

RESOLUTION NO. 840

A RESOLUTION ACCEPTING DEDICATION OF LAND FROM RAY L. BURDEN AND THE ZIMMER FAMILY LIMITED PARTNERSHIP FOR RIGHT-OF-WAY PURPOSES.

WHEREAS, the City desires to obtain right-of-way for the construction of S. Sequoia Parkway and a neighboring road (tentatively called Hazeldell Way); and

WHEREAS, the property described in the attached deeds for road purposes (Exhibit "A") is needed to be able to extend these roads at their full right-of-way width; and

WHEREAS, Ray L. Burden and the Zimmer Family Limited Partnership, being owners of the property, have offered the required additional right-of-way, as described in Exhibit "A"; and

WHEREAS, Section 16.88.060 of the Canby Municipal Code requires this right-of-way dedication to be accepted by the city council;

NOW THEREFORE IT IS HEREBY RESOLVED, by the City Council of the City of Canby, as follows:

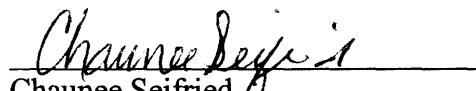
- (1) The Canby City Council accepts the three deeds for road purposes described in Exhibit "1" for right-of-way purposes.

This Resolution shall take effect on November 5, 2003.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on November 5, 2003.


Melody Thompson, Mayor

ATTEST:


Chauncey Seifried
City Recorder, pro-tem

AFTER RECORDING, RETURN TO:

The City of Canby
182 N. Holly Street - P.O. Box 930
Canby, OR 97013

SEND TAX STATEMENT TO:

The City of Canby
Post Office Box 930
Canby, OR 97013

DEED FOR ROAD PURPOSES

KNOW ALL MEN BY THESE PRESENTS, That Ray L. Burden, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by the City of Canby, a Municipal Corporation, hereinafter called the grantee, does hereby grant bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property for purposes of road and utility improvements and road right-of-way, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows, to-wit:

See Attached Exhibit "A" and sketch Exhibit "B"
for dedication of Sequoia Parkway

The true and actual consideration for this perpetual conveyance consists of other property or value given or promised, which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

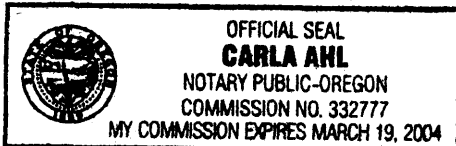
In Witness Whereof, the grantor has executed this instrument this 22ND day of JULY, 2003, if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.



Ray L. Burden

7/22/2003
Date

STATE OF OREGON)
)ss.
County of CLACKAMAS)

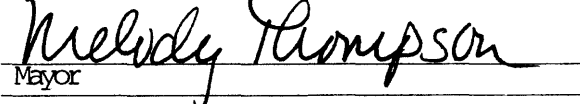
This instrument was acknowledged before me this 22 day of JULY, 2003,
by Ray L. Burden.




Notary Public for Oregon

My Commission Expires 3-19-04

Accepted by: The CITY OF CANBY

By: 
Its: Mayor

City of Canby

EXHIBIT A

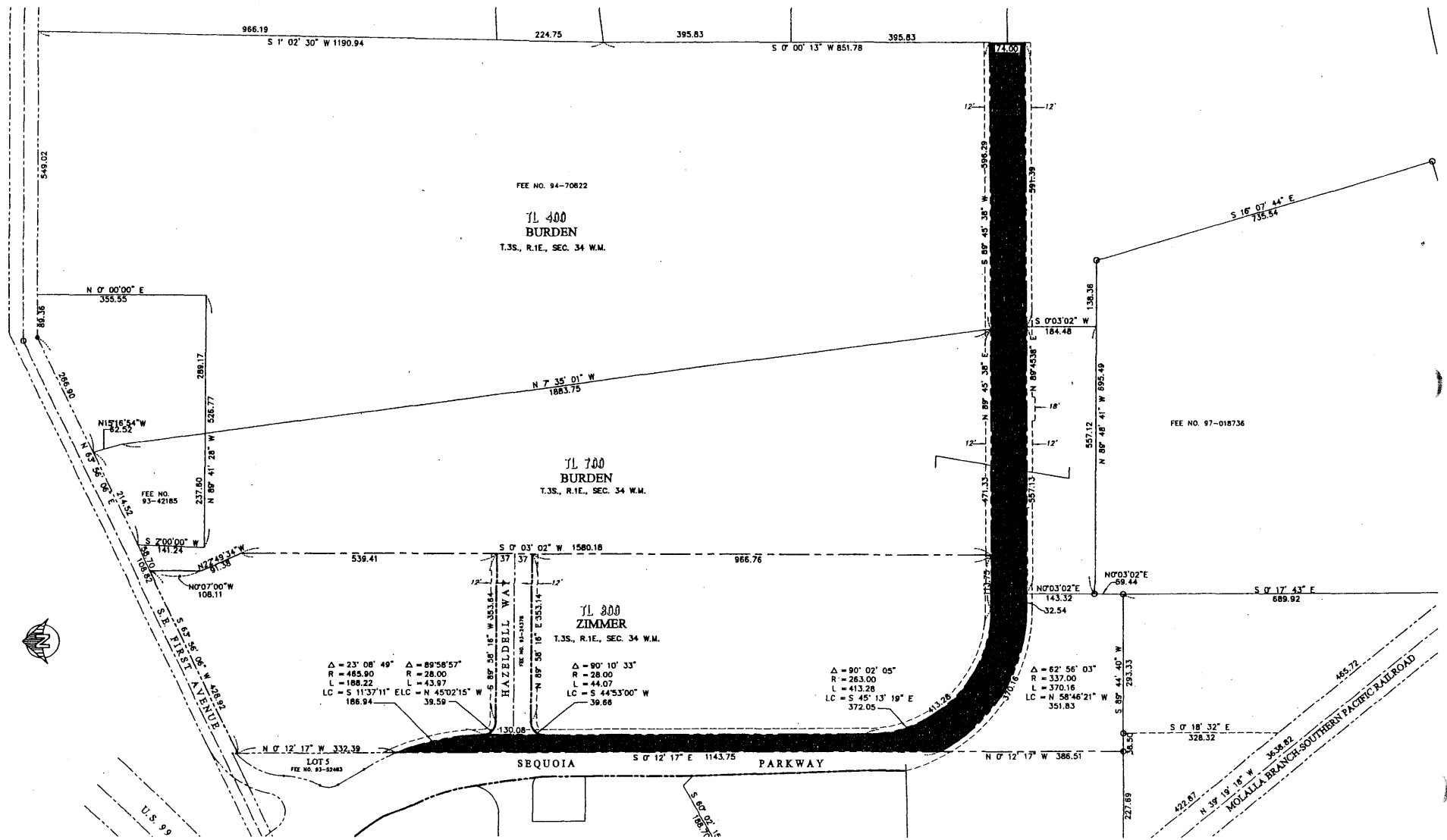
SEQUOIA PARKWAY RIGHT-OF-WAY DEDICATION
BURDEN TO CITY OF CANBY

T3S, R1E, Section 34, Tax Lots 400 and 700

July 21, 2003

Beginning at the southeast corner of that tract of land conveyed to Roy F. Zimmer and Betty J. Zimmer recorded as Deed Number 93-24378, Clackamas County Deed Records in Township 3 South, Range 1 East, Clackamas County, Oregon; thence North $0^{\circ} 03' 02''$ East, 202.76 feet along the eastern boundary of said Zimmer tract to the true point of beginning; thence South $89^{\circ} 45' 38''$ West a distance of 32.54 feet; thence 370.16 feet along a 337 foot radius curve right with chord length of 351.83 feet bearing North $58^{\circ} 46' 21''$ West to the western boundary of said Zimmer tract; thence North $0^{\circ} 12' 17''$ West along the western boundary of said tract 1143.75 feet more or less to the southern most point of Lot 5 Canby Market Center, a duly recorded plat, Clackamas County, Oregon; thence 188.22 feet along a 465.90 foot radius non-tangent curve right with chord length of 186.94 feet bearing South $11^{\circ} 37' 11''$ East; thence South $0^{\circ} 12' 17''$ East a distance of 806.98 feet; thence 413.28 feet along a 263 foot radius curve left; thence North $89^{\circ} 45' 38''$ East, 1181.37 feet more or less to the eastern boundary of that tract of land conveyed to Ray L. Burden recorded as Deed Number 94-070622, Clackamas County, Oregon; thence South $00^{\circ} 00' 13''$ West projected along the eastern boundary of said Burden tract a distance of 74 feet; thence South $89^{\circ} 45' 38''$ West, 1148.52 feet more or less to the eastern boundary of said Zimmer tract, to the true point of beginning; said described area totaling to approximately 3.5 acres.

Additionally, a 12 foot public utility easement shall be created parallel and abutting all right-of-way dedication; the easement shall increase to 18 foot wide for a length of 50 feet centered on the proposed utility vault located 385 feet east of the true point of beginning.



BURDEN SEQUOIA PARKWAY DEDICATION
CITY OF CANBY
SCALE: 1"=200'

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

\\P010111301\SCHEIDT\LOCAL\BUDGET\K11\B1\SEQUOIA.DWG, 7/21/2003 2:57:45 PM

AFTER RECORDING, RETURN TO:

The City of Canby
182 N. Holly Street - P.O. Box 930
Canby, OR 97013

SEND TAX STATEMENT TO:

The City of Canby
Post Office Box 930
Canby, OR 97013

DEED FOR ROAD PURPOSES

KNOW ALL MEN BY THESE PRESENTS, That Ray L. Burden, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by the City of Canby, a Municipal Corporation, hereinafter called the grantee, does hereby grant bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property for purposes of road and utility improvements and road right-of-way, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows, to-wit:

See Attached Exhibit "A" and sketch Exhibit "B"
for dedication of Hazeldell Way

The true and actual consideration for this perpetual conveyance consists of other property or value given or promised, which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 22ND day of July, 2003, if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Ray L. Burden
Ray L. Burden
Date 7/22/2003

STATE OF OREGON)
)ss.
County of CLACKAMAS)

This instrument was acknowledged before me this 22 day of July, 2003,
by Ray L. Burden.



Carla Ahl
Notary Public for Oregon

My Commission Expires 3-19-04

Accepted by: The CITY OF CANBY

By:
Its:

Melody Thompson
Mayor

City of Canby

BURDEN-HAZELDELL WAY DEDICATION
BURDEN TO CITY OF CANBY

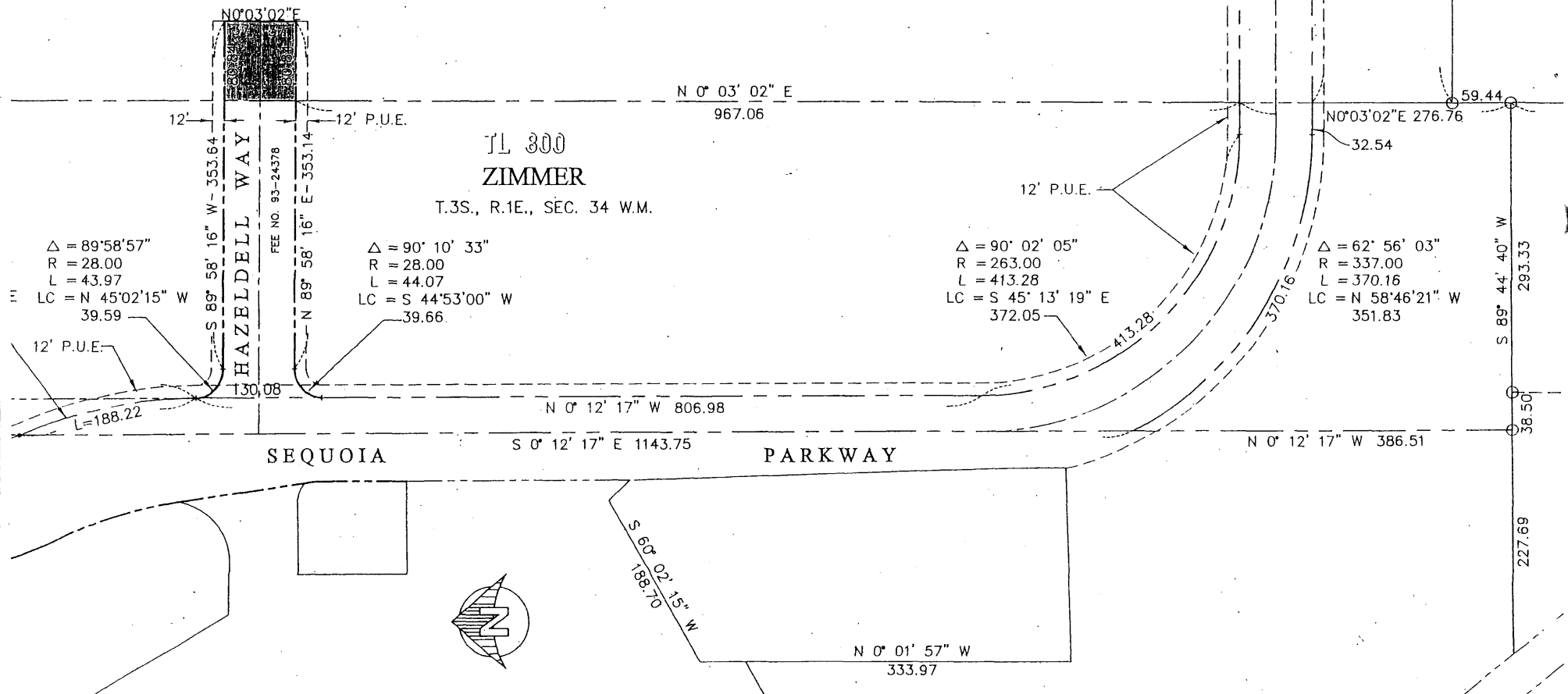
T3S, R1E, Section 34, Tax Lot 700

July 16, 2003

Beginning at the southeast corner of that tract of land conveyed to Roy F. Zimmer and Betty J. Zimmer recorded as Deed Number 93-24378, Clackamas County Deed Records in Township 3 South, Range 1 East, Clackamas County, Oregon; thence North 0° 03' 02" East a distance of 1243.82 feet, to the true point of beginning, said point being on the western boundary of that tract of land conveyed to Ray L. Burden and Irene B. Burden recorded as Deed Number 70-16025, Clackamas County Deed Records in Township 3 South, Range 1 East, Clackamas County, Oregon; thence North 0° 03' 02" East 74 feet along the western boundary of said Burden tract; thence North 89° 58' 16" East a distance of 80.84 feet; thence South 0° 03' 02" West 74 feet; thence South 89° 58' 16" West a distance of 80.84 feet more or less to the western boundary of said Burden tract to the point of beginning; said described area totaling approximately .14 acres.

Additionally, a 12 foot public utility easement shall be created parallel and abutting the right-of-way dedication on the northern and southern boundaries.

TL 700
BURDEN
T.3S., R.1E., SEC. 34 W.M.



BURDEN-HAZELDELL WAY DEDICATION
CITY OF CANBY
SCALE: 1" = 100'

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

07/16/03

EXHIBIT B

AFTER RECORDING, RETURN TO:

The City of Canby
182 N. Holly Street - P.O. Box 930
Canby, OR 97013

SEND TAX STATEMENT TO:

The City of Canby
Post Office Box 930
Canby, OR 97013

DEED FOR ROAD PURPOSES

KNOW ALL MEN BY THESE PRESENTS, That the Zimmer Family Limited Partnership, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by the City of Canby, a Municipal Corporation, hereinafter called the grantee, does hereby grant bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property for purposes of road and utility improvements and road right-of-way, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows, to-wit:

See Attached Exhibit "A" and Sketch Exhibit "B"
for dedication of Hazeldell Way

The true and actual consideration for this perpetual conveyance consists of other property or value given or promised, which is the whole consideration.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 21 day of July, 2003; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Roy F. Zimmer
Zimmer Family Limited Partnership, Roy F. Zimmer, Managing Partner

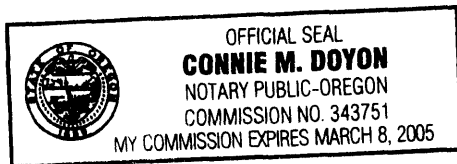
July 21, 2003
Date

STATE OF OREGON)
)ss.
County of CLACKAMAS)

This instrument was acknowledged before me this 21st day of July, 2003,
by the Zimmer Family Limited Partnership, Roy F. Zimmer, Managing Partner.

Connie M. Doyon
Notary Public for Oregon

My Commission Expires March 8, 2005



Accepted by: The CITY OF CANBY

By: Melody Thompson
Its: Mayor

City of Canby

HAZELDELL WAY DEDICATION
ZIMMER TO CITY OF CANBY

T3S, R1E, Section 34, Tax Lot 800

July 2003

Beginning at the southern most point of Lot 5 Canby Market Center, a duly recorded plat, Clackamas County, Oregon; thence 188.22 feet along a 465.90 foot radius non-tangent curve right with chord length of 186.94 feet bearing South 11° 37' 11" East to the true point of beginning; thence 43.97 feet along a 28 foot radius curve left with chord length of 39.59 feet bearing South 45° 02' 15" East; thence North 89° 58' 16" East a distance of 272.80 feet; thence South 0° 03' 02" West a distance of 74 feet; thence South 89° 58' 16" West a distance of 272.30 feet; thence 44.07 feet along a 28 foot radius curve left with chord length of 39.66 feet bearing South 44° 53' 00" West; thence North 0° 12' 17" West a distance of 130.08 feet to the point of beginning; said described area totaling approximately .66 acres.

Additionally, a 12 foot public utility easement shall be created parallel and abutting the right-of-way dedication; the easement will also parallel the southerly and westerly boundaries of the Zimmer tract south of Lot 5 Canby Market Center, a duly recorded plat, Clackamas County, Oregon.

T.3S., R.1E., SEC. 34 W.M.

T.3S., R.1E., SEC. 34 W.M.

$$\begin{aligned}\Delta &= 23^{\circ} 08' 49'' \\ R &= 465.90 \\ L &= 188.22 \\ LC &= S 11^{\circ} 37' 11'' \quad 186.94 \text{ —}\end{aligned}$$
$$\begin{aligned}\Delta &= 89^{\circ}58'57'' \\ R &= 28.00 \\ L &= 43.97 \\ LC &= N 45^{\circ}02'1 \\ &\quad 39.59 \text{ —}\end{aligned}$$
$$\begin{aligned}\Delta &= 90^\circ 10' 33'' \\ R &= 28.00 \\ L &= 44.07 \\ LC &= S 44^\circ 53' 00'' W \\ &\quad \quad \quad 39.66\end{aligned}$$
$$\begin{aligned}\Delta &= 90^\circ 02' 05'' \\ R &= 263.00 \\ L &= 413.28 \\ LC &= S 45^\circ 13' 19'' E \\ &\quad 372.05 \sim\end{aligned}$$

N 0° 12' 17" W 533.57

N. 0° 12' 17" W 806.98

S 0° 12' 17" E 1143.75

PARKWAY

LOT 5
FEE NO. 93-52483

SEQUOIA

ZIMMER-HAZELDELL WAY DEDICATION
CITY OF CANBY
SCALE: 1"=100'

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

07/16/03

EXHIBIT B