

RESOLUTION NO. 937

A RESOLUTION ACCEPTING DEDICATION OF A DEED FOR ROAD PURPOSES FROM STERLING DEVELOPMENT CORPORATION, JCR RESOURCES, LLC, DJB DEVELOPMENT, LLC AND JON C. RASAK FOR ROAD RIGHT-OF-WAY PURPOSES.

WHEREAS, the City desires to obtain road right-of-way for construction and widening of Pacific Highway East and Berg Parkway to allow for development of the adjacent property; and

WHEREAS, the property described in the attached Deed for Road Purposes is needed to be able to extend these roads to their full right-of-way widths; and

WHEREAS, the Sterling Development Corporation, JCR Resources, LLC, DJB Development, LLC and Jon C Rasak have offered the required additional right-of-way, as described in Exhibit "A" of the attached Deed for Road Purposes; and

WHEREAS, Section 16.88.060 of the Canby Municipal Code requires this right-of-way to be accepted by the City Council; now therefore

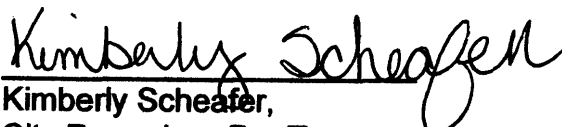
IT IS HEREBY RESOLVED by the City of Canby Council accepts the attached Deed of Road Purposes for right-of-way to be constructed at the intersection of Pacific Highway East and Berg Parkway in the City of Canby.

This Resolution shall take effect of November 15, 2006.

ADOPTED this 15th day of November, 2006, 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 **Sterling Development Corporation**, a California corporation as to a 7.5% undivided interest, **JCR Resources, LLC**, an Oregon limited liability corporation as to 67.5 % undivided interest, **DJB Development, LLC**, an Oregon limited liability company, as to a 15% undivided interest and **Jon C. Rasak**, as to an undivided 10% interest, 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 and easements for purposes of road, sidewalk and utility improvements, 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 parcel of land at the southwest corner of the intersection of State Highway 99E, also known as Pacific Highway East, and Berg Parkway, from that tract conveyed to Sterling Development Corporation et al under instrument number 2006-088298, Clackamas County deed records, more particularly described on the attached Exhibits "A" and "B", and by this reference incorporated herein.

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 ____ day of October, 2006; 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.

This deed may be executed in counterparts, the parts of which when taken together shall constitute the whole.

STERLING DEVELOPMENT CORPORATION

By: [Signature]
Name & Title: JEFF RASAK, PRES.

DJB DEVELOPMENT, LLC

By: [Signature]
Name & Title: DAVID C. HOPKINS
MANAGER

JCR RESOURCES, LLC

By: [Signature]
Name & Title: JEFF RASAK
MANAGER

Jon C. Rasak

STATE OF California)
County of San Diego)ss.

This instrument was acknowledged before me this 25 day of October, 2006 by Jeff Rasak as President on behalf of **Sterling Development Corporation**



JULIANA J. DODD
COMM. #188881
NOTARY PUBLIC-CALIFORNIA
SAN DIEGO COUNTY
My Commission Expires
AUGUST 4, 2009

Notary Public for [Signature]
My Commission Expires 8/4/09



JULIANA J. DODD
COMM. #188881
NOTARY PUBLIC-CALIFORNIA
SAN DIEGO COUNTY
My Commission Expires
AUGUST 4, 2009

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 Sterling Development Corporation, a California corporation as to a 7.5% undivided interest, JCR Resources, LLC, an Oregon limited liability corporation as to 67.5 % undivided interest, DJB Development, LLC, an Oregon limited liability company, as to a 15% undivided interest and Jon C. Rasak, as to an undivided 10% interest, 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 and easements for purposes of road, sidewalk and utility improvements, 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:

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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 ____ day of October, 2006; 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.

This deed may be executed in counterparts, the parts of which when taken together shall constitute the whole.

STERLING DEVELOPMENT CORPORATION

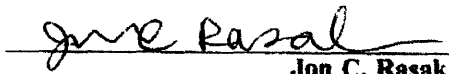
By: _____
Name & Title: _____

JCR RESOURCES, LLC

By: _____ Name &
Title: _____

DJB DEVELOPMENT, LLC

By: _____
Name & Title _____


Jon C. Rasak

STATE OF _____)
County of _____) ss.

This instrument was acknowledged before me this ____ day of October, 2006 by _____ as
_____ on behalf of Sterling Development Corporation

Notary Public for _____
My Commission Expires _____



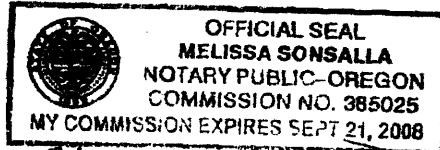
JULIANA J. DODD
 COMM. #1898861
 NOTARY PUBLIC-OREGON
 SAN DIEGO COUNTY
 My Commission Expires
 AUGUST 4, 2009

STATE OF California)
)ss.
 County of San Diego

This instrument was acknowledged before me this 25 day of October, 2006 by Jeff Rasak as Member on behalf of **JCR Resources, LLC**

Juliana J. Dodd
 Notary Public for
 My Commission Expires 8/4/09

STATE OF Oregon)
)ss.
 County of Multnomah



This instrument was acknowledged before me this 26 day of October, 2006 by David Hopkins as Member on behalf of **DJB Development, LLC**

Melissa Sonsalla
 Notary Public for
 My Commission Expires 09/21/08

STATE OF _____)
)ss.
 County of _____

This instrument was acknowledged before me this _____ day of October, 2006 by Jon C. Rasak, personally known or proven to me to be the person named in said instrument

 Notary Public for
 My Commission Expires _____

Accepted: The City of Canby

By: _____

Its: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Contra Costa

SS.

On

25th day of October 2006

before me,

Daniel Raymond Martin, Notary Public

personally appeared

Tom C. Rasmussen

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Deed for Road Purposes

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

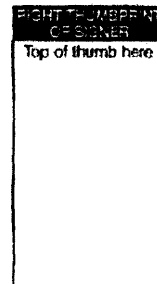




EXHIBIT "A"

LEGAL DESCRIPTION

JOB NO. 500-670

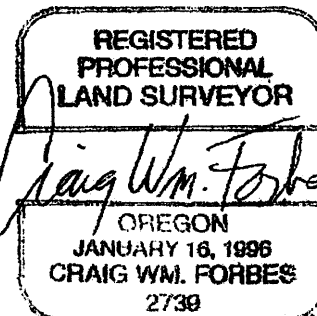
RIGHT-OF-WAY DEDICATION

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, CLACKAMAS COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2006-088298, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 99E AND THE WESTERLY RIGHT-OF-WAY LINE OF BERG PARKWAY; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BERG PARKWAY SOUTH $00^{\circ}03'00''$ EAST, 48.66 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH $89^{\circ}57'00''$ WEST, 5.09 FEET; THENCE NORTH $30^{\circ}28'44''$ WEST, 22.01 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 31.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY 27.87 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 99E, SAID CURVE HAVING A CENTRAL ANGLE OF $50^{\circ}42'00''$ AND A LONG CHORD BEARING NORTH $53^{\circ}25'57''$ WEST, 26.97 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH $70^{\circ}12'35''$ EAST, 40.25 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 840 SQ. FT. MORE OR LESS.

BASIS OF BEARINGS PER SURVEY NUMBER 2006-382
CLACKAMAS COUNTY SURVEY RECORDS.



VALID UNTIL 12/31/07

EXHIBIT "B"

PACIFIC HIGHWAY EAST
STATE HIGHWAY 99E

N70°12'35"E

40.00'

POINT OF
BEGINNING

N70°12'35"E

N70°12'35"E

RIGHT-OF-
WAY
DEDICATION

840 SF

$\Delta = 50^{\circ}42'00''$

R=31.50'

L=27.87'

CH=N53°25'57"W,

C=26.97'

N30°28'44"W
22.01'

S89°57'00"W
5.09'

S00°03'00"E 48.66'

15.00'

35.00'

S00°03'00"E

BERG PARKWAY

S00°03'00"E

DEED DOCUMENT
NO. 2006-088298



SCALE: 1" = 20'

GRAPHIC SCALE



DRAWN BY: MEM DATE: 10-24-06

REVIEWED BY: CWG DATE: 10-24-06

PROJECT NO.: 500-670

SCALE: 1"=20'



COMMUNITY DEVELOPMENT