

RESOLUTION NO. CLV

A RESOLUTION AUTHORIZING A TRANSFER OF REAL AND PERSONAL PROPERTY TO THE CANBY UTILITY BOARD.

WHEREAS, The Canby Utility Board was created by a Canby City Charter Amendment enacted by the voters November 3, 1970; and the Board's purpose, powers and authority are set forth in Charter Chapter XIII and include generally and among other things the responsibility for the operation and management of the City's water and electric utility departments; and

WHEREAS, some of the physical assets of the City's water and electric utility departments are now and have been since its organization in the actual care and use of the Utility Board and it is necessary and advisable that those items of City property, real and personal, which are required by the Canby Utility Board for its purposes, be transferred to it by appropriate deed and bill of sale; and

WHEREAS, certain items of City property are needed by the City's public works department and also by the Canby Utility Board and can be shared by them, and it is necessary and advisable that a memorandum of agreement be authorized and made to cover the joint use and costs of such property;

NOW, THEREFORE, BE IT RESOLVED by the common Council of the City of Canby, Clackamas County, Oregon, that the City of Canby convey to the Canby Utility Board, without any actual monetary consideration and for the Board's use and purpose of owning and operating the City's municipal water and electric utility systems, the following described real and personal property, to-wit:

REAL PROPERTY:

Parcel I: Being a part of Section 32, Township 3 South, Range 1 East of the W.M., bounded and described as follows, to-wit:  
Beginning at an iron pipe driven at the northwest corner of that certain one acre tract of land heretofore conveyed to the City of Canby by deed recorded in Book 220, at Page 33, Record of Deeds of Clackamas County, Oregon, which point is South 63° 00' West 2456.60 feet distant and south

20° 03' West 561.65 feet distant and South 88° 00' West 160.00 feet distant from a basalt stone 24" x 9" x 6" marked "X" on top and set at the northwest corner of the Philander Lee Donation Land Claim No. 56, in Township 3 South, Range 1 East of the W.M.; running thence South 2° 00' East tracing the westerly boundary of said one acre tract 272.25 feet to the southwest corner of said tract; thence South 88° 00' West 511.35 feet to an iron pipe driven in the westerly boundary of the land of the Grantors herein; thence tracing the westerly boundary of the grantors land North 8° 00' East 276.45 feet to an iron pipe; thence North 88° 00' East 463.35 feet to the place of beginning, containing 3.0459 acres, more or less, Whereas, the grantors have lands adjoining the above described real property on both sides of it, there is hereby reserved and granted by the City of Canby, the grantee, a right of way, across the above described real property to the grantors, perpetually, for the width of at least twenty feet.

Parcel II: A parcel of land lying in Section 32, T. 3 S., R. 1 E., W.M., Clackamas County, Oregon, and being a portion of that property described in those deeds to the State of Oregon, by and through its State Highway Commission, recorded in Book 466, Page 699 and in Book 466, Page 489 of Clackamas County Record of Deeds; the said parcel being that portion of said property lying Southerly of the Molalla River, containing 1.5 acres, more or less.

Parcel III: A tract of land in Section 32, T. 3 S., R. 1 E. of the W.M., in the County of Clackamas and State of Oregon, described as follows:  
Beginning at the initial point of KNIGHT ADDITION, a recorded Plat; thence South 63° 00' West along the Southeasterly line of said Plat, 277.94 feet to the most Southerly corner thereof; thence North 27° 00' West along the Southwesterly line of said Plat, 410.00 feet to the Southeasterly line of Lot 25 of said Plat; thence South 63° 00' West along the Southeasterly line of said Lot 25, 187.17 feet to the most Southerly corner thereof; thence South along the East line of that certain tract of land conveyed to the State of Oregon, by and through its State Highway Commission, recorded March 20, 1953, in Book 466, page 699, Deed Records, a distance of 165.00 feet, more or less, to the Southeast corner thereof; thence West along the South line of said tract 250.00 feet, more or less, to the southwest corner thereof; thence South 10° 13' West along the Westerly line of that certain tract of land conveyed to W. Beauford Knight, et ux, recorded January 21, 1963, in Book 616, page 399, Deed Records, 602.64 feet, more or less, to the most Southerly corner thereof; thence North 63° 00' East along the Southeasterly line of said Knight tract, 899.74 feet, more or less, to the most Southerly corner of Parcel I of that certain tract of land conveyed to Albert Berg, et ux, recorded December 17, 1947, in Book 400, page 549, Deed Records; thence Northwesterly along the Westerly line of said Berg tract 57.00 feet to the most Westerly corner thereof; thence North 63° 00' East along the Northerly line of said Berg tract 229.00 feet to the most Northerly corner thereof; thence North 0° 12' West 53.03 feet to the point of beginning.

Parcel IV: Part of Section 4, T. 4 S., R. 1 E., W. M. described as follows:

Beginning at a point on the east-west centerline of said Section 4, a distance of 2 rods West of the center of said Section; thence West, along said center line 650 chains, more or less, to the southeast corner of that certain tract of land conveyed to M. Vesta Clark, et ux, in Book 132, page 138, recorded June 9, 1913, and true point of beginning of the tract herein described; thence North along the east line of said Clark tract 6.16 chains thence East 214.5 feet; thence South parallel with the west line of the tract herein described 6.16 chains to a point on the east-west centerline of said Section 4; thence West 214.5 feet to the true point of beginning. EXCEPTING THEREFROM that portion in public roads.

Parcel V: Lot 4 and the West half of Lot 3, Block 1, CANBY, Clackamas County, State of Oregon.

Parcel VI: Lots 11 and 12, and the North 2/3 of Lot 10, Block 16, CANBY, Clackamas County, State of Oregon.

Parcel VII: A tract of land in the Southeast quarter of Section 32, T. 3 S., R. 1 E. of the W.M., in the County of Clackamas and State of Oregon, being partly in the Lucious A. Seely D.L.C. No. 57, described as follows:

Beginning at the point of intersection of the Northerly line of N.W. Fifth Avenue with the Westerly line of North Cedar Street in the City of Canby, said point being the most Northerly corner of that certain tract of land conveyed to Oscar W. Sturges by deed recorded July 29, 1893, in Deed Book 54, page 4, Deed Records; thence Northwesterly along the Westerly line of said North Cedar Street, being the Northeasterly line of that certain tract of land conveyed to D. & S. Farm, Inc. by deed recorded July 31, 1961, in Book 590, page 183, Deed Records, 300 feet, more or less, to a point that is 450 feet Southeasterly from the most Northerly corner of said D. & S. Farm, Inc. tract; thence South 63° West parallel to the Northwesterly line of said D. & S. Farm, Inc. tract, 142.88 feet to a point and the true point of beginning of the tract herein to be described; thence Northwesterly, parallel to the Northeasterly boundary of the D. & S. Farm, Inc. tract, 300 feet, more or less, to a point of intersection with a line drawn Southwesterly parallel to the Northwesterly boundary of said tract from a point on the Northeasterly boundary of D. & S. Farm, Inc. tract that is 150 feet Southeasterly of the most Northerly corner thereof; thence Southwesterly along a Southwesterly extension of said line, 150 feet to a point in the Northeasterly boundary of the tract conveyed to James O. Goodwin, et al, (doing business as Canby Industrial Park) as Clackamas County Recorder's Fee No. 71-3038, Film Records; thence Southeasterly along the Northeasterly boundary of said Industrial tract 300 feet to a point that is Southwesterly of the true point of beginning when measured along a line drawn parallel with the Northwesterly line of said D. & S. Farm, Inc. tract; thence Northeasterly parallel with the Northwesterly line of said D. & S. Farm, Inc. tract, 150 feet to the true point of beginning.

Parcel VIII: Lot 9 and the Westerly one-half of Lot 10, Block 1, CANBY, in the County of Clackamas and State of Oregon.

PERSONAL PROPERTY:

<u>Items of Equipment</u>	<u>License No.</u>	<u>Serial No.</u>
1 - 1945 Jeep	E-37000	53899
1 - 1955 Ford service truck	E-10048	F60V5R17966
1 - 1966 Ford boom truck	E-044292	F75FU863695
1 - 1970 Chev. pickup	E-106891	CE240Z151462
1 - 1963 Ford F.B. P.U.	E-047482	F25CK365259
1 - 1968 Dodge panel	E-046455	1962142948
1 - 1960 Case 530 B.H.	E-94484	6150333
1 - pole trailer		Shop-made
1 - pump 2"		Barnes w/Briggs- Straton Motor
1 - reel trailer		Shop-made
1 - Model 4T Vermeer trencher		954
1 - McCulloch Chain Saw 20"		
1 - Novo Diaphragm Pump 6" w/trailer		
1 - Kohler Portable Generator w/trailer		
1 - Lot Misc. linesman's tools		
1 - Line Tension Machine - Western Power Products Model LW-100		463
1 - Kerney Compression Tool w/accessories		P-1096
1 - Recording volt meter		
1 - phasing meter		
50 - S & R Stringing Shives		

BE IT FURTHER RESOLVED that the City Attorney prepare and that the Mayor and City Recorder execute and deliver an appropriate deed and bill of sale in the name of and on behalf of the City of Canby, and for the purpose of conveying the above described real and personal property to the Canby Utility Board, free and clear of any and all liens or encumbrances whatsoever, but without title insurance; and

BE IT FURTHER RESOLVED that the Canby City Council and the Canby Utility Board negotiate an acceptable agreement for the joint use of any and all other property, real and personal, which is necessary and advisable for their joint use and upon that being done, the Mayor and City Recorder are hereby authorized and directed to join in executing said agreement on behalf of the City of Canby; and

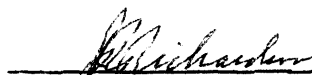
BE IT FURTHER RESOLVED that upon the delivery to the Canby Utility Board of the deed and bill of sale hereby authorized and for conveyance of the above described property, the City Recorder shall immediately notify the City Treasurer, the City's accountant

and the City's insurance carrier of these transfers and then change or correct the City's property records accordingly.

Adopted by the Canby City Council at a regular meeting thereof on the 11<sup>TH</sup> day of JUNE, 1973, and filed with the City Recorder this same date.

  
\_\_\_\_\_  
PAUL N. ROTH - Mayor

ATTEST:

  
\_\_\_\_\_  
J. F. RICHARDSON - City Recorder

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That CITY OF CANBY, a municipal corporation of Clackamas County, Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CANBY UTILITY BOARD, a municipal corporation of Canby, Clackamas County, Oregon, hereinafter called Grantee and Grantee's successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Parcel I: Being a part of Section 32, Township 3 South, Range 1 East of the W.M., bounded and described as follows, to-wit: Beginning at an iron pipe driven at the northwest corner of that certain one acre tract of land heretofore conveyed to the City of Canby by deed recorded in Book 220, at Page 33, Record of Deeds of Clackamas County, Oregon, which point is South 63° 00' West 2456.60 feet distant and south 20° 03' West 561.65 feet distant and South 88° 00' West 160.00 feet distant from a basalt stone 24" x 9" x 6" marked "X" on top and set at the northwest corner of the Philander Lee Donation Land Claim No. 56, in Township 3 South, Range 1 East of the W.M.; running thence South 2° 00' East tracing the westerly boundary of said one acre tract 272.25 feet to the southwest corner of said tract; thence South 88° 00' West 511.35 feet to an iron pipe driven in the westerly boundary of the land of the Grantors herein; thence tracing the westerly boundary of the Grantors land North 8° 00' East 276.45 feet to an iron pipe; thence North 88° 00' East 463.35 feet to the place of beginning, containing 3.0459 acres, more or less,

Parcel II: A parcel of land lying in Section 32, T. 3 S., R. 1 E., W.M., Clackamas County, Oregon, and being a portion of that property described in those deeds to the State of Oregon, by and through its State Highway Commission, recorded in Book 466, Page 699 and in Book 466, Page 489 of Clackamas County Record of Deeds; the said parcel being that portion of said property lying Southerly of the Molalla River, containing 1.5 acres, more or less.

Parcel III: A tract of land in Section 32, T. 3 S., R. 1 E. of the W.M., in the County of Clackamas and State of Oregon, described as follows: Beginning at the initial point of KNIGHT ADDITION, a recorded Plat; thence South 63° 00' West along the Southeasterly line of said Plat, 277.94 feet to the most Southerly corner thereof; thence North 27° 00' West along the Southwesterly line of said Plat, 410.00 feet to the Southeasterly line of Lot 25 of said Plat; thence South 63° 00' West along the Southeasterly line of said Lot 25, 187.17 feet to the most Southerly corner thereof; thence South along the East line of that certain tract of land conveyed to the State of Oregon, by and through its State Highway Commission, recorded March 20, 1953, in Book 466, page 699, Deed Records, a distance of 165.00 feet, more or less, to the Southeast corner thereof; thence West along the South line of said tract 250.00 feet more or less, to the southwest corner thereof; thence South 10° 13' West

LOT # 700 MAP 31E32D  
SPRINGS PROPERTY  
(NEW WELL)

LOT 401 MAP 31E32D  
INTAKE PROPERTY

LOT # 300 MAP 31E32D  
INTAKE STRUCTURE PROP

150 feet Southeasterly of the most Northerly corner thereof; thence Southwesterly along a Southwesterly extension of said line, 150 feet to a point in the Northeasterly boundary of the tract conveyed to James O. Goodwin, et al, (doing business as Canby Industrial Park) as Clackamas County Recorder's Fee No. 71-3038, Film Records; thence Southeasterly along the North-easterly boundary of said Industrial tract 300 feet to a point that is Southwesterly of the true point of beginning when measured along a line drawn parallel with the Northwesterly line of said D. & S. Farm, Inc. tract; thence Northeasterly parallel with the North-westerly line of said D. & S. Farm, Inc. tract, 150 feet to the true point of beginning.

FARKING LOT BEHIND CITY HALL LOT 6100 MAP 31E33A State of Oregon. Parcel VIII: Lot 9 and the Westerly one-half of Lot 10, Block 1, CANBY, in the County of Clackamas and

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's successors and assigns forever.

And said Grantor hereby covemnts to and with said Grantee and Grantee's successors and assigns, that Grantor is lawfully seised in fee simple of the above granted premises, free from all encumbrances; and that Grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

There is no actual monetary consideration for this transfer. The actual consideration is something other than money which is the whole consideration.

The foregoing Deed was authorized by Resolution No. CLV of the Canby City Council adopted at a regular meeting thereof on Monday, June 11, 1973.

CITY OF CANBY, a Municipal Corporation of Clackamas County, State of Oregon

By: Paul N. Roth  
Mayor

By: J. Richardson  
Recorder

STATE OF OREGON )  
County of Clackamas ) ss.

6-29, 1973

Personally appeared PAUL N. ROTH and J. R. RICHARDSON who, being duly sworn, each for himself and not one for the other, did say that the former is the Mayor and that the latter is the City Recorder of CITY OF CANBY, a municipal corporation of Clackamas County, Oregon, and that the seal affixed to the foregoing instrument is the corporate seal of said City and that said instrument was signed and sealed in behalf of said City by authority of the Canby City Council; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

Shirley M. Sarty  
Notary Public for Oregon

My Commission Expires: 3/27/1977

along the Westerly line of that certain tract of land conveyed to W. Beauford Knight, et ux, recorded January 21, 1963, in Book 616, page 399, Deed Records, 602.64 feet, more or less, to the most Southerly corner thereof; thence North 63° 00' East along the Southeasterly line of said Knight tract, 899.74 feet, more or less, to the most Southerly corner of Parcel I of that certain tract of land conveyed to Albert Berg, et ux, recorded December 17, 1947, in Book 400, page 549, Deed Records; thence Northwesterly along the Westerly line of said Berg tract 57.00 feet to the most Westerly corner thereof; thence North 63° 00' East along the Northerly line of said Berg tract 229.00 feet to the most Northerly corner thereof; thence North 0° 12' West 53.03 feet to the point of beginning.

LOT 202 MAP 41EA  
PROPERTY ON S.W. 1/4  
1.93 AC

Parcel IV: Part of Section 4, T. 4 S., R. 1 E., W.M., described as follows: Beginning at a point on the east-west centerline of said Section 4, a distance of 2 rods West of the center of said section; thence West, along said center line, 6.50 chains, more or less, to the southeast corner of that certain tract of land conveyed to M. Vesta Clark, et ux, in Book 132, page 138, recorded June 9, 1913 and true point of beginning of the tract herein described; thence North along the east line of said Clark tract 6.16 chains; thence East 214.5 feet; thence South parallel with the west line of the tract herein described 6.16 chains to a point on the east-west centerline of said Section 4; thence West 214.5 feet to the true point of beginning. EXCEPTING THEREFROM THAT PORTION IN PUBLIC ROADS.

VACANT LOT  
BEHIND CITY HALL  
LOT 5700 MAP 31E33CA

Parcel V: Lot 4 and the West half of Lot 3, Block 1, CANBY, Clackamas County, State of Oregon.

4TH ST. TANKS  
LOT 6100 MAP 31E33CB

Parcel VI: Lots 11 and 12, and the North 2/3 of Lot 10, Block 16, CANBY, Clackamas County, State of Oregon.

TREATMENT PLANT PROP  
LOT 1000 MAP 31E32D

Parcel VII: A tract of land in the Southeast quarter of Section 32, T. 3 S., R. 1 E. of the W.M., in the County of Clackamas and State of Oregon, being partly in the Lucious A. Seely D.L.C. No. 57, described as follows: Beginning at the point of intersection of the Northerly line of N.W. Fifth Avenue with the Westerly line of North Cedar Street in the City of Canby, said point being the most Northerly corner of that certain tract of land conveyed to Oscar W. Sturges by deed recorded July 29, 1893, in Deed Book 54, page 4, Deed Records; thence Northwesterly along the Westerly line of said North Cedar Street, being the Northeasterly line of that certain tract of land conveyed to D. & S. Farm, Inc. by deed recorded July 31, 1961, in Book 590, page 183, Deed Records, 300 feet, more or less, to a point that is 450 feet Southeasterly from the most Northerly corner of said D. & S. Farm, Inc. tract; thence South 63° West parallel to the Northwesterly line of said D. & S. Farm, Inc. tract, 142.88 feet to a point and the true point of beginning of the tract herein to be described; thence Northwesterly, parallel to the Northeasterly boundary of the D. & S. Farm, Inc. tract, 300 feet, more or less, to a point of intersection with a line drawn Southwesterly parallel to the Northwesterly boundary of said tract from a point on the Northeasterly boundary of D. & S. Farm, Inc. tract that