

SPECIAL ORDINANCE NO. 24-600

**A SPECIAL ORDINANCE ACCEPTING THE DEDICATION
OF REAL PROPERTY ON LAUGHLIN STREET
AND QUITCLAIMING REAL PROPERTY
BETWEEN EAST 7TH STREET AND EAST 8TH STREET**

WHEREAS, the City owns a public sidewalk partially encroaching upon that certain real property (**Parcel**) located on the northwest corner of East 8th Street and Laughlin Street in The Dalles, Oregon, which Parcel is depicted generally in Assessor's Map No. 1N 13E 3 CA as Tax Lot 7200;

WHEREAS, the Parcel's owner desires to dedicate to the City that certain portion of the Parcel abutting the Laughlin Street public right-of-way and currently used for public sidewalk purposes (**Dedicated Area**);

WHEREAS, the City might hold a controlling real property interest in a portion of the unimproved alley abutting the Parcel's northern boundary (**Quitclaimed Area**); and

WHEREAS, the City desires to accept the Parcel's owner's dedication of the Dedicated Area and also to quitclaim to the Parcel's owner the City's real property interests (if any) over the Quitclaimed Area, all as specified below.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

1. Dedication Agreement Authorized. The City Council hereby authorizes the City Manager to execute the Dedication Agreement with the Parcel's owner, attached to and made part of this Special Ordinance as **Exhibit 1**.
2. Dedication Deed Authorized. The City Council hereby authorizes the City Manager to execute the Dedication Deed from the Parcel's owner for the Dedicated Area, attached to and made part of this Special Ordinance as the Dedication Agreement's **Exhibit A**.
3. Dedication Accepted. The City hereby accepts the Parcel's owner's dedication of the Dedicated Area.
4. Quitclaim Authorized. The City Council hereby authorizes the City Manager to execute the Statutory Quitclaim Deed for the Quitclaimed Area, attached to and made part of this Special Ordinance as the Dedication Agreement's **Exhibit B**.

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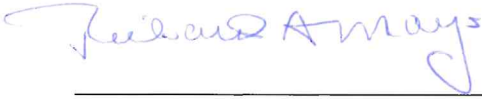
//

5. Effective Date. This Special Ordinance shall be effective 30 days after adoption.

PASSED AND ADOPTED THIS 22ND DAY OF APRIL, 2024,

Voting Yes	Councilors:	<u>Long, Randall, Richardson, Fungon, McGlothlin</u>
Voting No	Councilors:	<u>—</u>
Abstaining	Councilors:	<u>—</u>
Absent	Councilors:	<u>—</u>

AND APPROVED BY THE MAYOR THIS 22ND DAY OF APRIL, 2024.


Richard A. Mays, Mayor

ATTEST:


Amie Ell, City Clerk

DEDICATION AGREEMENT

This DEDICATION AGREEMENT (**Agreement**) is entered by the *City of The Dalles*, an Oregon municipal corporation (**City**), and *Scott R. Thompson*, an individual (**Owner**), for Owner's dedication of real property to the City.

WHEREAS, Owner owns that certain lot (**Parcel**) located on the northwest corner of East 8th Street and Laughlin Street in The Dalles, Oregon, depicted generally in Assessor's Map No. 1N 13E 3 CA as Tax Lot 7200, transferred to Owner on September 20, 2022, through Statutory Warranty Deed recorded in the Wasco County Official Records as Instrument No. 2022-3428, and legally described, to wit:

All of Lot 5 in Block 2 in NEYCE AND GIBSONS ADDITION TO DALLES CITY; ALSO beginning at the Southwest corner of Lot 5 of Block 2, NEYCE AND GIBSONS ADDITION TO DALLES CITY and running thence Westerly along the North side of Alvord Avenue 16 feet to a point; being indicated by a cement wall; being the East line of land owned by Edward M. Harriman; said point being 44 feet Easterly from the Southwest corner of Lot 4 in said Block; thence running Northerly 100 feet more or less to a point 24 feet Westerly from the Northwest corner of Lot 5 of said Block 2; thence Easterly 24 feet to the Northwest corner of Lot 5 of said Block 2; thence Southerly along the West line of said Lot 5 of said Block 2, to the place of beginning; ALSO beginning at the Southeast corner of Lot 5 of Block 2, NEYCE AND GIBSONS ADDITION TO DALLES CITY; thence running Easterly along line of Alvord Avenue 27 feet six inches more or less to a point; thence Northerly parallel with the East line of Lot 5 in Block 2, 107 feet six inches more or less to a point which said point is 27 ½ feet more or less East of the Northeast corner of Lot 5 in Block 2; thence Westerly to the Northeast corner of Lot 5 in Block 2; thence Southerly along East line of Lot 5 to place of beginning; being a strip of land 27 ½ feet wide more or less lying the entire length of Lot 5 of said Block 2, NEYCE AND GIBSONS ADDITION TO DALLES CITY,

ALSO, beginning at a point 24 feet West of the Northwest corner of Lot 5, Block 2, NEYCE AND GIBSONS ADDITION TO DALLES CITY, and running thence Northerly 7 ½ feet; thence running Easterly 103 1/2 feet more or less; thence running Southerly 7 ½ feet more or less; and thence Westerly 103 ½ feet more or less along the North line of Lot 5, Block 2, NEYCE AND GIBSONS ADDITION TO DALLES CITY, to place of beginning, being a strip of land 7 feet wide and 103 ½ feet long, lying adjacent to the entire North end of land purchased by Charles D. Doyle and Margaret E. Doyle from W. Lucinda Whealdon.

WHEREAS, the City owns a public sidewalk encroaching 890 square feet upon that certain portion of the Parcel abutting the Laughlin Street public right-of-way (**Dedicated Area**) legally described, to wit:

A tract of land lying within the Laughlin Street right-of-way, as created in the Plat of Neyce and Gibson's Addition, in the Northeast 1/4 of the Southwest 1/4 of Section 3, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Commencing at the Southeasterly corner of Lot 5 in Block 2, said Neyce and Gibson's Addition; thence on the extension of the Southerly line of said Lot 5, South 65°01'07" East 18.07 feet to the true point of beginning of this description; thence on an 8.50 foot radius curve to the left, through a central angle of 89°57'15", a distance of 13.35 feet (the long chord of which bears North 70°00'15" East 12.02 feet); thence North 25°01'37" East 99.36 feet to the intersection with the Easterly extension of the Southerly line of Block 2 in Fulton's Addition; thence on said Easterly extension, South 65°29'45" East 15.40 feet; thence South

32°37'19" West 108.95 feet to the intersection with the Easterly extension of the Southerly line of said Lot 5; thence on said Southerly extension, North 65°01'07" West 9.49 feet to the true point of beginning of this description.

WHEREAS, the City might hold a controlling real property interest in that certain approximately 812 square foot portion of the unimproved alley running parallel and between East 7th Street and East 8th Street between Federal Street and Laughlin Street abutting the Parcel's northern boundary (**Quitclaimed Area**), legally described, to wit:

A tract of land lying in the Northeast 1/4 of the Southwest 1/4 of Section 3, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Commencing at a 3/4" pipe with an inserted bolt located at the South corner common to Lots 3 and 4 in Block 2, Neyce and Gibson's Addition; thence on the South line of said Lot 4, South 65°01'07" East 53.86 feet; thence leaving said Southerly line, North 28°01'08" East 99.24 feet to the intersection with the Northerly line of said Block 2 and true point of beginning of this description; thence continuing North 28°01'08" East 7.95 feet to the intersection with the Southerly line of Block 2, Fulton's Addition; thence on the Southerly line of said Block 2 and extension thereof, South 65°29'45" East 96.98 feet; thence South 25°01'37" West 8.77 feet to the intersection with the Easterly extension of said Northerly line of Block 2, Neyce and Gibson's Addition; thence on said extension and said North line of Block 2, North 65°00'18" West 97.39 feet to the true point of beginning of this description.

WHEREAS, Owner desires to dedicate the Dedicated Area to the City, the City desires to accept Owner's dedication, and the City desires to quitclaim to Owner its real property interests in the Quitclaimed Area (if any), all as consistent with the terms of this Agreement.

NOW, THEREFORE, in consideration of both the provisions set forth herein and other good and valuable consideration, the receipt and sufficiency of which is here acknowledged, the Parties agree:

A. Owner's Duties.

1. Dedication Deed. Owner agrees to relinquish title to and dedicate the Dedicated Area to the City by delivering to the City a fully executed original of the Dedication Deed (attached to and made part of this Agreement as **Exhibit A**) within 10 days from the date of this Agreement's mutual execution.
2. Tax Currency. Owner agrees to pay all property taxes charged against the Parcel assessed on or before the date Owner delivers the Dedication Deed to the City and to provide the City with a receipt from the Wasco County Assessment and Taxation Office attesting all such property taxes have been paid in full. Owner expressly accepts all property or other tax liabilities imposed on the Parcel and warrants to indemnify the City against any tax obligations whatsoever relating to the Parcel or this Agreement.



B. City's Duties.

1. Statutory Quitclaim Deed. The City agrees to relinquish its real property interests in the Quitclaimed Area (if any) to Owner by delivering to Owner a fully executed original of the Statutory Quitclaim Deed (attached to and made part of this Agreement as **Exhibit B**) within 10 days from the date Owner delivers the receipt mentioned in Section A(2) and the fully executed Dedication Deed to the City.

C. General Provisions.

1. Modification. The Parties agree this Agreement may only be amended by a written amendment duly executed by the Parties.
2. Costs. The City agrees to record the fully executed Dedication Deed in the Wasco County Official Records at its sole expense and to only record after it delivers the fully executed Statutory Quitclaim Deed to Owner. Owner agrees to record the fully executed Statutory Quitclaim Deed in the Wasco County Official Records at their sole expense. The City agrees to pay all mapping fees due the Wasco County Assessment and Taxation Office stemming from the Parties' performance of this Agreement.
3. Integration. The Parties agree this Agreement represents their full and final agreement and supersedes all prior or contemporaneous negotiations and agreements between them on its substance.
4. Severability and Governing Law. The Parties agree any provision of this Agreement deemed unenforceable is severed from this Agreement and the other provisions remain in force. The Parties agree this Agreement is governed by and intended to be construed in accordance with the laws of the State of Oregon and any disputes connected with this Agreement will be heard in the Circuit Court of the State of Oregon for Wasco County.
5. Counterparts. The Parties agree this Agreement may be executed in one or more counterparts, each of which is an original, and all of which constitute only one agreement between the Parties.

Continues on next.



6. Notices. Unless contradicted by specific provision of this Agreement or otherwise required by applicable law, the Parties agree all notices contemplated or required by this Agreement shall be deemed delivered two (2) days after deposit in the United States certified or registered mail, postage prepaid, and addressed:

To the City: City Manager
City of The Dalles
313 Court Street
The Dalles, OR 97058

With a copy to: City Attorney
City of The Dalles
313 Court Street
The Dalles, OR 97058

To Owner: Scott R. Thompson
1767 12th Street, #182
Hood River, OR 97031

IN WITNESS WHEREOF, the Parties duly execute this **DEDICATION AGREEMENT** this 5th day of June, 2024.

CITY OF THE DALLES

OWNER

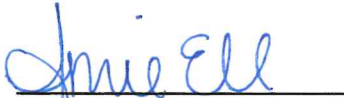


Matthew B. Klebes, City Manager



Scott R. Thompson

ATTEST:



Amie Ell, City Clerk

Approved as to form:



Jonathan M. Kara, City Attorney





I, Lisa Gambee, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



After recording return to:

City Clerk
City of The Dalles
313 Court Street
The Dalles, OR 97058

**Until a change is requested,
send all tax statements to:**

City Clerk
City of The Dalles
313 Court Street
The Dalles, OR 97058

DEDICATION DEED

Grantor: **Scott R. Thompson, an individual**
1767 12th Street, #182
Hood River, OR 97031

Grantee: **City of The Dalles, a municipal corporation of the State of Oregon**
313 Court Street
The Dalles, OR 97058

KNOW ALL BY THESE PRESENTS, Scott R. Thompson (Grantor) does hereby grant unto the **City of The Dalles (Grantee)**, its successors in interest and assigns, all the following real property (**Dedicated Area**) in the County of Wasco, State of Oregon, free of all encumbrances other than encumbrances of record, and bounded and described as follows, to wit:

A tract of land lying within the Laughlin Street right-of-way, as created in the Plat of Neyce and Gibson's Addition, in the Northeast 1/4 of the Southwest 1/4 of Section 3, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Commencing at the Southeasterly corner of Lot 5 in Block 2, said Neyce and Gibson's Addition; thence on the extension of the Southerly line of said Lot 5, South 65°01'07" East 18.07 feet to the true point of beginning of this description; thence on an 8.50 foot radius curve to the left, through a central angle of 89°57'15", a distance of 13.35 feet (the long chord of which bears North 70°00'15" East 12.02 feet); thence North 25°01'37" East 99.36 feet to the intersection with the Easterly extension of the Southerly line of Block 2 in Fulton's Addition; thence on said Easterly extension, South 65°29'45" East 15.40 feet; thence South 32°37'19" West 108.95 feet to the intersection with the Easterly extension of the Southerly line of said Lot 5; thence on said Southerly extension, North 65°01'07" West 9.49 feet to the true point of beginning of this description.

The Dedicated Area is further described as an 890 square foot portion of that certain parcel depicted in **Assessor's Map No. 1N 13E 3 CA as Tax Lot 7200** and is specifically labeled in the diagram attached to and made part of this DEDICATION DEED as **Figure A**.

The **true consideration** of this conveyance is **other consideration given**, the receipt of which Grantor hereby acknowledges.

TO HAVE AND TO HOLD, the above described and granted Dedicated Area unto Grantee, its successors in interest and assigns forever.

Grantor hereby covenants to and with Grantee, its successors in interest and assigns: Grantor is lawfully seized in fee simple of the above-named Dedicated Area, free from all encumbrances other than encumbrances of record (no exceptions), and Grantor, its successors in interest, and assigns, shall warrant and forever defend the said Dedicated Area against the lawful claims and demands of all persons claiming by, through, or under Grantor.

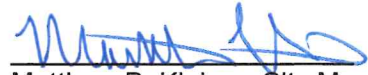
In construing this instrument and where the text so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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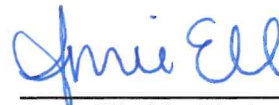
Accepted on behalf of **GRANTEE** pursuant to the provisions of **Special Ordinance No. 24-600** (adopted by the City Council of the City of The Dalles on April 22, 2024) this 6th day of June, 2024.

CITY OF THE DALLES



Matthew B. Klebes, City Manager

ATTEST:



Amie Ell, City Clerk

STATE OF OREGON)
) ss
COUNTY OF WASCO)

This instrument was acknowledged before me this 6th day of June, 2024, by City Manager Matthew Klebes and City Clerk Amie Ell.

Notary Public for Oregon Betsy K. Domsic
My Commission Expires: 7/30/2027

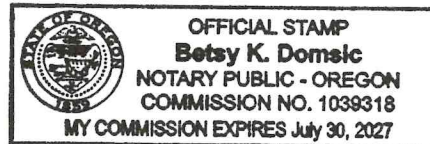


Figure A

RECORD OF SURVEY

TAX LOT 01N-13E-03CA 7200 AND ALLEY IN BLOCK 2,
 NEYCE & GIBSON'S ADDITION IN THE NE 1/4 OF THE SW 1/4 SECTION 3,
 TOWNSHIP 1 NORTH, RANGE 13 EAST, WILLAMETTE MERIDIAN,
 CITY OF THE DALLES, WASCOCO COUNTY, OREGON
 DATE: JANUARY 22, 2024

WASCOCO COUNTY SURVEYOR'S OFFICE

Survey No. _____
 Filed _____
 By _____

PLOT DATE: 1/22/2024

PREPARED FOR
 CITY OF THE DALLES
 333 COURT ST.
 THE DALLES, OR 97058

SCALE: 1" = 20 FEET

- LEGEND**
- SET 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP, INSCRIBED "B BESEDA PLS 50800"
 - FOUND MONUMENTS, AS NOTED
 - △ DENOTES CALCULATED POINT
 - R SURVEY REFERENCE NUMBER
 - A.C. ALUMINUM CAP
 - A.C. BRASS CAP
 - MON. MONUMENT
 - FND. FOUND
 - AC. ACRES
 - FND. LAND CORNER
 - LC. LAND CORNER
 - (E) EXISTING
 - C.S.S. COUNTY SURVEY NUMBER
 - DOC. DOCUMENT
 - () RECORD SURVEY OR DEED CALL
 - CLR. CLEAR
 - ENCR. ENCROACHMENT
 - S.F. SQUARE FEET
 - F.C. FENCE CORNER
 - F.C. FENCE LINE
 - E.G. EDGE OF GRAVEL
 - X- EXISTING FENCE
 - E- EASEMENT

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	8.50'	89°37'15"	13.35'	N70°00'15"E 12.02'

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 13, 1999
 BENJAMIN B. BESEDA
 50800

REVIEW COPY

EXPIRES: 12/31/2025

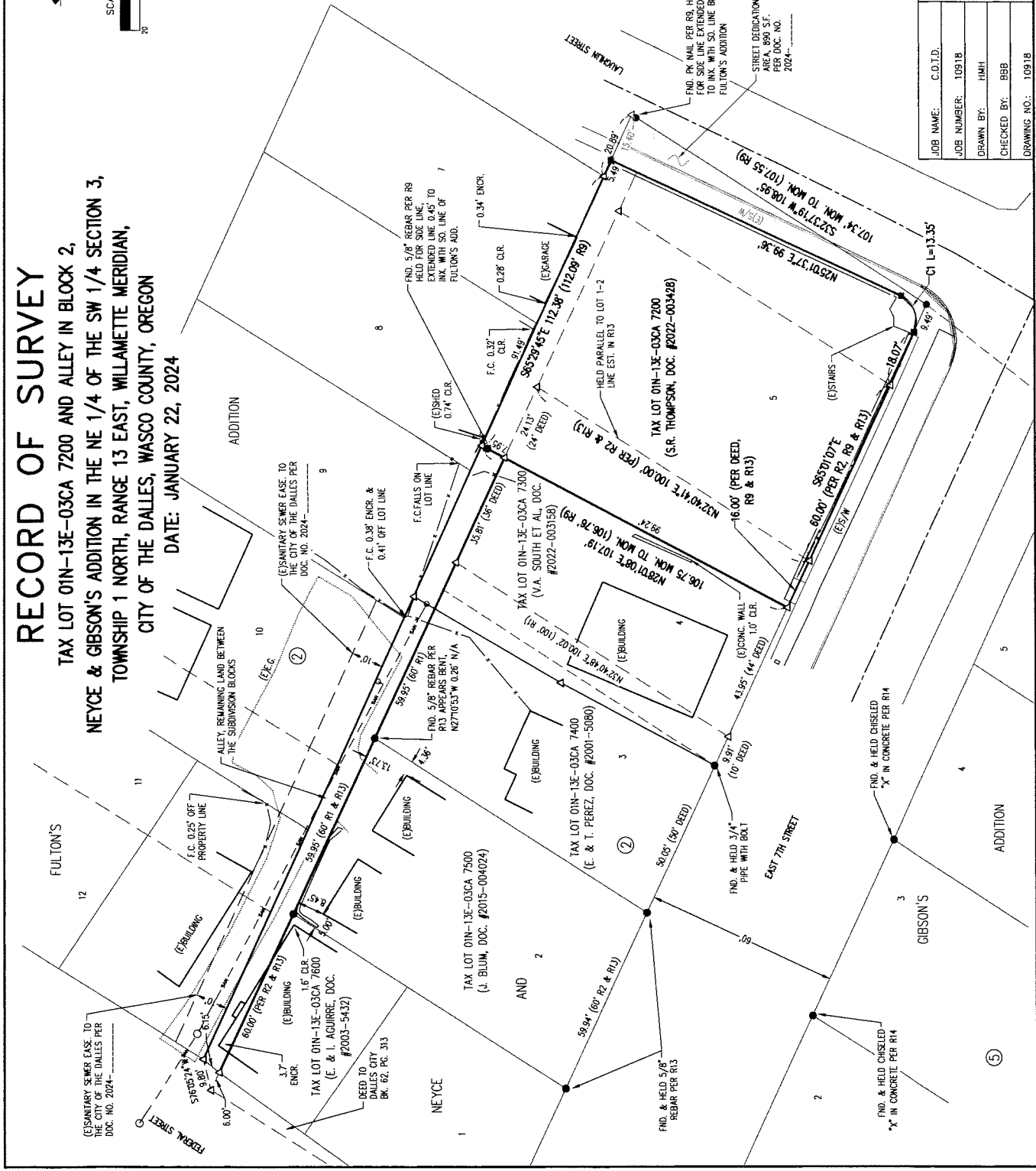
TOWNSON ENGINEERING | AN IMS COMPANY

3775 COATES WAY
 THE DALLES, OR 97058
 503.886.9175
 WWW.AKS-ENG.COM

AKS

ENGINEERING · SURVEYING · NATURAL RESOURCES
 FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

JOB NAME: C.O.T.D.
 JOB NUMBER: 10918
 DRAWN BY: FMH
 CHECKED BY: BBB
 DRAWING NO.: 10918



Certification of Charges Paid
[Oregon Revised Statutes (ORS) 311.411]

Certification #

All charges have been paid for the real property that is the subject of conveyance between:

Grantor

Scott R. Thompson, an individual

Grantee

City of The Dalles, an Oregon municipal corporation

Signed on (date)

June 6, 2024

and for consideration of

\$ other consideration given

Assessor's signature

Date

6-27-24

After recording return to:

Scott R. Thompson
1767 12th Street, #182
Hood River, OR 97031

**Until a change is requested,
send all tax statements to:**

Scott R. Thompson
1767 12th Street, #182
Hood River, OR 97031

STATUTORY QUITCLAIM DEED

Grantor: **City of The Dalles**, *a municipal corporation of the State of Oregon*
313 Court Street
The Dalles, OR 97058

Grantee: **Scott R. Thompson**, *an individual*
1767 12th Street, #182
Hood River, OR 97031

The City of The Dalles (**Grantor**) releases and quitclaims to Scott R. Thompson (**Grantee**) all right, title, and interest in and to the following described real property:

A tract of land lying in the Northeast 1/4 of the Southwest 1/4 of Section 3, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Commencing at a 3/4" pipe with an inserted bolt located at the South corner common to Lots 3 and 4 in Block 2, Neyce and Gibson's Addition; thence on the South line of said Lot 4, South 65°01'07" East 53.86 feet; thence leaving said Southerly line, North 28°01'08" East 99.24 feet to the intersection with the Northerly line of said Block 2 and true point of beginning of this description; thence continuing North 28°01'08" East 7.95 feet to the intersection with the Southerly line of Block 2, Fulton's Addition; thence on the Southerly line of said Block 2 and extension thereof, South 65°29'45" East 96.98 feet; thence South 25°01'37" West 8.77 feet to the intersection with the Easterly extension of said Northerly line of Block 2, Neyce and Gibson's Addition; thence on said extension and said North line of Block 2, North 65°00'18" West 97.39 feet to the true point of beginning of this description.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN

