

RESOLUTION NO. 886

A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 2, 2004 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 4.98 ACRES DESCRIBED AS TAX LOTS 2300 AND 3300 OF TAX MAP 3-1E-34 LOCATED ON THE EAST SIDE OF SOUTH WALNUT STREET, BETWEEN SOUTH WALNUT AND SOUTH MULINO ROAD, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on November 2, 2004, at a general election, the voters of the City of Canby approved by a vote of 3,610 to 3,076, Measure No. 3-139 which called for the annexation of 4.98 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on November 19, 2004. Applicant for the property was Sprague Joint Venture. The property is more particularly described as Tax Lots 2300 and 3300 of Tax Map 3-1E-34. 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 November 19, 2004, are official and accepted by the Council of Canby; and it is hereby

PROCLAIMED by the Council of Canby that 4.98 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 December 1, 2004.

ADOPTED this 1st day of December, 2004, by the Canby City Council.


Melody Thompson - Mayor

ATTEST:

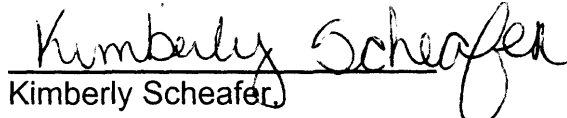

Kimberly Scheafer
City Recorder, Pro-Tem

EXHIBIT "A"

PARCEL II

Part of the Philander Lee Donation Land Claim No. 55 in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the East Donation Land Claim line, North 891.82 feet from the Southeast corner thereof; thence South 82°45' West 1087.88 feet; thence North 229.88 feet; thence North 82°45' East 1082.88 feet to the East Donation Land Claim line; thence South along said claim line 206.88 feet to the point of beginning.

EXCEPT the following:

A tract of land in the Philander Lee Donation Land Claim Number 55 in the Southeast one-quarter of Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a point on the East line of said Lee Donation Land Claim line (that is North a distance of 841.80 feet from the Southeast corner of said Lee Donation Land Claim); thence South 82°45'00" West a distance of 30.24 feet to a point on the Westerly line of Market Road Number 28 (Mulino Road) and being the true point of beginning of the tract to be described herein, with said point of beginning also being the Northeast corner of that tract of land conveyed to Robert E. Ford and Rebecca Ford, husband and wife, by deed recorded as Fee No. 81-28095, Clackamas County Deed Records; thence South 82°45' West, along the North line of said Ford Tract, a distance of 1022.91 feet to a point on the Easement line of County Road Number 540 with said point being the Northwest corner of said Ford Tract; thence South 0°02'04" East, along the Easement line of said county road, a distance of 86.51 feet to a point in an existing wire fence line; thence North 83°01'31" East along said wire fence line, a distance of 508.35 feet to a stone in said fence line; thence North 82°26'28" East, along said wire fence line, a distance of 518.58 feet to a point on the Westerly line of said Market Road Number 28; thence North, along the Westerly line of said Market Road Number 28, a distance of 65.16 feet returning to the true point of beginning.

PARCEL III

A tract of land in the Philander Lee Donation Land Claim, in Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and more particularly described as follows:

Beginning at a point on the East line of the Philander Donation Land Claim, Township 3 South, Range 1 East, of the Willamette Meridian, that is North 891.82 feet from the Southeast corner of said claim (marked with an "X" in the pavement in the center line of Market Road 28); said beginning point is the Northeast corner of the grantor's land as described in Book 81, page 402, Deed Records of Clackamas County. Said corner is also the Southeast corner of the 5 acre tract of land conveyed by Herman Lee to Hannah Halverson by deed recorded in Book 78, page 286 said deed records; thence from said beginning point South 82°45' West 1087.88 feet, along the South line of said 5 acre tract to the Southwest corner thereof; thence South 0°32' West along the grantor's West line 77.32 feet; thence North 82°03'14" East 1089.5 feet to the East line claim and the center of Market Road 28; thence North 84.48 feet to the place of beginning.

STATE OF OREGON 98-024817
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPTS AND FEES: 80881 849.88
DATE AND TIME: 03/26/98 11:28 AM
JOHN KAUFFMAN, COUNTY CLERK

2

DEC. 17. 2004

3:40PM

CTIC SUNNYSIDE TITLE DEPT

NO. 911

P. 4/8

NLY. N.W. Cor.
DLC No 56
400
31.21Ac.
2035

300
20.21Ac.

100
23.40Ac.

N.E. Cor.
Philander Lee
DLC No 56

P. P.

PARCEL 2

1990 - 67

86-02

301
3.42Ac. PARCEL 1
103

2000
9.82Ac.
211

1800
8.30Ac.

1700
22.19Ac.

2101
2.00Ac.
2399

2100
12.58Ac.
2397

2200
4.77Ac.

2300
3.48Ac.

2300
1.50Ac.

2400
14.35Ac.
23825

E.S.E. Cor.
DLC No. 56

86-20

1600
1.82Ac.

3100
18.27Ac.
23949

2500
4.90Ac.
239

2700
5.55Ac.

2600
1.0Ac.

LOT 8

3778

86-20

UR

86-43

1300
1.39Ac.

1300
1.39Ac.

1300
1.39Ac.

JUN 16 2004

3 IE 34
& INDEX

23500

SEE MAP 3 IE 35

*description
does go to
corner*