

City of Sherwood, Oregon

Resolution No. 96-647

WHEREAS, on June 25, 1996, City Council passed Resolution No. 96-641, a copy of which is hereto attached as Exhibit "A"; and,

WHEREAS, since that date the City has acquired a title search showing current ownership and a proposed legal description for the parcel deeded and to be acquired, a copy of which is hereto attached as Exhibit "B".

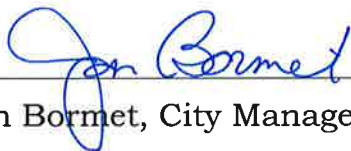
NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

1. Resolution No. 96-641, Exhibit "A", is hereby ratified and confirmed and supplemented by adding thereto the attached legal description of the property to be acquired, all of which property is determined necessary for the purposes set forth in Resolution No. 96-641.
2. This Resolution is passed and adopted by the City Council of the City of Sherwood this 27th day of August, 1996, and shall be and is hereby entered in full in the minutes and records of the City as of this date.



Walter A. Hitchcock, Mayor

ATTEST:



Jon Bormet, City Manager-Recorder

City of Sherwood, Oregon
Resolution No. 96-641

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Sherwood is duly authorized and empowered to locate, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain such facilities as in the judgment of its City Council are necessary and proper for the area of the City; and

WHEREAS, under and by virtue of the laws of the State of Oregon the City of Sherwood may acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property, interests therein, and rights of way, either within or without the limits of the City as in the judgment of the City Council are necessary or proper to exercise its power; and

WHEREAS, for the purpose of providing a facility to serve the City of Sherwood and for the health, safety, benefit, and general welfare of the public, the City of Sherwood plans to locate, construct, operate, maintain, and repair water reservoir and distribution facilities and park land in the City of Sherwood, Washington County, Oregon on the land commonly known as the Snyder property because it is adjacent to the City's existing water reservoir and distribution system, it occupies a high point in the City, and it provides the opportunity for the City to establish open space and park facilities for its growing population, and

WHEREAS, the City of Sherwood is fully committed to the acquisition of the Snyder property through negotiations with the property owners and their representatives, and the City is committed to compensating the owners a fair amount for the land, however the City must also be prepared to move forward with the acquisition of this most needed land if those negotiations fail, and

WHEREAS, this property has been the subject of some speculation in the development community, and the City has been discussing privately its interest with representatives of the property owner for over four months, thus it is now prudent and fair through this public proclamation to let it be known to all of the City of Sherwood's intent to acquire the land.

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

1. The City of Sherwood does hereby find and declare that there is needed and required for the location, construction, operation, maintenance, repair, and improvement of the City of Sherwood, land for the construction and operation of water reservoir and distribution facilities and park land, and the real property and interests set forth and described in Exhibit 1 attached hereto and by reference incorporated herein are deemed necessary for the provision of the services noted herein.

2. The location, construction, operation, maintenance, repair, and improvement of the City of Sherwood system and facility for which the real property and interests therein described in Exhibit I attached hereto and by reference incorporated herein is required and is being taken as necessary in the public interest, and that the water reservoir and distribution facilities and park land and will be designed and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

3. The City of Sherwood and its City Manager and its attorney be and they are hereby authorized to attempt to agree with the owner and other person, in interest in the real property and interest therein described in Exhibit 1 attached hereto and by reference incorporated herein as to the compensation to be paid for the appropriation of the property, and, in the event that no satisfactory agreement can be reached, then the attorneys for City of Sherwood be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceeding, seeks immediate possession of the real property and interest therein.

4. Upon the trial of any suit or action instituted to acquire the real property or any interests therein, the attorneys acting for and on behalf of City of Sherwood be and hereby are authorized to make such stipulation, agreement, or admission as in their judgment may be for the best interest of the City of Sherwood.

5. In order to protect the health, safety, and welfare of the public an emergency exists and it is necessary that no undue delay be encountered in obtaining access to and possession of the real property and interests therein described in Exhibit 1 in order to establish and implement the City's plans to construct water reservoir and distribution

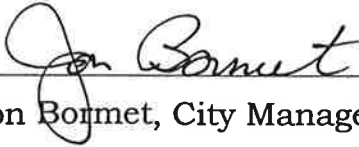
facilities and park land and therefore, this resolution shall be in force and effect from and after its passage by the City Council of the City of Sherwood.

6. This resolution is passed and adopted by the City Council of the City of Sherwood on June 25, 1996, and be and hereby is entered in full in the minutes and records of the City as of this date.



Walter A. Hitchcock, Mayor

ATTEST:



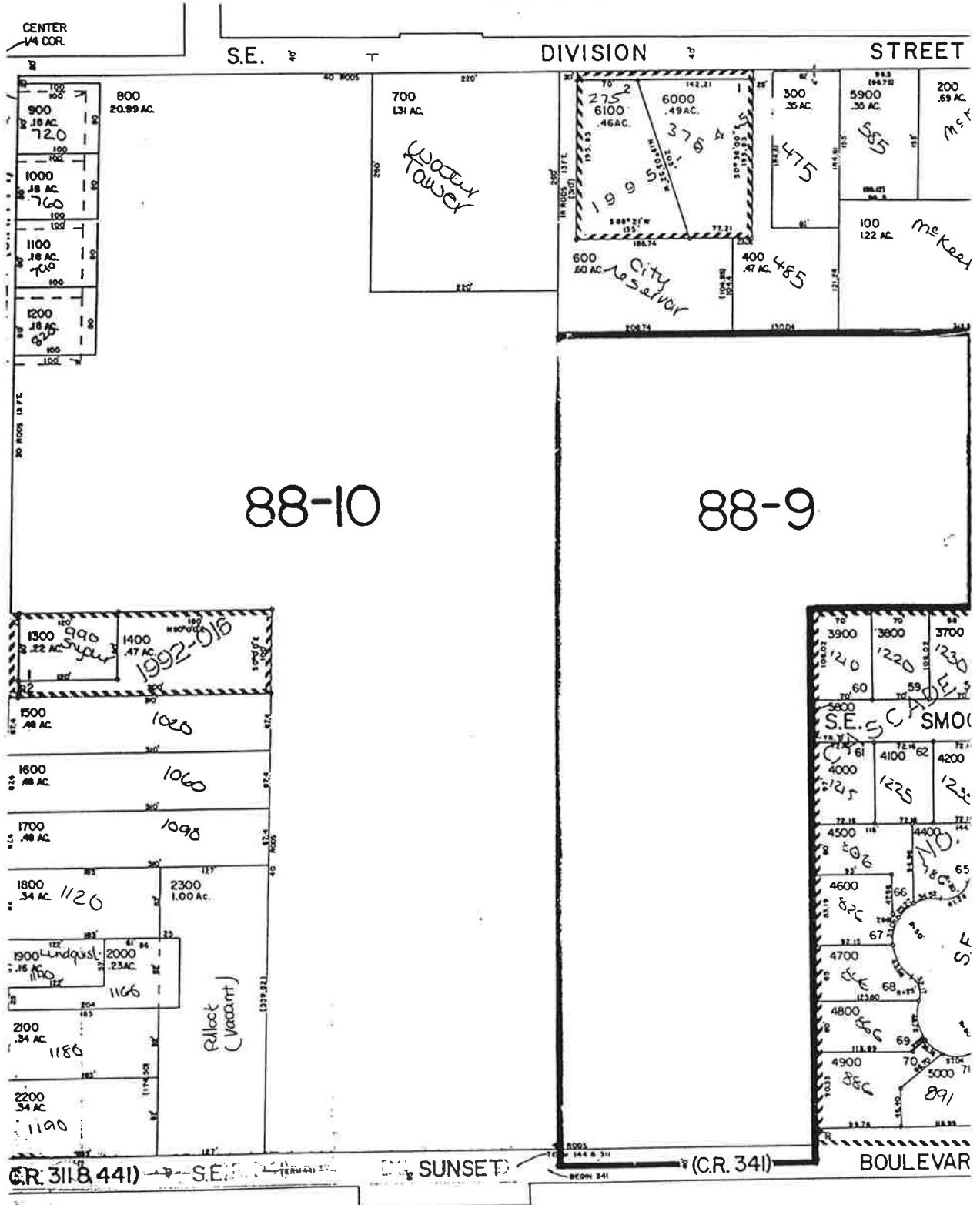
Jon Boromet, City Manager-Recorder

Map No. 2S1 32DB
Tax Lot 800

Resolution No. 96-641
Exhibit 1
SCALE 1" = 100'

USE. _____

SEE MAP 2S 1 32AC



The sketch below is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



TICOR TITLE INSURANCE

EXHIBIT B
Resolution No. 96-647

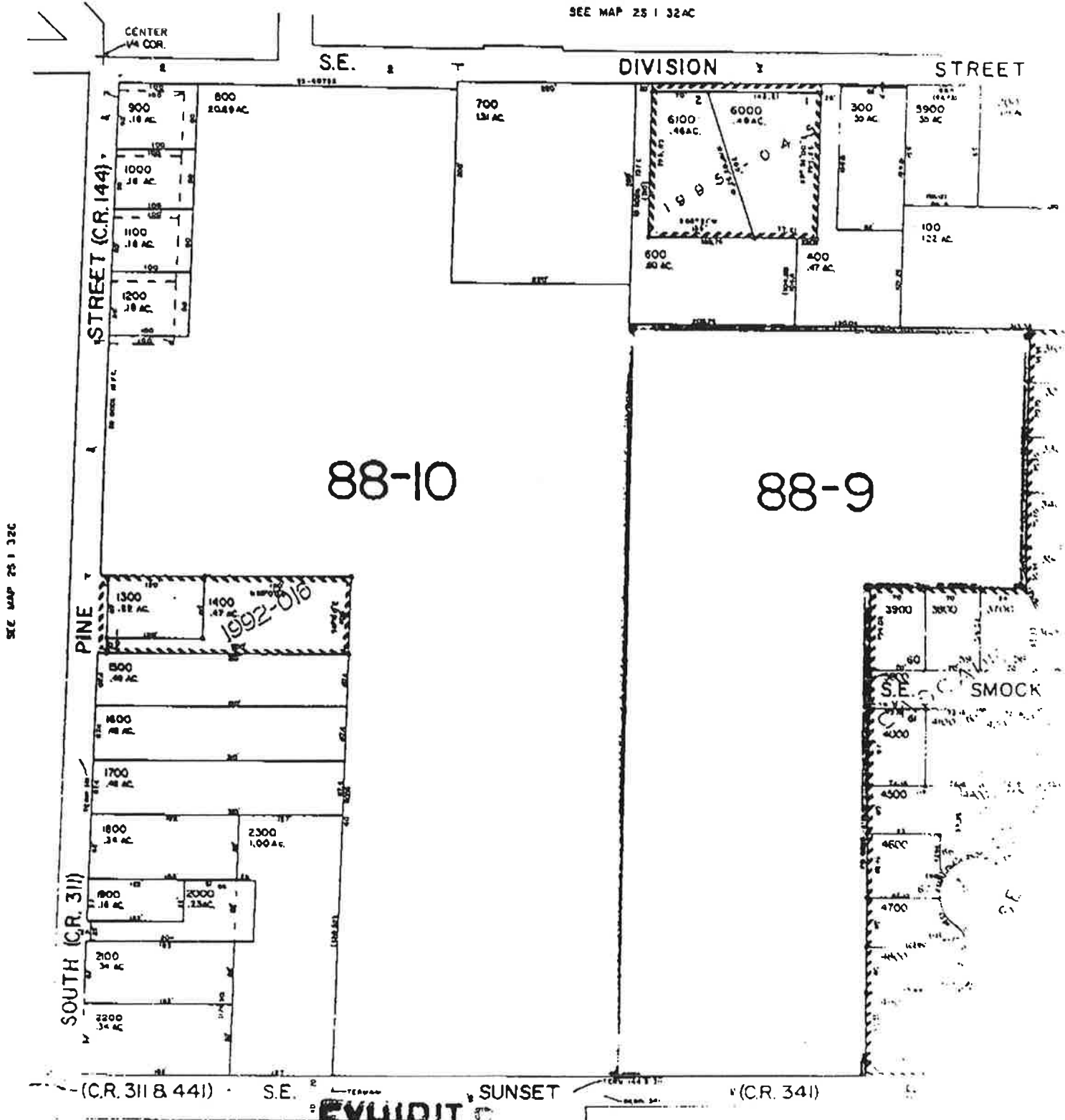


EXHIBIT B

EXHIBIT 1

GUARANTEE NO. W650244RB

EFFECTIVE DATE: JULY 17, 1996

LIABILITY: \$111,200.00

FEE: \$480.00

A. THE ASSURED IS:

THE CITY OF SHERWOOD, a municipal corporation of the State of Oregon.

B. THE ENCUMBRANCE TO BE ENFORCED IS:

NOT APPLICABLE

C. THE ESTATE OR INTEREST IN THE LAND WHICH IS COVERED BY THIS GUARANTEE IS:

Fee

D. TITLE TO THE ESTATE OR INTEREST IN THE LAND IS VESTED, AS OF THE EFFECTIVE DATE, IN:

SNYDER, L.L.C.

E. THE LAND REFERRED TO IN THIS GUARANTEE IS DESCRIBED AS FOLLOWS:

Commencing at a point 40 rods South and 20 rods East from the Northwest corner of the Southeast one-quarter of Section 32, Township 2 South of Range 1 West of the Willamette Meridian, thence East 40 rods, thence South 40 rods, thence West 40 rods, thence North 40 rods to the place of beginning.

ALSO commencing 20 feet South of the center of Section 32 Township 2 South of Range 1 West of the Willamette Meridian, thence South 38 rods and 13 feet, thence East 72 rods, thence North 20 rods, thence West 32 rods, thence North 18 rods and 13 feet, thence West 40 rods to the place of beginning.

SAVE AND EXCEPT that portion of land described as follows; Beginning at a 5/8 inch iron rod set 30.00 feet South 00° 06' 30" East and 20.00 feet North 89° 53' 30" East from a Brass Disk at the Northwest corner of the Southeast one-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon, thence North 89° 53' 30" East 100.00 feet; thence South 00° 06' 30" East 80.00 feet; thence South 89° 53' 30" West 100.00 feet; thence North 00° 06' 30" West 80.00 feet to the place of beginning.

GUARANTEE NUMBER W650244

ALSO SAVE AND EXCEPT that portion of land described as follows: Beginning at 5/8 inch iron rod set 110.00 feet South 00° 06' 30" East and 20.00 feet North 89° 53' 30" East from a Brass Disk at the Northwest corner of the Southeast one-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; thence North 89° 53' 30" East 100.00 feet; thence South 00° 06' 30" East 80.00 feet; thence South 89° 53' 30" West 100.00 feet; thence North 00° 06' 30" West 80.00 feet to the place of beginning.

ALSO SAVE AND EXCEPT that portion of land described as follows; Beginning at a 5/8 inch iron rod set 190.00 feet South 00° 06' 30" East and 20.00 feet North 89° 53' 30" East from a Brass Disk at the Northwest corner of the Southeast one-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; thence North 89° 53' 30" East 100.00 feet; thence South 00° 06' 30" East 80.00 feet; thence South 89° 53' 30" West 100.00 feet; thence North 00° 06' 30" West 80.00 feet to the place of beginning.

ALSO SAVE AND EXCEPT that portion of land described as follows: Beginning at a 5/8 inch iron rod set 270.00 feet South 00° 06' 30" East and 20.00 feet North 89° 53' 30" East from a Brass Disk at the Northwest corner of the Southeast one-quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; thence North 89° 53' 30" East 100.00 feet; thence South 00° 06' 30" East 80.00 feet; thence South 89° 53' 30" West 100.00 feet; thence North 00° 06' 30" West 80.00 feet to the place of beginning.

ALSO SAVE AND EXCEPT that portion of land described as follows: Beginning at a point which is 20 feet South and 40 rods East of the center of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, said point of beginning being the Northeast corner of that tract of land conveyed to Gordon H. Snyder in Book 186, page 275, of the Deed Records of Washington County, Oregon; thence running South along the East line of said Snyder tract 260 feet; thence West parallel with the North line of said Snyder tract, 220 feet; thence North parallel with the East line of said Snyder tract, 260 feet to the North line of the Snyder tract, said North line also being the South line of East Division Street; thence East 220 feet along said North line of the Snyder tract to the point of beginning.

ALSO SAVE AND EXCEPT that portion of land deeded to the City of Sherwood described as follows:

Commencing at a 1 1/2 inch diameter brass cap marking the center of Section 32, Township 2 South, Range 1 West of the Willamette Meridian; thence South 20 feet and East 20 feet to the intersection of the East line of South Pine Street (40 feet wide) and the South line of Southeast Division Street (20 feet wide) and the true point of beginning of the description; thence tracing the South line of Southeast Division Street 420 feet more or less, to the Northeast corner of the second parcel described in Book 640, page 275, Washington County Deed Records; thence South along the East line thereof 10.00 feet; thence West parallel to the South line of Division Street 420 feet more or less to the East

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line of South Pine Street; thence North along said East line 10 feet to the true point of beginning of this description. -----

F. AS OF THE EFFECTIVE DATE, THE LAND COVERED BY THIS GUARANTEE IS SUBJECT TO THE FOLLOWING EXCEPTIONS:

NOTE: 1995-96 taxes \$1,419.36; paid.
Tax Acct. No. 557542 2S132DB-00800, Code 088.10

NOTE: 1995-96 taxes \$51.68; paid.
Tax Acct. No. 557533 2S132DB-00800, Code 088.09

1. 1996-97 taxes which are a lien due but not yet payable.
2. As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
Affects: farm
3. City Liens, if any, for Sherwood. No lien request has been sent.
4. The premises herein described are subject to the easements and the statutory powers, including the power of assessment, of The Unified Sewerage Agency of Washington County.
(No unpaid assessments as of the date hereof.)
5. Rights of the public in and to that portion lying within streets, roads and highways.
6. Easement, including the terms and provisions thereof,
From: Gordon Snyder et ux
To: Pacific Telephone and Telegraph Co.
Recorded: August 14, 1948
Fee: 2831
Records of Washington County, Oregon.

We are unable to determine from the instrument, exact location of the easement.
7. Deed of Trust, including the terms and provisions thereof, given to secure a note,
Amount: \$47,853.44
Executed by: Karen Baldwin, Personal Representative of the Estate of Gordon H. Snyder
Trustee: Gerald E. Montgomery, Attorney at Law
Beneficiary: Karen K. Baldwin
Dated: December 21, 1995
Recorded: February 23, 1996
Fee: 96015621
Records of Washington County, Oregon.

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8. Deed of Trust, including the terms and provisions thereof, given to secure a note,
Amount: \$45,000.00
Executed by: Karen Baldwin, Personal Representative of the Estate of Gordon H. Snyder
Trustee: Gerald E. Montgomery, Attorney at Law
Beneficiary: Barry Snyder
Dated: December 21, 1995
Recorded: February 23, 1996
Fee: 96015622
Records of Washington County, Oregon.
9. Deed of Trust, including the terms and provisions thereof, given to secure a note,
Amount: \$45,000.00
Executed by: Karen Baldwin, Personal Representative of the Estate of Gordon H. Snyder
Trustee: Gerald E. Montgomery, Attorney at Law
Beneficiary: Ronald Snyder
Dated: December 21, 1995
Recorded: February 23, 1996
Fee: 96015623
Records of Washington County, Oregon.
10. Deed of Trust, including the terms and provisions thereof, given to secure a note,
Amount: \$45,000.00
Executed by: Karen Baldwin, Personal Representative of the Estate of Gordon H. Snyder
Trustee: Gerald E. Montgomery, Attorney at Law
Beneficiary: Yvonne Cross
Dated: December 21, 1995
Recorded: February 23, 1996
Fee: 96015624
Records of Washington County, Oregon.
11. Terms and provisions of the operating agreement of Snyder, L.L.C.
12. The report does not include a search for Financing Statements covering crops filed in the office of The Secretary of State, and no liability is assumed on account thereof.

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EXHIBIT 2

Relative to the encumbrance to be enforced, if any, shown on Exhibit 1:

1. Attention is directed to the Soldiers' and Sailors' Civil Relief Act of 1940 which restricts proceedings against persons in the military service of the United States.
2. Attention is called to the Federal Tax Lien Act of 1966 (Public Law 89-719) which, among other things, provides that written notice of a non-judicial sale be given to the Secretary of the Treasury or his or her delegate as a requirement for the discharge of a federal tax lien or the divestment of any title of the United States, and establishes a right in the United States to redeem the property within a period of 120 days from the date of such sale.
3. Except as shown on Exhibit 1, no notice of pendency of an action for the foreclosure of the encumbrance to be enforced has been recorded in the County in which the premises are situated.
4. This Guarantee provides no assurances with respect to any facts, rights, title, interests or claims which are not shown by the public records, and this Exhibit 2 is not intended to show the names of persons whose rights, title, interests or claims are not shown by the public records, including, without limitation, those who may be known to the Assured or who could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
5. If applicable, the names and addresses, as shown therein, of persons who have recorded requests for a copy of a notice of sale or notice of default, under ORS 86.785 of the Oregon trust deed statutes, are:
NOT APPLICABLE
6. If applicable, the name of the Grantor in the encumbrance whose lien is to be enforced is:
NOT APPLICABLE
7. If applicable, the name of the successor in interest to the Grantor is:
NOT APPLICABLE
8. If applicable, the names of additional necessary persons not shown above to be made defendants in a suit to enforce the subject encumbrance; or, if applicable, the names of additional persons who are entitled, under the Oregon trust deed statutes, ORS 86.705 et seq., to receive notice of sale; or, if applicable, the names of additional persons who are entitled, under the land sales contract forfeiture statutes, ORS 93.905 et seq., to receive notice of default, are:
 - a. Persons in possession or claiming the right to possession.-----