

**RESOLUTION NO. 968**

**A RESOLUTION ACCEPTING DEDICATION OF LAND FROM JEAN M. ROVER  
FOR RIGHT-OF-WAY PURPOSES.**

**WHEREAS**, the City desires to obtain right-of-way for the construction of the S. Sequoia Parkway extension project; and

**WHEREAS**, the property described in the attached Deed For Road Purposes (Exhibit A) is needed to be able to extend this road at its full right-of-way width; and

**WHEREAS**, the Canby Urban Renewal District is providing funds for the purchase; and

**WHEREAS**, Jean M. Rover, owner of the property, has accepted the District's offer of \$21,000 based on an appraisal of the subject property, and signed the attached Deed For Road Purposes ; 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 Deed For Road Purposes described in Exhibit A and directs the City Administrator to sign the Deed on behalf of the City.

This Resolution shall take effect on December 5, 2007.

**ADOPTED BY THE CANBY CITY COUNCIL** at a regular meeting thereof on December 5, 2007.

  
Melody Thompson, Mayor

**ATTEST:**

  
Kimberly Scheafer, OMC  
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  
AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That Jean M. Rover, 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 improvements and road right-of-way, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining;

Together with a perpetual easement for constructing, reconstructing, operating, maintaining, inspecting, and repairing of public utilities including but not limited to phone, electric, gas, cable T.V., internet, water, sewer, storm and appurtenances, together with the right to remove, as necessary, vegetation, foliage, trees, and other obstructions on the parcel of land; said right-of-way and public utility easement are described as follows:

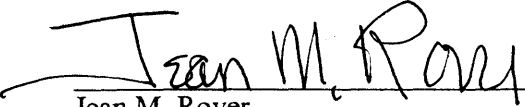
See Exhibit "A" attached hereto and incorporated by reference, and as shown on Exhibit "B", situated in Clackamas County, State of Oregon.

THE TRUE CONSIDERATION for this conveyance is \$21,000.00. However, the actual consideration consists of or includes 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.

IT IS EXPRESSLY UNDERSTOOD that the utility easement does not convey any right, title, or interest except those expressly stated in this easement, nor otherwise prevent Grantor from the full use and dominion thereover; provided, however, that such use shall not interfere with the uses and purposes of the intent of the easement. The Grantor, its heirs, successors, assigns or representative shall not construct or maintain any building or other structure upon the easement area described in Exhibit "A" prior to receiving written approval by the City Engineer or his/her designee.

In Witness Whereof, the grantor has executed this instrument this 31 day of October, 2007; 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.

  
Jean M. Rover

Oct 31, 2007  
Date

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STATE OF OREGON )

)ss.

County of CLACKAMAS )

This instrument was acknowledged before me this 31<sup>st</sup> day of October 2007,  
by Jean M. Rover.



Mary Ann Stadel  
Notary Public for Oregon

My Commission Expires: 5-1-2010

Accepted: City of Canby

Mark Adcock Mark Adcock, City Administrator

## **Exhibit "A"**

Jean M. Rover

A Portion of Township 3 South,  
Range 1E, Section 34 Tax Lot 2500

### **Sequoia Parkway Roadway Dedication & Easement Legal Description**

A portion of that tract of land conveyed to Jean M. Rover in deed recorded under fee number 98-073646 Clackamas County Deed Records, in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, more particularly described as follows: Beginning at the northwest corner of that parcel conveyed to Jean M. Rover under said fee number, said point also being 15 feet east when measured perpendicular to the centerline of the north-south portion of South Walnut Street; thence westerly along the northern boundary of said Rover tract 46.36 feet; thence south easterly in an alignment perpendicular to the northern boundary of said Rover tract a distance of 17.30 feet; thence along a non-tangent curve left with radius 44 feet and arc length of 57.89 feet to a point of tangency that is 31 feet east of the centerline of South Walnut Street; thence south 61.58 feet paralleling said centerline to a point of curvature; thence along a curve right with radius of 331 feet and arc length 85.32 feet to a point of reverse curve; thence along a curve left with radius 269 feet and arc length of 27.66 feet to a point on the eastern right of way line of South Walnut Street, said point being 15 feet east when measured perpendicular to the centerline of South Walnut Street, thence north along the western property line of said Rover tract and the eastern right of way line of South Walnut Street to the point of beginning, said dedication containing 3,688 square feet more or less.

Additionally, a 12 foot wide public utility easement shall be created parallel and abutting the westerly boundary line of said Rover tract described above, said easement containing 3,657 square feet more or less.

Exhibit "B"

