

RESOLUTION NO. 909

A RESOLUTION DECLARING CERTAIN REAL PROPERTY NOT NEEDED FOR PUBLIC USE.

WHEREAS, in 1984, the City of Canby received approximately 5000 square feet of real property from the Church of Jesus Christ of Latter-Day Saints (LDS Church) for road right-of-way purposes to extend SW 13th Avenue. In consideration for the transfer of the property, the City waived street and sidewalk development fees for street improvements along the LDS Church frontage on SW 13th Avenue. The parcel is described as "*a triangular piece of property 100' by 100' by 141.42' located in the southwest corner of tax lot 7500, Map 3-1E-4BD, deed records of Clackamas County, Oregon, City of Canby, County of Clackamas, State of Oregon containing approximately 0.23 acres of land*". Said property is located on the north side of SW 13th Avenue approximately one block west of its intersection with S. Elm Street, and

WHEREAS, when SW 13th Avenue was extended to the west, the above described property was not used for right-of-way purposes. The parcel has remained vacant and unused since that time. The City Council does not believe the parcel is needed for public use and finds it necessary or convenient to convey to others in accordance with ORS 271.310, and

WHEREAS, ORS 221.725 requires notice and public hearing concerning the sale of public real property, now therefore

IT IS HEREBY RESOLVED by the City of Canby Council that "*a triangular piece of property 100' by 100' by 141.42' located in the southwest corner of tax lot 7500, Map 3-1E-4BD, deed records of Clackamas County, Oregon, City of Canby, County of Clackamas, State of Oregon containing approximately 0.23 acres of land*" is not needed for public use and may be conveyed to others at the discretion of the Council following a public hearing pursuant to ORS 221.725.

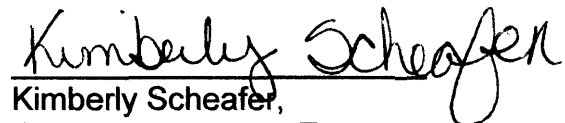
This resolution shall take effect September 7, 2005.

ADOPTED this 7th day of September, 2005, by the Canby City Council.



Melody Thompson - Mayor

ATTEST:



Kimberly Scheafer,
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 Frank D. Cutsforth and Kathleen M. Cutsforth, 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:

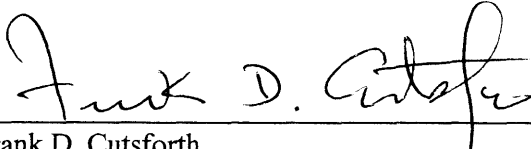
A portion of that tract of land conveyed to Frank D. Cutsforth and Kathleen M. Cutsforth, husband and wife, under instrument number 93-50421, Clackamas County Deed Records, more specifically described as dedication of a 10 foot strip of land parallel and abutting the northeast boundary of said tract of land; with a 20 foot slope easement being the southwesterly 20 foot strip of the northeastern 30 foot strip of land parallel and abutting said northeast boundary line, as shown on the attached exhibit A. (3 1E 27DB 900)

In addition, a temporary construction easement for reconstruction of the access driveway shall include the 50 foot strip of land parallel and abutting the northeast boundary of said tract. Temporary easement shall be null and void upon completion of the project.

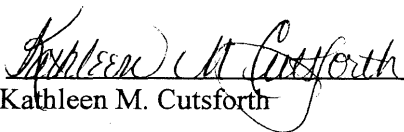
The true and actual consideration for this perpetual conveyance consists of other property or value given or promised, which is the whole consideration.

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 6th day of Sept., 2005; 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.


Frank D. Cutsforth

9/6/05
Date


Kathleen M. Cutsforth

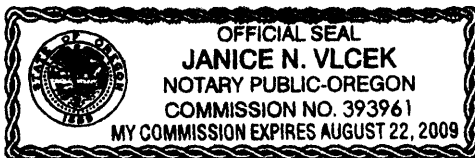
Sept 6, 2005
Date

CUTSFORTH DEED FOR ROAD PURPOSES

Tax Lot 3 1E 27DB 900

STATE OF OREGON)
)ss.
County of CLACKAMAS)

This instrument was acknowledged before me this 6th day of September 2005,
by Frank D. Cutsforth and Kathleen M. Cutsforth.



Janice N. Vlcek
Notary Public for Oregon

Accepted:
The City of Canby

My Commission Expires Aug. 22, 2009

By:

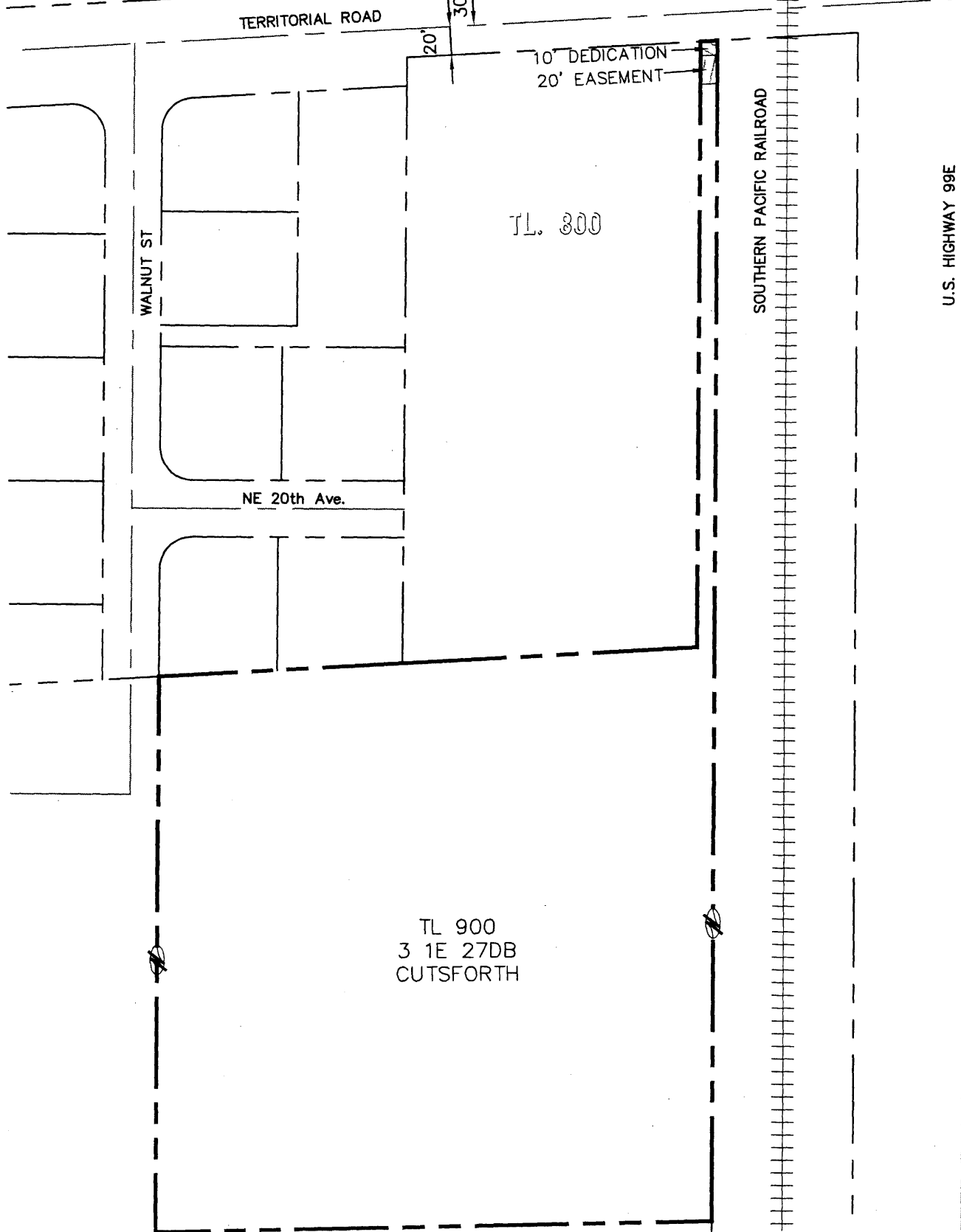
Its:



EXHIBIT "A"

SCALE: 1" = 100'

TL. 100



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS