

City of Sherwood, Oregon

Resolution No. 98-772

A RESOLUTION ESTABLISHING THE RELEASE OF AN L.I.D. NONREMONSTRANCE COVENANT ON A PORTION OF LAND IN THE CITY OF SHERWOOD TO BE PURCHASED BY THE U.S. FISH AND WILDLIFE SERVICE

WHEREAS, an L.I.D. Nonremonstrance Covenant for roadway purposes exists on a portion of land intended to be purchased by the U.S. Fish and Wildlife Service (Department of Interior) for the Tualatin River National Wildlife Refuge; and

WHEREAS, the Federal Government is not able to purchase land for said purpose on which the burden of such a covenant exists; and

WHEREAS, U.S. Fish and Wildlife Service has submitted a signed statement to the City of Sherwood ("Attachment 4") stating that development is not anticipated on the subject property, and roadway expansion for which the Covenant was intended is not anticipated to be necessary; and

WHEREAS, in the determination of Washington County Land Development, the City of Sherwood has sole discretion over the matter;

NOW THEREFORE THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: Property to be Purchased

The land to be purchased by U.S. Fish and Wildlife Service is described as Parcel 1 and Tract "A", according to PARTITION PLAT NO. 1997-088, in the City of Sherwood, filed September 3, 1997, Records of the County of Washington and State of Oregon. The property is located adjacent to the Seely Estates Subdivision. A detailed map describing this property is provided as "Attachment 1".

Section 2: Existing Nonremonstrance Covenant

A copy of the subject Nonremonstrance Covenant and legal description of the properties affected is provided as "Attachment 2A". A detailed map outlining the portion of land encompassed by the Covenant is provided as "Attachment 2B".

Section 3: Nonremonstrance Covenant Release

The land to be released from the Nonremonstrance Covenant shall include all affected property intended to be purchased by U.S. Fish and Wildlife Service as described in Section 1 and the

strip of land north of Seely Lane Road. A detailed map outlining this property is included as "Attachment 3A", and a legal description thereof is provided as "Attachment 3B".

Section 4: Conditions of Release

The applicable portion of the Nonremonstrance Covenant shall be released from the subject property with the following conditions:

1. The release of the applicable portion of the Nonremonstrance Covenant on the subject property shall only take place upon purchase by U.S. Fish and Wildlife Service for the purpose of the Tualatin River National Wildlife Refuge.
2. The City of Sherwood shall record with the Washington County Assessor's Office a legal description of the land to be released from the Covenant along the appropriate City legislation.

Duly adopted by the City Council the 10th day of November, 1998



Bill Boyle, Mayor

Attest:



Jon Borner, City Manager/Recorder