



RESOLUTION 2021-099

AUTHORIZING THE CITY MANAGER TO SIGN PUBLIC UTILITY EASEMENT DEDICATION AGREEMENT AND DEEDS ADJACENT TO PROPERTY OWNED BY THE CITY AT 20159 SW ROY ROGERS ROAD TO THE BENEFIT OF WASHINGTON COUNTY FOR THE CONSTRUCTION OF THE SW ROY ROGERS ROAD 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 2878 square feet of City of Sherwood owned property for a wall/utility easement to be dedicated to Washington County; and provide,

WHEREAS, Washington County street improvements along SW Roy Rogers Road will require approximately 1677 square feet of City of Sherwood owned property to be dedicated to Washington County as a public utility easement; and

WHEREAS, Washington County street improvements along SW Roy Rogers Road will require approximately 1195 square feet of City of Sherwood owned property to be dedicated to Washington County as a temporary construction 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; and

WHEREAS, the County has agreed to provide in-kind services in excess of the value of the easements.

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

Section 1: The City Manager is hereby authorized to sign the dedication obligation agreement (Exhibit A) and dedication deed (Exhibit B) in a form substantially similar to the attached Exhibit A and B thereby dedicating City of Sherwood owned property to Washington County in the form of easements.

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

Duly passed by the City Council this 7th day of December, 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

GRANTOR'S/COUNTY'S OBLIGATION(S) AGREEMENT

November 23, 2021

Grantor

Name: City of Sherwood

File: 01

Project #: 100389

Situs: 20159 SW Roy Rogers Rd., Sherwood, OR97140

FAP#: N/A

Eng. Station: 204+40 Rt (appx) To Eng. Station per construction plans: 207+80 Rt (appx)

County is to:

- Remove large trees in the island of the circular driveway.
- Remove vegetation and trees between the house and the new retaining wall. City (Grantor) shall obtain environmental clearances to clear the vegetation and trees in this area.
- Widen the driveway approach at its existing location.
- Acquire a public utility easement from the City of Tualatin along Tualatin's reservoir site.

In exchange for the above obligation items, City (Grantor) will donate easements needed for County's project, as per legal description dated April 21, 2021.

Any construction lying outside of the traveled portion and shoulders but within the right-of-way of the roadway which is made for the use and benefit of the remaining property, either under the terms of this agreement or the construction plans, shall be completed in conformance with normal engineering construction practices and hereafter shall be maintained or reconstructed by the property owner.

If any of the construction under the terms of this agreement is outside of the roadway right-of-way, Grantors hereby grant County, its employees or contractors, permission to enter upon their remaining property for the purpose of performing any of said construction work.

It is understood and agreed that County's performance of this agreement shall be a portion of the consideration for the concurrent real property transaction evidenced by deed or easement document(s) between Grantors and County. This agreement shall not be effective or binding until Grantors receive notice from the County accepting the conveyance of the real property interests.

Washington County:

Grantor(s):

Project Manager

Date

Signature

Date

Signature

Date

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 - PUBLIC UTILITIES EASEMENT

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

AND - WALL EASEMENT

Including the right to construct, maintain, and repair a retaining wall and related infrastructure, over, under, and across the described property.

PARCEL 2 - PUBLIC UTILITIES EASEMENT

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

PARCEL 3 - TEMPORARY CONSTRUCTION EASEMENT

Including the right for Grantee, its employees, agents, and employees of independent contractors performing work under contract for Washington County, to enter and use the easement area for a construction work area in connection with the construction of the Roy Rogers Road (Borchers to Chicken Creek) project as designed.

The term and duration of this temporary construction easement shall be for a period of thirty-three (33) months, from September 1, 2021 to May 31, 2024, or upon completion of the above-mentioned construction project, whichever is sooner.

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: _____

Dated this _____ day of _____, 20__

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

EXHIBIT "A"

SW Roy Rogers Road
April 21, 2021

County Road Project No. 100389
File No. #1
Tax Map 2S130BA
Tax Lot 00100

PARCEL 1 (PUBLIC UTILITY AND WALL EASEMENT).

A strip of land situated in the Northwest One-Quarter of the Northeast One-Quarter and the Northeast One-Quarter of the Northwest 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 James M Irwin and Merry U Irwin, in Statutory Warranty Deed, recorded June 6, 2018 as Document No. 2018-039100, Washington County Book of Records; said strip lying on the westerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described below.

The strip above referred to is as follows:

Station	to	Station	Width on the westerly side of Centerline
203+67.09		206+30.59	56.28 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 $S00^{\circ}00'39''E$, 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°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 strip of land to which this description applies contains 2,878 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 strip of land situated in the Northwest 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 James M Irwin and Merry U Irwin, in Statutory Warranty Deed, recorded June 6, 2018 as Document No. 2018-039100, Washington County Book of Records; said strip lying on the westerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described above.

The strip above referred to is as follows:

Station	to	Station	Width on the westerly side of Centerline
206+30.59		208+00.00	56.28 feet

EXCEPTING therefrom the above described parcel 1.

The strip of land to which this description applies contains 1,677 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

PARCEL 3 (TEMPORARY CONSTRUCTION EASEMENT).

A strip of land situated in the Northwest 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 James M Irwin and Merry U Irwin, in Statutory Warranty Deed, recorded June 6, 2018 as Document No. 2018-039100, Washington County Book of Records; said strip lying on the westerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described above.

The strip above referred to is as follows:

Exhibit "A"

3 of 4

JL 0/1

Station	to	Station	Width on the westerly side of Centerline
205+11.69		205+24.14	65.28 feet

TOGETHER WITH a strip of land being variable in width and lying on the westerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described above.

Station	to	Station	Width on the westerly side of Centerline
206+30.59		206+50.96	90.09 feet in a straight line to 98.03 feet

TOGETHER WITH a strip of land lying on the westerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described above.

Station	to	Station	Width on the westerly side of Centerline
207+59.42		207+77.42	71.28 feet

EXCEPTING therefrom the above described parcel 1.

ALSO EXCEPTING therefrom the above described parcel 2.

The strip of land to which this description applies contains 1,195 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"

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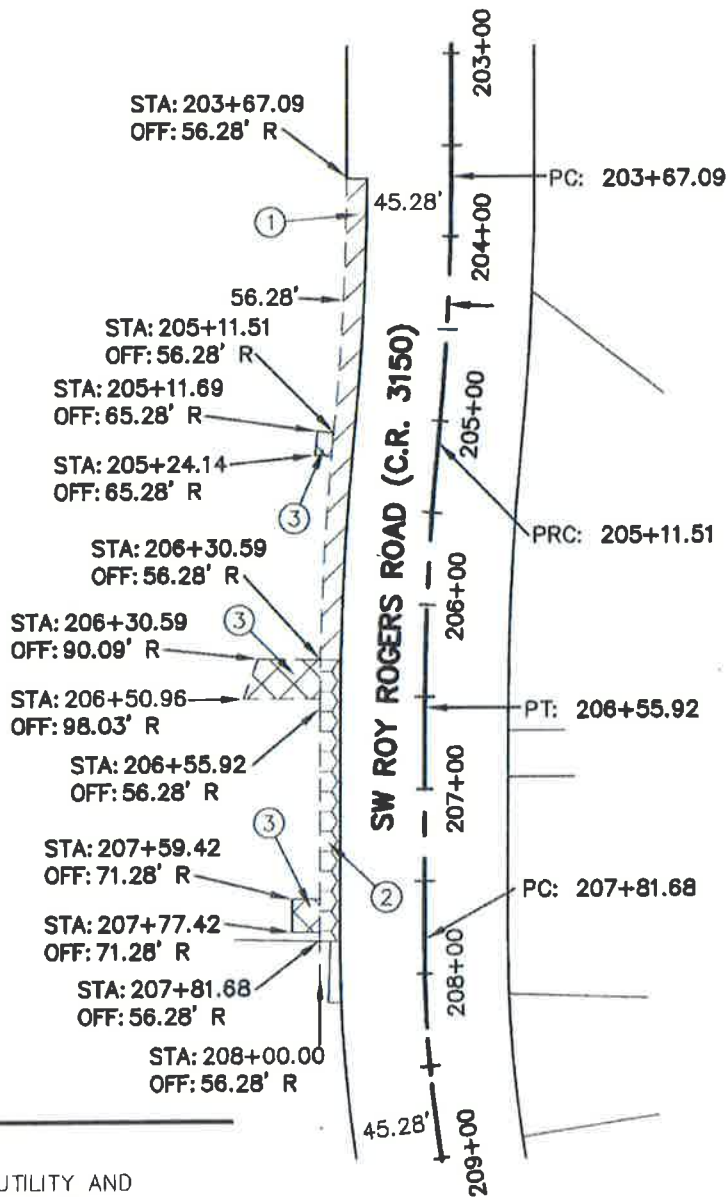
JK

EXHIBIT "B"
 PROJECT FILE NO. #1
 WASHINGTON COUNTY PROJECT NO. 100389

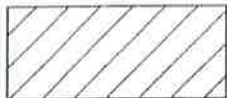
PROPERTY 1
 JAMES M IRWIN
 AND MERRY U IRWIN
 DOCUMENT NO. 2018-039100
 2S1W30BA-00100
 20159 SW ROY ROGERS ROAD



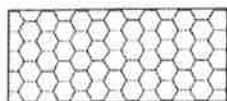
SCALE
 1" = 100'



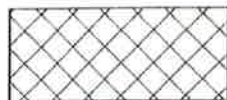
LEGEND



① PUBLIC UTILITY AND
 WALL EASEMENT
 ± 2,878 SQ.FT.



② PUBLIC UTILITY
 EASEMENT
 ± 1,677 SQ.FT.



③ TEMPORARY CONSTRUCTION
 EASEMENT
 ± 1,195 SQ.FT.



**Harper
 Houf Peterson
 Righellis Inc.**

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

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 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

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SEE ATTACHED
 LEGAL DESCRIPTION

JK 081