

RESOLUTION NO. 5313-17

A RESOLUTION AUTHORIZING THE PURCHASE OF RIGHTS-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF MYSLONY BRIDGE

WHEREAS, the City is authorized to purchase rights-of-way for public purposes under the authority of the City Charter and ORS 223.005 et seq., including without limitation ORS 223.930(1); and

WHEREAS, the City is constructing a bridge, adding roadway and connecting a water line on SW Myslony Street to cross Hedges Creek; and

WHEREAS, it is necessary to purchase private property to acquire rights-of-way and temporary construction easements for the construction of the bridge and related facilities; and

WHEREAS, certain private property owners have agreed to sell their private property to the City; and

WHEREAS, sufficient funding has been budgeted for rights-of-way acquisition for the Myslony Bridge project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, CITY OF TUALATIN, OREGON, that:

Section 1. The City Council finds it necessary and in the public interest to purchase easements and rights-of-way from willing private property owners for the purposes of connecting SW Myslony Street.

Section 2. The City Manager is authorized to execute the documents to purchase the easements and rights-of-way, as set forth in Exhibit A and Exhibit B, which is attached and incorporated by reference. The City Manager is also authorized to execute any and all other documents necessary to effectuate the purchase of the easements, rights-of-way, and other legal interests set forth in this resolution.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 24th day of April, 2017.

CITY OF TUALATIN, OREGON

BY  _____

Mayor

APPROVED AS TO FORM

BY  _____

City Attorney

ATTEST:

BY  _____

Acting

City Recorder

(Alice Cannon)

Send taxes to and
after recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



**CITY OF TUALATIN, OREGON
DEED OF DEDICATION**

Enter MYSLONY, LLC, AN OREGON LIMITED LIABILITY COMPANY ("GRANTOR"), dedicates to the public, by and through the City of Tualatin (the "CITY"), its successors and assigns, a perpetual right-of way for street, road, public utility, and pedestrian purposes, on, over, across, under, along, and within all of the following real property situated in the County of Washington, State of Oregon, and which is bounded and described as follows, to wit:

The premises described in the legal description attached as Attachment A and as further depicted on the Map attached as Attachment B, both of which are incorporated herein

TO HAVE AND TO HOLD, the above described and granted premises unto the public forever.

The true and actual consideration paid for this conveyance is \$^{14,100}~~12,900~~.00 or includes other property or other value given or promised, the receipt of which is acknowledged by GRANTOR. *SS*

[Continued on next page for formatting purposes]

NAME OF PROJECT
DEED OF DEDICATION
Page 2 of 3

GRANTOR covenants to CITY, its successors and assigns, that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrance and that GRANTOR, its heirs, successors and assigns, and personal representatives shall warrant and forever defend the premises against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

GRANTOR agrees that CITY is not accepting any liability for any release of hazardous substances onto or from the premises and that GRANTOR is not attempting to convey any such liability.

EXECUTED this 13th day of March, 2017.

Stephen Grass
Name (print or type)

[Signature]
Signature

3-13-17
Date

Name (print or type)

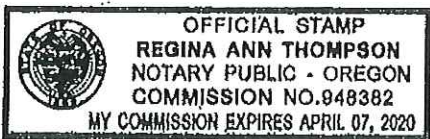
Signature

Date

(STATE OF OREGON)ss
(County of Washington)

On this 13 day of March, 2017, before me, the undersigned, a Notary Public, personally appeared Stephen GRASS and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon
My commission expires: 4-7-2020

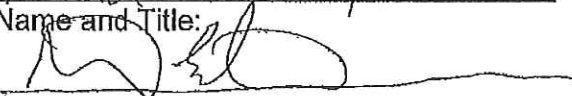


NAME OF PROJECT
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Page 3 of 3

Name: KeyBank National Association

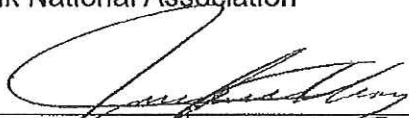
Deed of Trust: 2015-027347
Deed of Trust: 2015-079702
Deed of Trust: 2015-079704

The lien holder consents to the Deed of Dedication in this document and subordinates its interest in the property to the Deed of Dedication.

Michael E Stedron, VP Date: 3/10/17
Name and Title:


STATE OF Oregon
County of Washington

This instrument was acknowledged before me on 3/10/2017
by Michael E Stedron as Vice president for
KeyBank National Association


NOTARY PUBLIC FOR STATE OF Oregon
My Commission Expires January 1st, 2018



APPROVED AS TO FORM

CITY OF TUALATIN, OREGON

By: 
City Attorney

By: 
City Manager

The City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to TMC 1-3-030, approves and accepts the foregoing document on behalf of the City of Tualatin. Dated this 24th day of April, 2017.


City Manager

EXHIBIT A - Page 1 of 1

File 002
10/05/2016

PARCEL 1 – Permanent Easement for Roadway Right of Way Purposes

A parcel of land lying in Parcel 2 of Partition Plat No. 1999-024 in the City of Tualatin, Washington County, Oregon, and being a portion of that property described in that Warranty Deed – Statutory Form to Myslony, LLC an Oregon limited liability company recorded April 15, 2015 in Document Number 2015-027346 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Northerly side of the Retraced center line of SW Myslony, lying between lines at right angles to said center line at Stations "M" 14+95.00 and "M" 18+75.00, which center line is described as follows:

Beginning at the Retraced center line station "M" 20+00.00 said station being North 63°14'46" West a distance of 1,031.75 feet from the South One-Quarter corner of Section 22, Township 2 South, Range 1 West, W.M.; thence North 89°38'18" East a distance of 989.31 feet to the retraced center line Station "M" 19+89.31.

Bearings based on Survey No. 32836, Washington County Surveyors Office.

This parcel of land contains 3,744 square feet, more or less, outside the existing right of way.

PARCEL 2 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in Parcel 2 of Partition Plat No. 1999-024 in the City of Tualatin, Washington County, Oregon, and being a portion of that property described in that Warranty Deed – Statutory Form to Myslony, LLC an Oregon limited liability company recorded April 15, 2015 in Document Number 2015-027346 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 50.00 feet in width, lying on the Northerly side of the Retraced center line of SW Myslony, lying between lines at right angles to said center line at Stations "M" 17+10 and "M" 17+50.00, which center line is described in Parcel 1.

This parcel of land contains 400 square feet, more or less, outside the existing right of way.

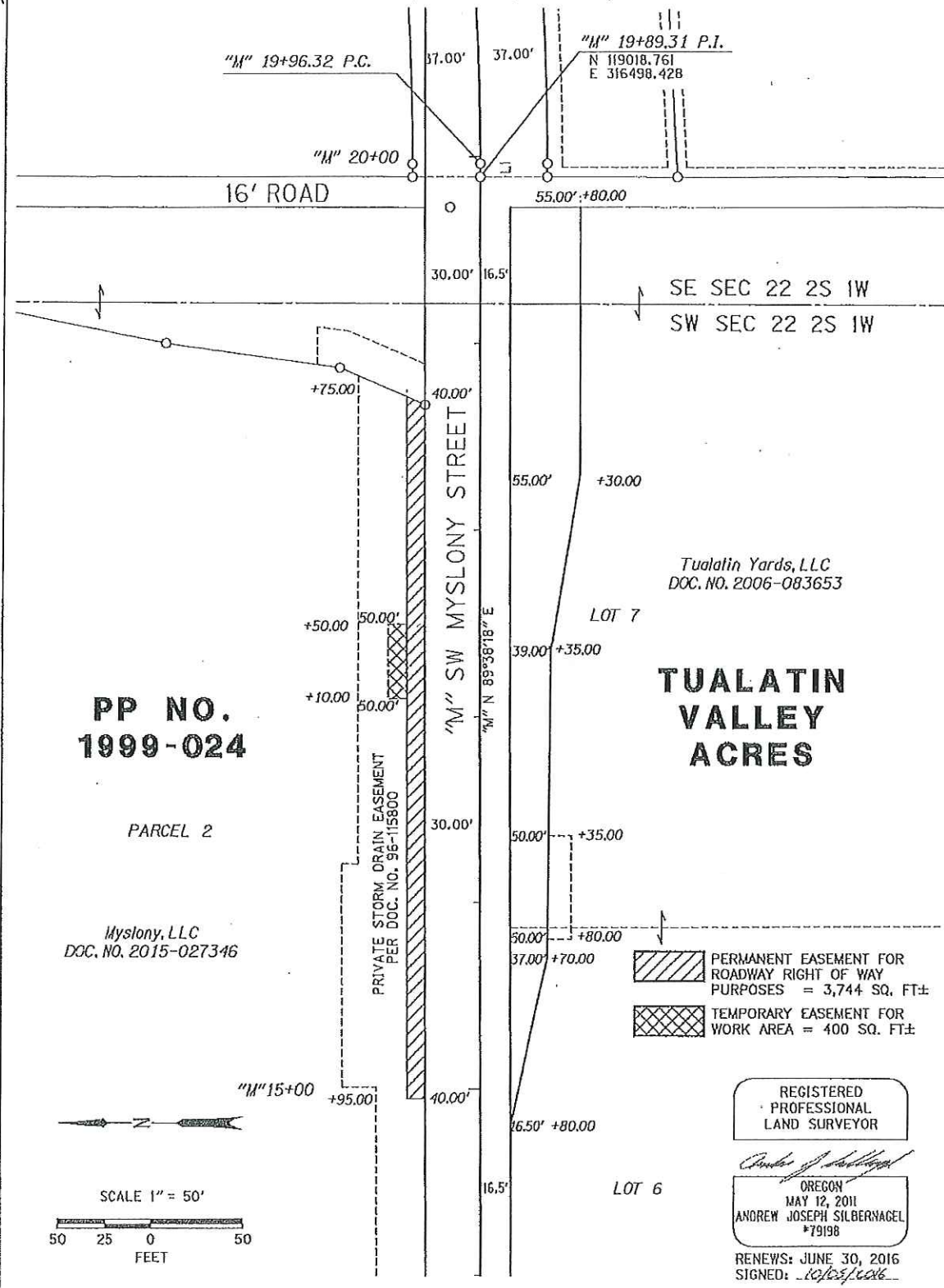
EXCEPT therefrom Parcel 1.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew J. Silbernagel
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2018
SIGNED: 10/05/2016

SEC. 22, T. 2S, R. 1W, W.M.



**PP NO.
1999-024**

PARCEL 2



Myslony, LLC
DOC. NO. 2015-027346

**TUALATIN
VALLEY
ACRES**

Tualatin Yards, LLC
DOC. NO. 2006-083653

LOT 7

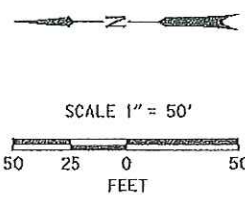
LOT 6


-  PERMANENT EASEMENT FOR ROADWAY RIGHT OF WAY PURPOSES = 3,744 SQ. FT±
-  TEMPORARY EASEMENT FOR WORK AREA = 400 SQ. FT±

REGISTERED
PROFESSIONAL
LAND SURVEYOR

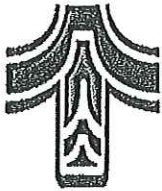
Andrew Joseph Silbernagel
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016
SIGNED: *[Signature]*



 SKETCH MAP	Section	Myslony Bridge: West of 112th Ave.		
	Highway	SW Myslony Street		
	County	Clackamas	Scale	1" = 50'
	Purpose	Bridge Construction	Date	Oct. 2016
	File	002		

Send taxes to and
after recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



**CITY OF TUALATIN, OREGON
DEED OF DEDICATION**

Enter TUALATIN YARDS LLC ("GRANTOR"), dedicates to the public, by and through the City of Tualatin (the "CITY"), its successors and assigns, a perpetual right-of way for street, road, public utility, and pedestrian purposes, on, over, across, under, along, and within all of the following real property situated in the County of Washington or Clackamas, State of Oregon, and which is bounded and described as follows, to wit:

The premises described in the legal description attached as Attachment A and as further depicted on the Map attached as Attachment B, both of which are incorporated herein

TO HAVE AND TO HOLD, the above described and granted premises unto the public forever.

The true and actual consideration paid for this conveyance is \$57,000.00 or includes other property or other value given or promised, the receipt of which is acknowledged by GRANTOR.

[Continued on next page for formatting purposes]

NAME OF PROJECT
DEED OF DEDICATION
Page 2 of 4

GRANTOR covenants to CITY, its successors and assigns, that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrance and that GRANTOR, its heirs, successors and assigns, and personal representatives shall warrant and forever defend the premises against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

GRANTOR agrees that CITY is not accepting any liability for any release of hazardous substances onto or from the premises and that GRANTOR is not attempting to convey any such liability.

EXECUTED this 28 day of February 2017.

Joseph Bonica, Jr.

Joseph Bonica, Jr.
Signature

2-28-17
Date

David Darrell Zimmerman

David Darrell Zimmerman
Signature

2-28-17
Date

Ronald Warren Moholt

Ronald Warren Moholt
Signature

2/28/17
Date

Linda Simmons-Moholt

Linda Simmons-Moholt
Signature

2/28/17
Date

(STATE OF OREGON)ss
(County of Washington)

On this 28 day of February, 2017, before me, the undersigned, a Notary Public, personally appeared Joseph Bonica, Jr. as member of Tualatin Yards LLC, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon
My commission expires: 4-7-2020



NAME OF PROJECT
DEED OF DEDICATION
Page 3 of 4

(STATE OF OREGON)ss
(County of Washington)

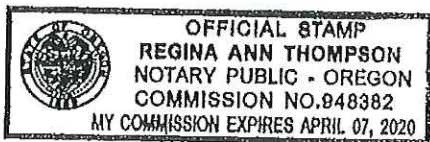
On this 28 day of February, 2017 before me, the undersigned, a Notary Public, personally appeared David Darrell Zimmerman as Member of Tualatin Yards LLC and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Regina Ann Thompson
Notary Public for Oregon
My commission expires: 4-7-2020

(STATE OF OREGON)ss
(County of Washington)

On this 20 day of February, 2017, before me, the undersigned, a Notary Public, personally appeared Ronald Warren Moholt as Member of Tualatin Yards LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

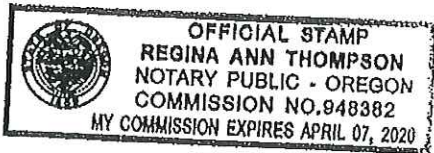


Before me: Regina Ann Thompson
Notary Public for Oregon
My commission expires: 4-7-2017

NAME OF PROJECT
DEED OF DEDICATION
Page 4 of 4

(STATE OF OREGON)ss
(County of Washington)

On this 20 day of February, 2017 before me, the undersigned, a
Notary Public, personally appeared Linda Simmons-Moholt as
member of Tualatin Yards LLC and acknowledged the foregoing
instrument to be their voluntary act and deed.



Before me: Regina Ann Thompson
Notary Public for Oregon
My commission expires: 4-7-2017

APPROVED AS TO FORM

CITY OF TUALATIN, OREGON

By: [Signature]
City Attorney

By: _____
City Manager

The City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to TMC 1-3-030, approves and accepts the foregoing document on behalf of the City of Tualatin. Dated this ___ day of _____ 20__.

City Manager

EXHIBIT A - Page 1 of 2

File 001
10/05/2016

PARCEL 1 -- Permanent Easement for Roadway Right of Way Purposes

A parcel of land lying in Lots 5, 6 and 7 of Tualatin Valley Acres in the City of Tualatin, Washington County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Tualatin Yards LLC recorded July 14, 2006 in Document Number 2006-083653 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the Retraced center line of SW Myslony, which center line is described as follows:

Beginning at the Retraced center line station "M" 20+00.00 said station being North 63°14'46" West a distance of 1,031.75 feet from the South One-Quarter corner of Section 22, Township 2 South, Range 1 West, W.M.; thence North 89°38'18" East a distance of 989.31 feet to the retraced center line Station "M" 19+89.31.

Bearings based on Survey No. 32836, Washington County Surveyors Office.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
"M" 14+80.00		"M" 15+70.00	16.50' in a straight line to 37.00'
"M" 15+70.00		"M" 17+35.00	37.00' in a straight line to 39.00'
"M" 17+35.00		"M" 18+30.00	39.00' in a straight line to 55.00'
"M" 18+30.00		"M" 19+80.00	55.00'

This parcel of land contains 12,881 square feet, more or less, outside the existing right of way.

PARCEL 2 -- Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in Lots 5, 6 and 7 of Tualatin Valley Acres in the City of Tualatin, Washington County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Tualatin Yards LLC recorded July 14, 2006 in Document Number 2006-083653 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 50.00 feet in width, lying on the Southerly side of the Retraced center line of SW Myslony, lying between lines at right angles to said center line at Stations "M" 15+80 and "M" 16+35.00, which center line is described in Parcel 1.

This parcel of land contains 690 square feet, more or less, outside the existing right of way.

EXHIBIT A - Page 2 of 2

File 001
10/05/2016

EXCEPT therefrom Parcel 1.

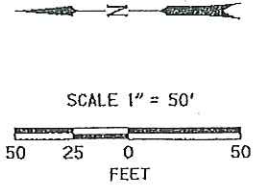
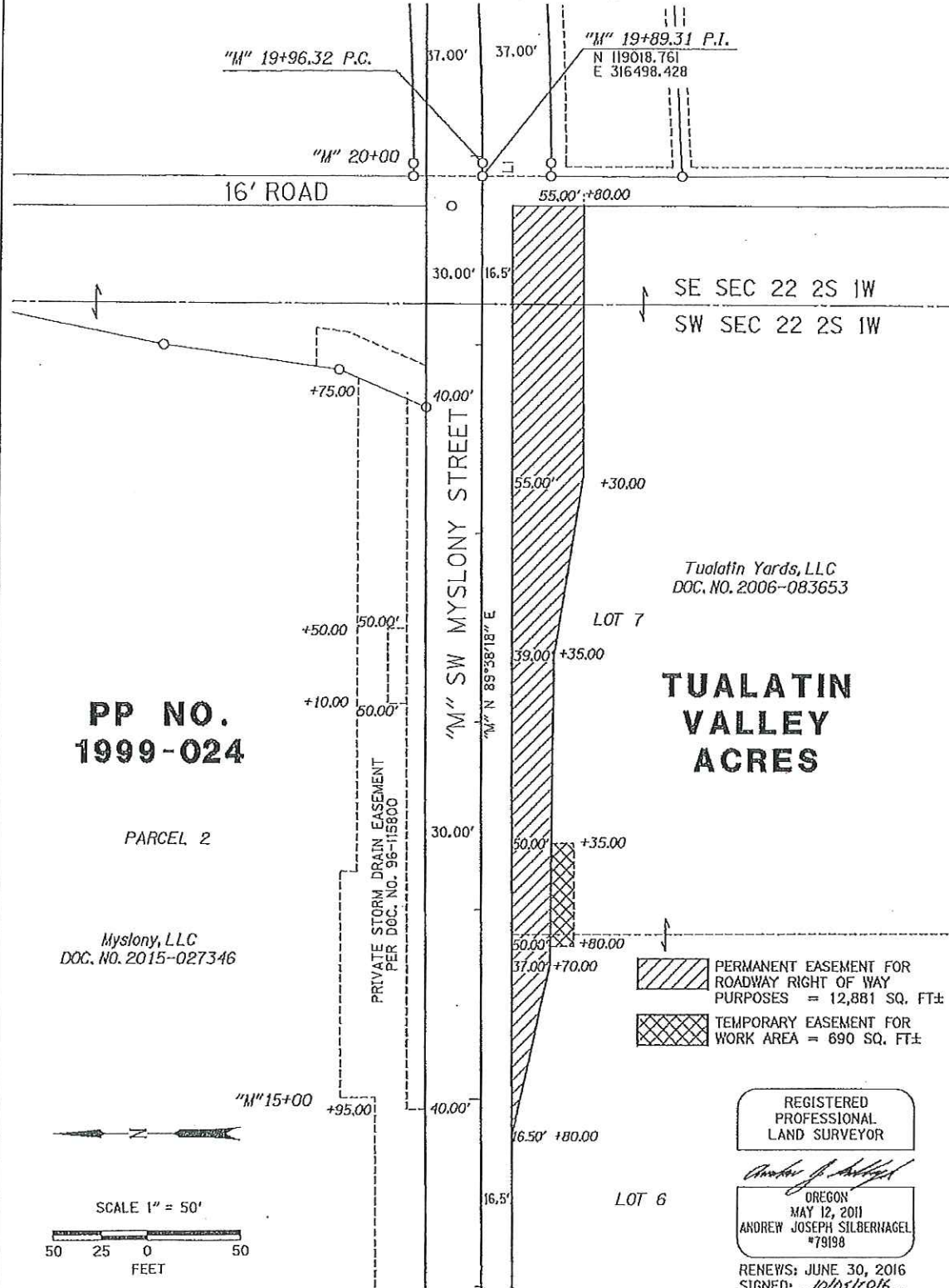
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew J. Silbernagel

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2018
SIGNED: 10/05/2016

SEC. 22, T. 2S, R. 1W, W.M.



**PP NO.
1999-024**

PARCEL 2

Myslony, LLC
DOC. NO. 2015-027346

Tualatin Yards, LLC
DOC. NO. 2006-083653


**TUALATIN
VALLEY
ACRES**

- PERMANENT EASEMENT FOR ROADWAY RIGHT OF WAY PURPOSES = 12,881 SQ. FT±
- TEMPORARY EASEMENT FOR WORK AREA = 690 SQ. FT±

REGISTERED
PROFESSIONAL
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Andrew J. Silbernagel
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
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RENEWS: JUNE 30, 2016
SIGNED: 10/05/2016

 SKETCH MAP	Section	Myslony Bridge: West of 112th Ave.		
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	County	Clackamas	Scale	1" = 50'
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	File	001		