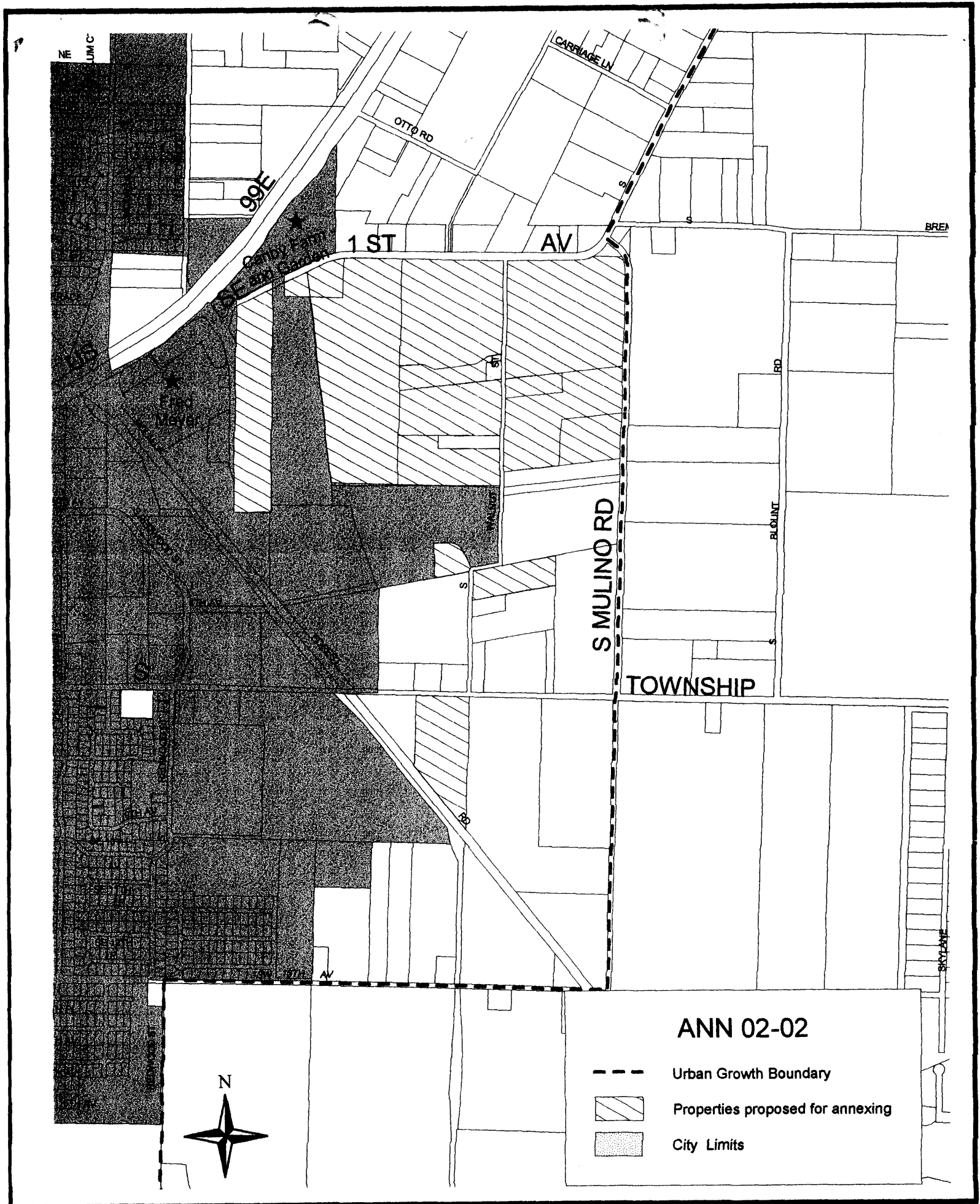


EXHIBIT "B"