

RESOLUTION NO. 5187-14

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED OF A PUBLIC SANITARY SEWER EASEMENT OVER METRO PROPERTY

WHEREAS, the City acquired a sanitary sewer easement over Metro property (Tax Lot 2S122DA00100); and

WHEREAS, subsequent to the City's acquisition of a sanitary sewer easement, Clean Water Services acquired a sanitary sewer easement over the same Metro property; and

WHEREAS, the City Council finds that the City's sanitary sewer easement is no longer needed for a public purpose; and

WHEREAS, the Council finds it is in the best interest of the City and the public to execute a quitclaim deed to relinquish the City's interest in the sanitary sewer easement.

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

Section 1. The City of Tualatin sanitary sewer easement over Metro property located on Tax Lot 2S122DA00100 is not longer needed for a public purpose and it is in the best interest of the City and the public to release the City's interest in the easement to Metro.

Section 2. The City Manager is authorized to execute a quitclaim deed for the benefit of Metro of the City's sanitary sewer easement (Recorded Document #88-58145, Washington County, Oregon).

Section 3. This Resolution is effective upon adoption.

Adopted by the City Council this 12th Day of May, 2014.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

APPROVED AS TO FORM

BY  _____
City Attorney

ATTEST:

BY  _____
City Recorder

After recording return to:

Metro
600 NE Grand Avenue
Portland, OR 97232

QUITCLAIM DEED

The City of Tualatin, Oregon ("Grantor"), releases and quitclaims to Metro, an Oregon Municipal Corporation, ("Grantee"), all right, title and interest in and to the Sanitary Sewer easement, situated in Washington County, Oregon, conveyed to Grantor by Recorded Document #88-58145, Washington County Oregon.

Document #88-58145 describing the easements is attached as Exhibit A and incorporated herein by reference.

The true consideration for this conveyance is other valuable consideration, the receipt of which is acknowledged by Grantor.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007,

SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Sent for Recording
By: Adm.

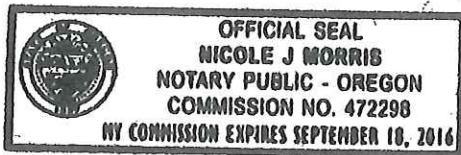
Dated this 15 day of May, 2014.

CITY OF TUALATIN, OREGON

By *S Lombos*
City Manager

STATE OF OREGON)
)
County of Washington)

This instrument was acknowledged before me on May 15, 2014, by Sherilyn Lombos, City Manager for the City of Tualatin, Oregon.



Nicole Morris
Notary Public - State of Oregon
My commission expires: 9-18-16

Sent for Recording
By: Nicole - Admn.

2S1 22D, 100

CITY OF TUALATIN, OREGON

SANITARY SEWER LINE EASEMENTKNOW ALL MEN BY THESE PRESENTS, that Carolla E. Fritzler

hereinafter called the GRANTOR, does hereby grant unto the City of Tualatin, hereinafter called the CITY, its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

A tract of land in the SE 1/4, Section 22, T. 2 S., R. 1 W., W.M., Washington County, Oregon, said tract being a portion of that parcel describes in a conveyance to Edwin N. Fritzler and Carolla E. Fritzler recorded in Book 872, Page 801, Washington County Deed Records and being described as follows:

Beginning at the East 1/4 corner of said Section 22 as said 1/4 corner is described in U.S.B.T. Book 2, Page 272, Entry 348; thence along the East line of said Section 22, S 00°02'07" W, 34.29 feet; thence S 33°44'34" W, 21.37 feet; thence S 73°48'23" W, 418.35 feet; thence N 79°44'25" W, 82.77 feet to the West line of said Fritzler parcel; thence along said West line N 0°02'07" E, 37.43 feet to the South line of that property described in a conveyance to Henry Saxton recorded in Deed Book "P", Page 151; thence along said Saxton property, S 82°14'45" E, 105.45 feet; thence continuing along said Saxton property, N 71°29'15" E, 411.91 feet to the point of beginning.

Containing 19,539 square feet, more or less.

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss cost or damage arising out of the exercise of the rights granted herein.

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Sent for Recording
By: _____

The true consideration of this conveyance is \$0.00 and other good and valuable consideration, the receipt of which is hereby acknowledged by GRANTOR.

CITY will allow the GRANTOR to connect to the CITY sanitary sewer system at any time in the future upon the GRANTOR paying all connection fees in effect at the time of connection.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

WITNESS our hands and seals this 30th day of November, 1988.

Carolla E. Fritzer (seal)

(seal)

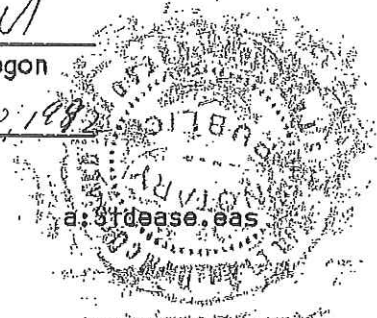
STATE OF OREGON)
) ss
County of Clatsamas)

On this 30th day of November, 1988, before me, the undersigned, a Notary Public, personally appeared Carolla E. Fritzer

and acknowledged the foregoing instrument to be their voluntary act and deed.

The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Resolution No. 2248-88, does hereby approve and accept the foregoing sanitary sewer line easement

Before me: [Signature]
Notary Public for Oregon
My Commission Expires: Nov 20, 1992



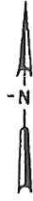
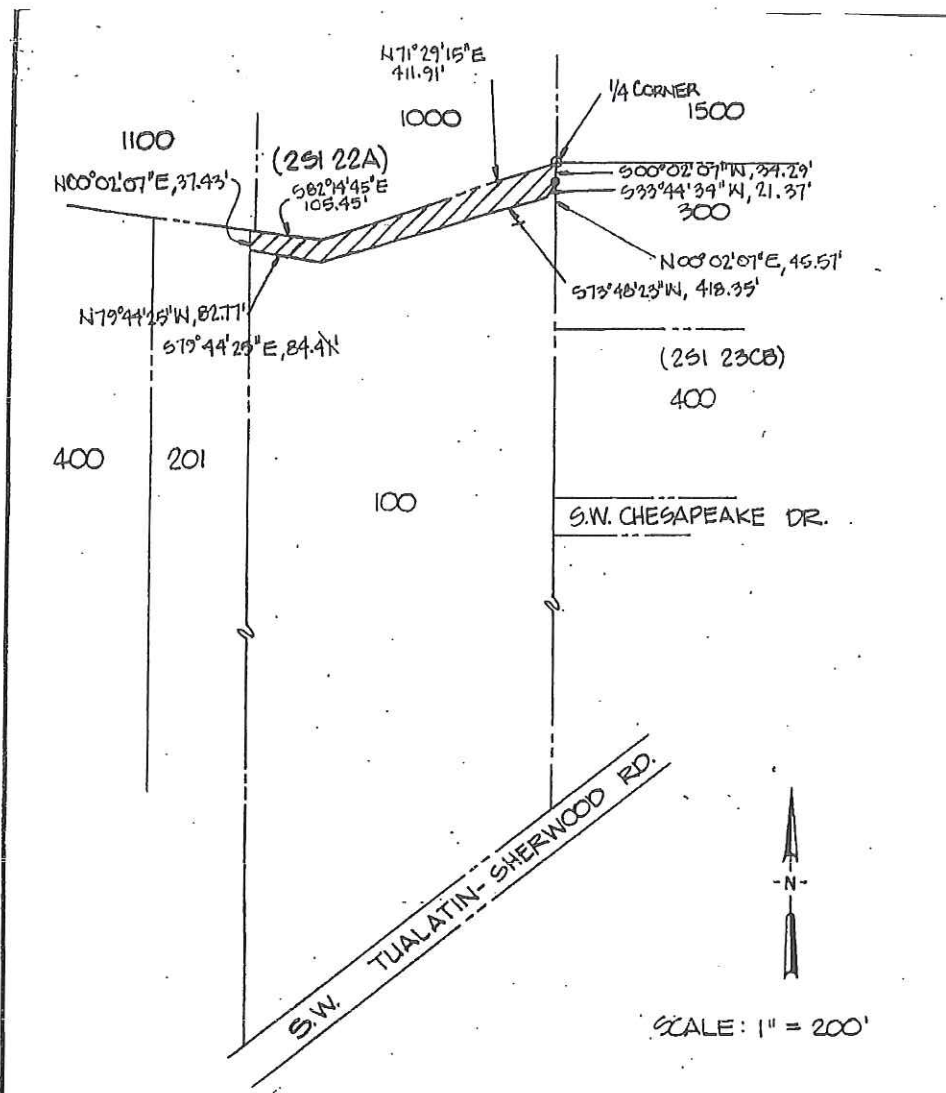
behalf of the City of Tualatin,
Dated this 12th day of December, 1988.

Stephen A. Rhodes
City Manager

After recording, return to:
City of Tualatin
P. O. Box 369
Tualatin, OR 97062

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-2-

Sent for Recording
By: _____



SCALE: 1" = 200'

Return to:
CITY OF TUALATIN OREGON
 18880 S.W. MARTINAZZI AVENUE
 TUALATIN, OR 97062

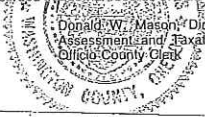
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**WEST TUALATIN ANNEXATION
 SEWER IMPROVEMENTS
 PHASE 1. LID No. 33-83-88**

251 22D T.L. 100

STATE OF OREGON } SS 847
 County of Washington

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



Doc : 88058145
 Rect: 1538 21.00
 12/29/1988 02:49:52PM

Sent for Recording
 By: _____