



Home of the Tualatin River National Wildlife Refuge

## RESOLUTION 2021-063

### AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN A RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT DONATION AGREEMENT AND DEDICATION DEEDS TO THE BENEFIT OF WASHINGTON COUNTY FOR THE CONSTRUCTION OF THE SW ROY ROGERS ROAD STREET IMPROVEMENTS

**WHEREAS**, Washington County is in preparation to construct street improvements to widen SW Roy Rogers Road within the City of Sherwood; and

**WHEREAS**, Washington County street improvements along SW Roy Rogers Road will require approximately 119 square feet of City of Sherwood owned property to be dedicated to Washington County as public right-of-way; and

**WHEREAS**, Washington County street improvements along SW Roy Rogers Road will require approximately 3,301 square feet of City of Sherwood owned property to be dedicated to Washington County as a public utility easement; and

**WHEREAS**, dedicating the right-of-way and public utility easement is in the interest of the City to allow for a consistent street section and to keep franchise utilities outside of the right-of-way within a public utility easement.

### NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

**Section 1:** The City Manager Pro Tem is hereby authorized to sign the donation agreement and dedication deeds in a form substantially similar to the attached Exhibits A, B, and C, thereby dedicating City of Sherwood owned property to Washington County in the form of right-of-way and public utility easements.

**Section 2:** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20<sup>th</sup> day of July, 2021.**

  
Keith Mays, Mayor

Attest:

  
Sylvia Murphy, MMC, City Recorder

**WASHINGTON COUNTY DEPARTMENT OF LAND USE & TRANSPORTATION**

**Capital Project Services • Right of Way Section**

1400 SW Walnut St., MS 18, Hillsboro, OR 97123-5625, 503-846-7870

**DONATION AGREEMENT**

May 27, 2021

City of Sherwood

Attn: Craig Christensen or Bob Galati

Address

Sherwood, OR 97140

File: 09 & 11

Name: City of Sherwood

Roadway: Roy Rogers Rd

Section: Borchers-Chicken Creek

Project #: 100389

FAP#: N/A

Situs: 20570 SW Jonquil Ter. Sherwood OR

Tax lot 2S130AD 11800 & 11900

When a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation based upon a valuation report under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 35.510, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate. Property owners may also release Washington County from its requirement to provide a valuation report.

If you elect to donate the property rights as described in the two (2) attached Dedication Deeds (Deed and Legal Description & Exhibit A & B), subject to the above information, please date and sign this Donation Agreement in the space below.

I/We release Washington County from providing a valuation report.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

Signature: \_\_\_\_\_

Situs: 20570 SW Jonquil Ter. Sherwood OR

Tax lot 2S130AD 11800 & 11900

**After recording, please return to:**  
*Washington County*  
*LUT, Right-of-Way Section*  
*1400 SW Walnut St. Mail Stop #18*  
*Hillsboro, OR 97124-5625*

Until a change is requested all  
tax statements shall be sent to:  
*No Change*

## DEDICATION DEED

**CITY OF SHERWOOD**, an Oregon municipal corporation, Grantor, grants to **WASHINGTON COUNTY**, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is \$ **NONE**.

### **PARCEL 1 - DEDICATION OF RIGHT-OF-WAY**

Including the right to construct, operate, and maintain a public road, all customary associated uses, and appurtenant facilities;

### **PARCEL 2 - PUBLIC UTILITIES EASEMENT**

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantor hereby covenants to and with Grantee that it is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, the above named Grantor, by and through its \_\_\_\_\_, has caused this instrument to be duly signed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF SHERWOOD  
an Oregon municipal corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON        )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by

\_\_\_\_\_ (name and title of position) of  
City of Sherwood an Oregon municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public

Approved As To Form

Accepted on behalf of Washington County, Oregon.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Cortney D. Duke-Driessen  
Assistant County Counsel  
Signed & Dated: September 9, 2013

**EXHIBIT "A"**

SW Roy Rogers Road  
May 19, 2021

County Road Project No. 100389  
File No. #9  
Tax Map 2S130AD  
Tax Lot 11800

PARCEL 1 (RIGHT-OF-WAY DEDICATION)

A parcel of land situated in the Southeast One-Quarter of the Northeast One-Quarter of Section 30 in Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property described and conveyed to the City of Sherwood, in Warranty Deed-Survivorship, recorded June 01, 1998 as Document No. 98-057473, Washington County Book of Records; said parcel being that portion of said property lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property, and said line also is on the southerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described below.

The line above referred to is as follows:

Station	to	Station	Width on the southerly side of Centerline
224+50.00		224+80.00	45.00 feet

CENTERLINE DESCRIPTION FOR A PORTION OF SW ROY ROGERS ROAD (C.R. 3150)

A road centerline situated in the Southwest One-Quarter and the Southeast One-Quarter of Section 19, and the Northeast One-Quarter and the Northwest One-Quarter of Section 30, all within Township 2 South, Range 1 West of the Willamette Meridian in the City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 201+19.42, said point bears N29°52'32"E, a distance of 97.55 feet from a found 3-1/4 inch aluminum disk at the One-Quarter Corner common to said Sections 19 and 30 per U.S.B.T. Entry 2001-056, Washington County Survey Records;

Thence from said point of beginning S00°00'39"E, a distance of 247.68 feet to a found

5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 203+67.10 at a point of curvature;

Thence along the arc of a 1476.38 foot radius curve to the right through a central angle of  $5^{\circ}36'16''$  (the long chord bears  $S2^{\circ}47'29''W$ , 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 205+11.51 at a point of reverse curve;

Thence along the arc of a 1476.38 foot radius reverse curve to the left through a central angle of  $5^{\circ}36'16''$  (the long chord bears  $S2^{\circ}47'29''W$ , 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 206+55.92 at a point of tangency;

Thence  $S00^{\circ}00'39''E$ , a distance of 125.76 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 207+81.68 at a point of curvature;

Thence along the arc of a 738.19 foot radius curve to the left through a central angle of  $88^{\circ}53'39''$  (the long chord bears  $S44^{\circ}27'28''E$ , 1033.83 feet) 1145.30 feet to SW Roy Rogers Road Centerline Station 219+26.98 at a point of tangency;

Thence  $S88^{\circ}54'18''E$ , a distance of 553.02 feet to a found 5/8-inch iron rod in a monument box at SW Roy Rogers Road Centerline Station 224+80.00 at a point of curvature;

Thence along the arc of a 3510.50 foot radius curve to the right through a central angle of  $1^{\circ}52'33''$  (the long chord bears  $S87^{\circ}58'01''E$ , 114.92 feet) 114.93 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 225+94.93 at a point of tangency;

Thence  $S87^{\circ}01'45''E$ , a distance of 96.83 feet to SW Roy Rogers Road Centerline Station 226+91.76 at a point of curvature;

Thence along the arc of a 3510.50 foot radius curve to the left through a central angle of  $1^{\circ}51'51''$  (the long chord bears  $S87^{\circ}57'41''E$ , 114.22 feet) 114.23 feet to SW Roy Rogers Road Centerline Station 228+05.99 at a point of tangency;

Thence  $S88^{\circ}53'37''E$ , a distance of 58.31 feet to SW Roy Rogers Road Centerline Station 228+64.30 (Station 6+60.10 per SN 31,861);

Thence continuing  $S88^{\circ}53'37''E$ , a distance of 888.03 feet to the intersection with the

centerline of SW Borchers road at SW Roy Rogers Road Centerline Station 15+48.13 as shown on Survey Number 31,861 and the terminus of this centerline description.

The parcel of land to which this description applies contains 119 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

PARCEL 2 (PUBLIC UTILITY EASEMENT).

A parcel of land situated in the Southeast One-quarter of the Northeast One-quarter of Section 30 in Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property described and conveyed to the City of Sherwood, in Warranty Deed-Survivorship, recorded June 01, 1998 as Document No. 98-057473, Washington County Book of Records; said parcel being that portion of said property lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property, and said line also is on the southerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described above.

The line above referred to is as follows:

Station to	Station	Width on the southerly side of Centerline
224+50.00	224+80.00	53.00 feet
224+80.00	225+94.92	53.00 feet a point of curve (along arc with a 3457.50 foot radius curve right, having a central angle of 1°52'33", long chord bears S87°58'01"E, 113.19 feet an arc length of 113.19 feet) to 53.00 feet.
225+94.92	226+80.00	53.00 feet

EXCEPTING therefrom that portion lying within the above described Parcel 1 (Right-of-Way Dedication).

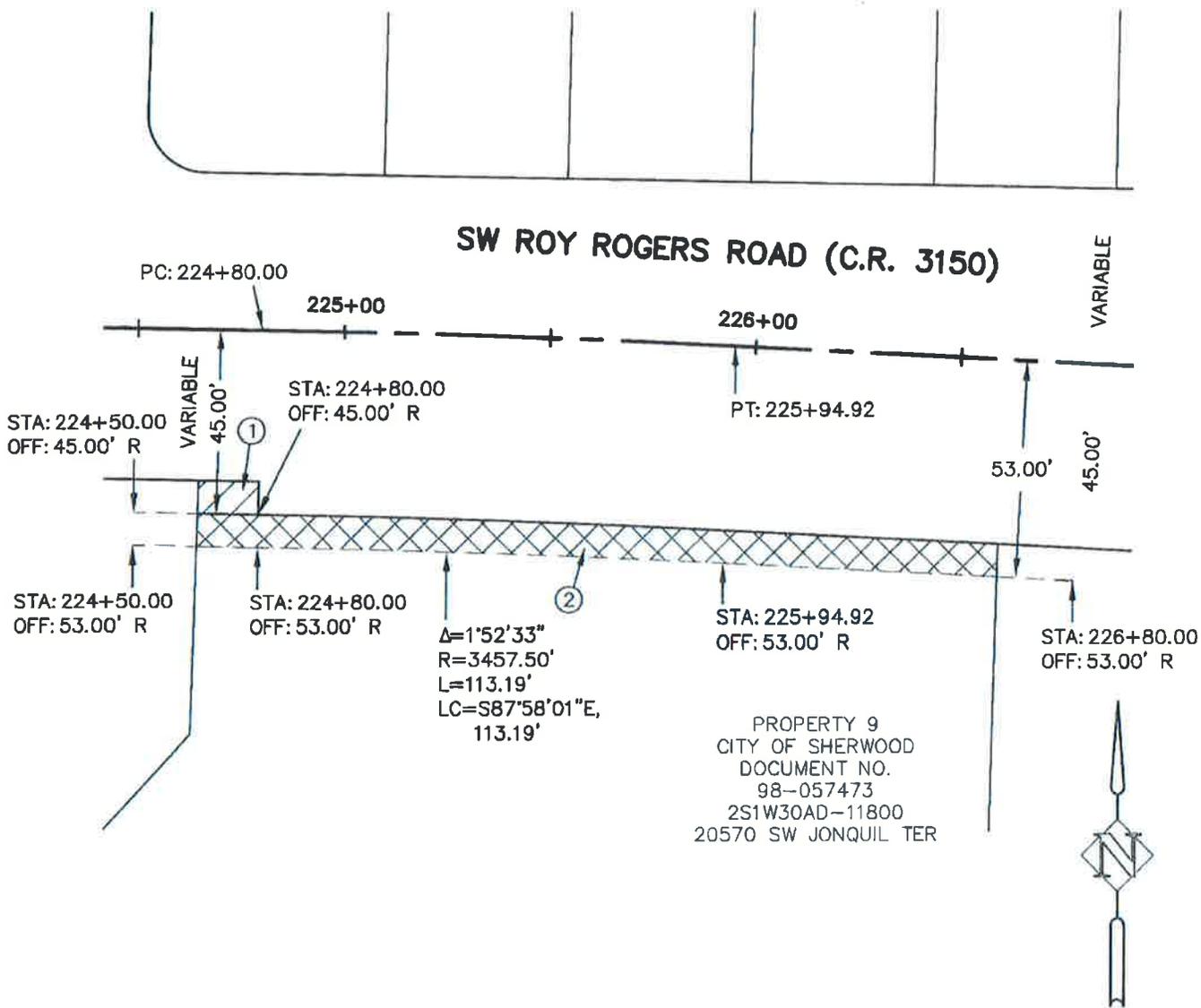
The parcel of land to which this description applies contains 1,555 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

This centerline stationing and basis of bearings of this legal description is the same as that shown on Survey Number 33,890, Washington County Survey Records.

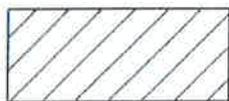


RENEWS: 12/31/2021

**EXHIBIT "B"**  
 PROJECT FILE NO. #9  
 WASHINGTON COUNTY PROJECT NO. 100389



**LEGEND**



① RIGHT-OF-WAY DEDICATION  
 ± 119 SQ.FT.



② PUBLIC UTILITY EASEMENT  
 ± 1,555 SQ.FT.

SEE ATTACHED  
 LEGAL DESCRIPTION



**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
 WAS-34 TMW 05/19/2021 PAGE 1 OF 1

DM JK

**After recording, please return to:**  
*Washington County  
LUT, Right-of-Way Section  
1400 SW Walnut St. Mail Stop #18  
Hillsboro, OR 97124-5625*

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tax statements shall be sent to:  
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## DEDICATION DEED

**CITY OF SHERWOOD**, an Oregon municipal corporation, Grantor, grants to **WASHINGTON COUNTY**, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is \$ **NONE**.

### **PARCEL 1 - PUBLIC UTILITIES EASEMENT**

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantor hereby covenants to and with Grantee that it is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, the above named Grantor, by and through its \_\_\_\_\_, has caused this instrument to be duly signed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF SHERWOOD  
an Oregon municipal corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON        )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ (name and title of position) of City of Sherwood an Oregon municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public

Approved As To Form

Accepted on behalf of Washington County, Oregon.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Cortney D. Duke-Driessen  
Assistant County Counsel  
Signed & Dated: September 9, 2013

**EXHIBIT "A"**

SW Roy Rogers Road  
May 19, 2021

County Road Project No. 100389  
File No. #11  
Tax Map 2S130AD  
Tax Lot 11900

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The line above referred to is as follows:

Station	to	Station	Width on the southerly side of Centerline
226+50.00		226+91.76	53.00 feet.
226+91.76		228+05.98	53.00 feet a point of curve (along arc with a 3563.50 foot radius curve left, having a central angle of 1°51'51", long chord bears S87°57'41"E, 115.94 feet an arc length of 115.95 feet) to 53.00 feet.
228+05.98		228+64.29	53.00 feet
228+64.29	=	6+60.10	53.00 feet (station equation)
6+60.10		6+85.00	53.00 feet

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the City of Sherwood, Washington County, Oregon, being more particularly described as follows:

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Thence from said point of beginning S00°00'39"E, a distance of 247.68 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 203+67.10 at a point of curvature;

Thence along the arc of a 1476.38 foot radius curve to the right through a central angle of 5°36'16" (the long chord bears S2°47'29"W, 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 205+11.51 at a point of reverse curve;

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Thence along the arc of a 738.19 foot radius curve to the left through a central angle of 88°53'39" (the long chord bears S44°27'28"E, 1033.83 feet) 1145.30 feet to SW Roy Rogers Road Centerline Station 219+26.98 at a point of tangency;

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Thence S87°01'45"E, a distance of 96.83 feet to SW Roy Rogers Road Centerline Station 226+91.76 at a point of curvature;

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Thence S88°53'37"E, a distance of 58.31 feet to SW Roy Rogers Road Centerline Station 228+64.30 (Station 6+60.10 per SN 31,861);

Thence continuing S88°53'37"E, a distance of 888.03 feet to the intersection with the centerline of SW Borchers road at SW Roy Rogers Road Centerline Station 15+48.13 as shown on Survey Number 31,861 and the terminus of this centerline description.

The parcel of land to which this description applies contains 1,746 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

This centerline stationing and basis of bearings of this legal description is the same as that shown on Survey Number 33,890, Washington County Survey Records.



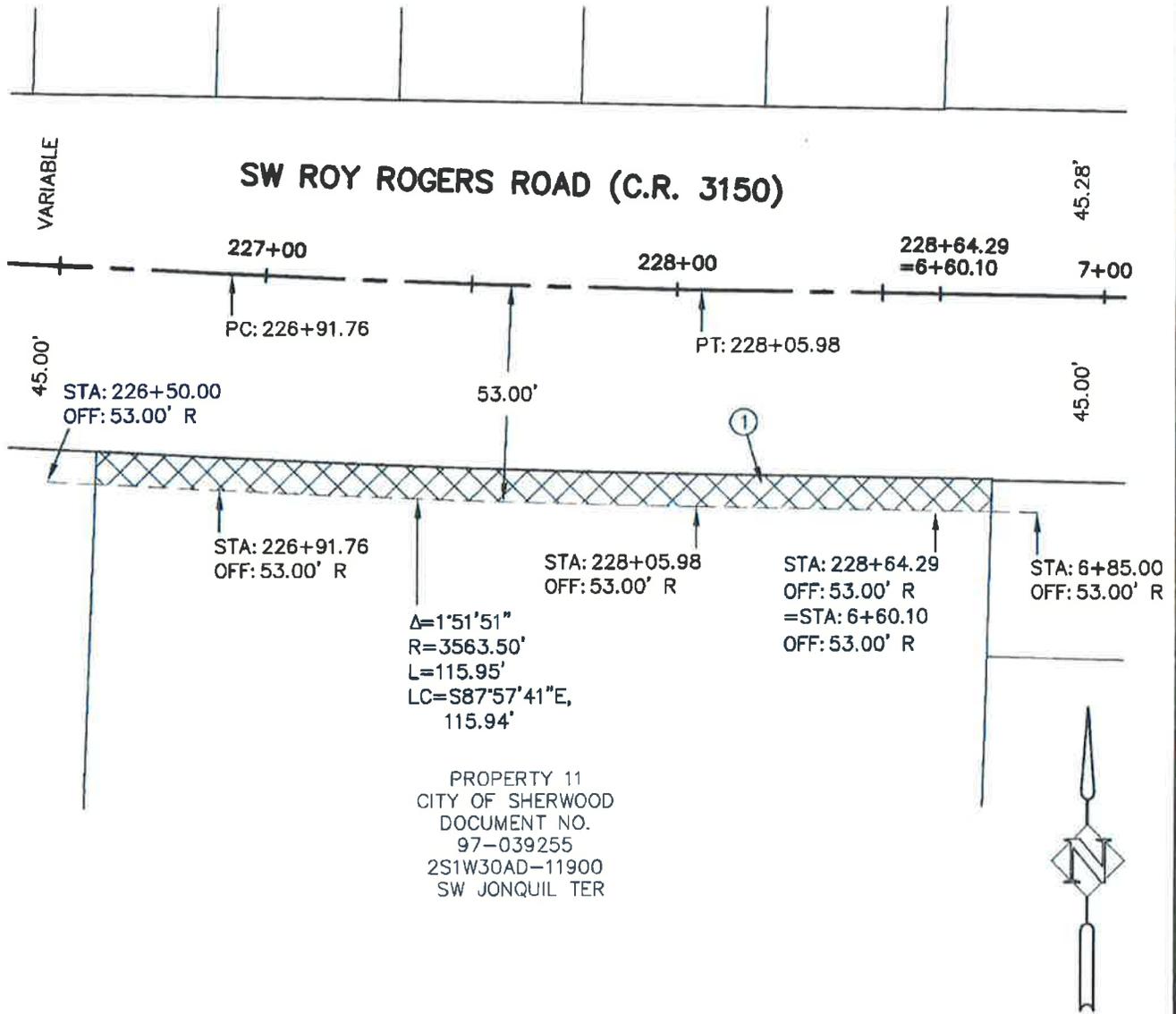
RENEWS: 12/31/2021

Exhibit "A"

3 of 3

JK *en*

**EXHIBIT "B"**  
 PROJECT FILE NO. #11  
 WASHINGTON COUNTY PROJECT NO. 100389



PROPERTY 11  
 CITY OF SHERWOOD  
 DOCUMENT NO.  
 97-039255  
 2S1W30AD-11900  
 SW JONQUIL TER

SCALE  
 1" = 40'

**LEGEND**



SEE ATTACHED  
 LEGAL DESCRIPTION

**HHPR** Harper Houf Peterson Righellis Inc.

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS  
 205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
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JK