

Washington County, Oregon **2014-053059**
08/22/2014 12:28:33 PM
D-OCD Cnt=1 Stn=21 RECORDS1
\$40.00 \$5.00 \$11.00 - Total = \$56.00



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I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



AFTER RECORDING RETURN TO:

CITY OF SHERWOOD
22560 SW PINE ST
SHERWOOD, OR 97140

2012 MAR -9 PM 3:16

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7 IN THE CIRCUIT COURT OF THE STATE OF OREGON
8 FOR THE COUNTY OF WASHINGTON
9

10 CITY OF SHERWOOD, an Oregon municipal
11 corporation,

12 Plaintiff,

13 v.

14 BLAKESLEE PROPERTIES LLC, an Oregon
15 limited liability company,

16 Defendant.

No. C11-0788CV

STIPULATED GENERAL JUDGMENT

17 This stipulated general judgment comes to the Court upon stipulation of the parties, plaintiff
18 appearing by and through Paul C. Elsner, Beery, Elsner & Hammond, its attorney, and defendant
19 appearing by and through John M. Junkin, Garvey Schubert Barer, its attorney;

20 The parties by their stipulation below agree and advise the court, and the court finds:

21 That the real property described in plaintiff's Amended Complaint on file herein is necessary
22 for public use;

23 That on February 9, 2011, the plaintiff deposited the sum of \$11,200 with the clerk of the
24 court for the use and benefit of the defendant herein ("Deposited Funds") and that an Order for
25 release of the Deposited Funds was entered disbursing the Deposited Funds to defendant;

26 That the amount of the Deposited Funds is to be applied against any further compensation due

1 defendant for the acquisition described herein;

2 That prior to impaneling a jury in this matter the parties reached agreement as to the terms of
3 settlement of this matter as set forth below; now, therefore

4 IT IS HEREBY ADJUDGED as follows:

5 1.

6 That the real property hereinafter described be, and the same hereby is appropriated for public
7 purposes; and title to said property, is vested in the City of Sherwood, an Oregon municipal
8 corporation. Said real property so appropriated is described as consisting of two parcels: 1) A Right-
9 of-Way Acquisition Parcel as described more particularly in Exhibit A attached hereto; and 2) A
10 Temporary Construction Easement (the "TCE") as described more particularly in Exhibit B attached
11 hereto. The City's acquisition and use of the TCE is limited and is for a term of one year from the
12 date the City of Sherwood took possession.

13 2.

14 The full and just compensation for the taking of Right-of-Way Dedication and TCE as
15 described herein and any damages to the remainder, plus attorney fees, expenses and interest is
16 \$187,500, and the defendant is hereby awarded a judgment against the plaintiff for such amount.
17 Such compensation, less the Deposited Funds, left the amount of \$176,300 owed to defendant
18 ("Remaining Funds").

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The Remaining Funds have been paid directly to the Garvey Schubert Barer Client Trust
Account for the benefit of Blakeslee Properties LLC.

DATED March 9, 2012

Certified To Be A True And
Correct Copy Of The Original

Date 09.23.14
TRIAL COURT ADMINISTRATOR
Washington County

By: A. Sibley
Ashleigh Sibley

R. Knapp
HONORABLE RICK KNAPP
JUDGE OF THE CIRCUIT COURT

* * *

IT IS SO STIPULATED:

DATED: 8 March, 2012

BEERY, ELSNER & HAMMOND

By: Paul C. Elsner
Paul C. Elsner, Bar # 820476
Attorneys for Plaintiff

DATED: March 7, 2012

GARVEY SCHUBERT BARER

By: John M. Junkin
John M. Junkin, Bar # 43805
Adam R. Kelly, Bar #023431
Attorneys for Defendant

PDX_DOCS:478588.1 [38021.00100]

EXHIBIT A

Right-of-way Acquisition Parcel

Being a strip of land located in the Northeast One-Quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property conveyed Bilet Products Co., by deed document number 2008-067009 in the Washington County Deed Records, said parcel being more particularly described as follows:

Commencing from a Brass Cap marking the North One-Quarter Corner of Section 32, Township 2 South, Range 1 West, Willamette Meridian;

Thence along the northerly line of said Section, North $89^{\circ}29'31''$ East, 27.00 feet to the east line of that parcel conveyed to the City of Sherwood in Document Number 91065127 of the Washington County Deed Records, and the True Point of Beginning;

Thence continuing along said Northerly line, North $89^{\circ}29'31''$ East, 6.52 feet to the beginning of a 485.00 foot radius non-tangent curve to the right;

Thence along said non-tangent curve to the right, through a central angle of $00^{\circ}40'18''$ (chord bears South $08^{\circ}37'06''$ West, 5.68 feet) 5.68 feet to the beginning of a 405.00 foot radius reverse curve to the left;

Thence along said reverse curve to the left, through a central angle of $09^{\circ}32'40''$ (chord bears South $04^{\circ}10'54''$ West, 67.39 feet) 67.47 feet to the east line of said parcel;

Thence along said easterly line, North $00^{\circ}35'26''$ West, 72.77 feet to the North line of said Section 29, and the True point of Beginning.

Containing 159 square feet more or less

ALSO TOGETHER WITH a strip of land located in the Northeast One-Quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property conveyed Bilet Products Co., by deed document number 2008-067009 in the Washington County Deed Records, said parcel being more particularly described as follows:

Commencing from a Brass Cap marking the North One-Quarter Corner of Section 32, Township 2 South, Range 1 West, Willamette Meridian;

Thence along the Northerly line of said Section, North $89^{\circ}29'31''$ East, 27.00 feet to the east line of that that parcel conveyed to the City of Sherwood in Document Number 91065127 of the Washington County Deed Records;

Thence along said easterly line South $00^{\circ}35'26''$ East, 514.58 feet to the True Point of Beginning;

Thence leaving said easterly line South $63^{\circ}25'50''$ East, 46.36 feet to the northwest line of the Southern Pacific Railroad right-of-way;

Thence South $47^{\circ}15'08''$ West, along said right-of-way, 55.64 feet the east line of said City of Sherwood parcel;

Thence along said easterly line, North $00^{\circ}35'26''$ West, 58.51 feet to the True point of Beginning.

Containing 1,207 square feet more or less

EXHIBIT B

Temporary Construction Easement

Being a strip of land located in the Northeast One-Quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property conveyed Billet Products Co., by deed document number 2008-067009 in the Washington County Deed Records, said parcel being more particularly described as follows:

Commencing from a Brass Cap marking the North One-Quarter Corner of Section 32, Township 2 South, Range 1 West, Willamette Meridian;

Thence along the northerly line of said Section, North $89^{\circ}29'31''$ East, 33.52 feet to the True Point of Beginning, and the beginning of a 485.00 foot radius non-tangent curve to the right;

Thence along said non-tangent curve to the right, through a central angle of $00^{\circ}40'18''$ (chord bears South $08^{\circ}37'06''$ West, 5.68 feet) 5.68 feet to the beginning of a 405.00 foot radius reverse curve to the left;

Thence along said reverse curve to the left, through a central angle of $09^{\circ}32'40''$ (chord bears South $04^{\circ}10'54''$ West, 67.39 feet) 67.47 feet to the east line of that parcel conveyed to the City of Sherwood in Document Number 91065127 of the Washington County Deed Records;

Thence along said easterly line, South $00^{\circ}35'26''$ East, 441.81 feet to a point;

Thence leaving said easterly line, South $63^{\circ}25'50''$ East, 3.37 feet to an angle point;

Thence North $00^{\circ}35'26''$ West, 174.86 feet to an angle point;

Thence North $89^{\circ}24'34''$ East, 2.00 feet to an angle point;

Thence North $00^{\circ}35'26''$ West, 40.00 feet to an angle point;

Thence South $89^{\circ}24'34''$ West, 2.00 feet to an angle point;

Thence North $00^{\circ}35'26''$ West, 227.87 feet to an angle point;

Thence North $89^{\circ}24'34''$ East, 3.50 feet to the beginning of a 398.50 foot non-tangent curve to the right;

Thence along said non-tangent curve to the right through a central angle of $06^{\circ}42'09''$ (chord bears North $02^{\circ}45'39''$ East, 46.59 feet) 46.62 feet to an angle point;

Thence North $83^{\circ}53'16''$ West, 3.50 feet to the beginning of a 402.00 foot non-tangent-curve to the right;

Thence along said non-tangent curve to the right through a central angle of $02^{\circ}50'31''$ (chord bears North $07^{\circ}31'59''$ East, 19.94 feet) 19.94 feet to the beginning of a 488.00 foot radius reverse curve to the left;

Thence along said reverse curve to the left, through a central angle of $00^{\circ}43'34''$ (chord bears North $08^{\circ}35'28''$ East, 6.18 feet) 6.18 feet to the north line of said Section 29;

Thence along said northerly line, South $89^{\circ}29'31''$ West, 3.04 feet to the True point of Beginning.

Containing 1,793 square feet more or less.