RESOLUTION NO. 1363

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS TO RELINQUISH REAL PROPERTY TO THE OREGON DEPARTMENT OF TRANSPORTATION

WHEREAS, on February 26, 2020, the City of Canby purchased a tract of land recorded as Fee Number 2020-032499 Clackamas County Deed Records, from the ZZZ Company, LLC, in accordance with the requirements in ORS 35.510;

WHEREAS, the track of land was required for construction of a section of sidewalk adjacent to the ODOT right-of-way for Pacific Highway 99E, and said section of sidewalk was installed in 2021;

WHEREAS, the property totals 437 square feet and is located within the ODOT right-of-way and has ODOT sidewalk on each side; and

WHEREAS, the ODOT Maintenance District 2B Manager has agreed to accept this tract of land and the accompanying maintenance requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CANBY CITY COUNCIL, that the City Council authorizes the City Administrator to execute documents to relinquish the property secured under Fee Number 2020-032499 to the Oregon Department of Transportation at no cost.

This resolution will take effect on March 16, 2022.

ADOPTED this 16th day of March 2022, by the Canby City Council.

Brian Hodson

Mayor

ATTEST

Melissa Bisset, CMC City Recorder

EXHIBIT A Legal Description

Parcel 1 - Fee

A parcel of land lying in the Philander Lee DLC No. 56, Township 3 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Statutory Warranty Deeds to WSCO Petroleum corp., an Oregon corporation, recorded December 31, 2003, as Recorder's Fee No. 2003-167020 and to ZZZ Company LLC, an Oregon limited liability company, recorded December 31, 2003, as Recorder's Fee No. 2003-167021, Film Records of Clackamas County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the center line of the relocated Pacific Highway East, which center line is described as follows:

Beginning at Engineer's center line Station "L2" 523+47.60, said station being 429.60 feet North and 1,312.49 feet West of the South quarter corner of Section 33, Township 3 South, Range 1 East, Willamette Meridian; thence South 64°52' West 20.97 feet; thence on a spiral curve left (the long chord of which bears South 65°08'45" West 199.96 feet) 200.00 feet; thence on a 1432.39 foot radius curve left (the long chord of which bears South 57°48'30" West 233.28 feet) 233.54 feet; thence on a spiral curve left (the long chord of which bears South 47°48'13" West 399.65 feet) 400.00 feet; thence South 45°08'15" West 295.53 feet to Engineer's center line Station "L2" 534+97.64

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwesterly Side of Center Line			
523+74.62	ere	523+97.00	46.53 in a straight line to 63.41			
523+97.00		524+07.00	70.00			

Bearings are based on County Survey No. 2010-45, filed March 3, 2010, Clackamas County, Oregon.

EXCEPT that portion which lies in that fee parcel deeded to the State of Oregon in Document No. 2013-015121.

Contains in all 437 square feet more or less, outside the existing right of way.

See Exhibit Map attached hereto.

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Relinquishment N Elm Street & Hwy 99E Canby, Oregon

After recording return to:

Oregon Department of Transportation Right of Way Section 4040 Fairview Industrial Dr, SE, MS #2 Salem, OR 97302-1142

Relinquishment Deed

The **CITY OF CANBY**, a municipal corporation of the State of Oregon, herein called "City", does hereby relinquish unto the **STATE OF OREGON**, herein called "State", all of the City's rights, title and interest in that tract of land conveyed to the City on February 26, 2020 as recorded on Fee Number 2020-032499, Clackamas County Deed Records, Clackamas County, Oregon, as described in the legal description and accompanying map, marked Exhibit 'A' and Exhibit 'B', attached hereto and by this reference made a part hereof.

The true consideration for this conveyance is other than financial, which is the whole consideration.

Dated this	513	day of	April	, 2	2022	
			CITY of CA	NBY	$\left(\right)$	I
			By	Con	XP	<u>`</u>
			Scott	Archer, 0	City Administr	rator
STATE OF OREGON)				
) ss.				
County of CLA	ACKAMAS)				
Archer, City A		l said person	n acknowledg	ged said	person is auth	2022, by Scott torized to execute to be his free and
	or the uses and pu				U	
	F			aga	Kristne	Benhan
	OFFICIAL STAMP	AM	Nota	ry Ru bli	c for Oregon	<u> </u>

My Commission Expires: 12/23/2023

Accepted by the State of Oregon by _____

NOTARY PUBLIC - OREGON

COMMISSION NO. 994818A MY COMMISSION EXPIRES DECEMBER 23, 2023

on