

RESOLUTION NO. 5541-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS ACQUIRING PROPERTY FOR THE MARTINAZZI AVENUE AND SAGERT STREET IMPROVEMENT PROJECT

WHEREAS, in May 2018, Tualatin voters approved a \$20 million bond measure to support high priority transportation projects.

WHEREAS, the City identified one of these projects as the need to improve the intersection performance and pedestrian safety at Martinazzi Avenue and Sagert Street to include a new traffic signal, high-visibility crosswalks, curb ramps, and sidewalks, and improve access to existing transit stops (hereafter "Project").

WHEREAS, the City has identified the need to acquire certain properties in order to facilitate the construction of the Project; and

WHEREAS, the City has negotiated property transactions with a willing seller to acquire right-of-way and a slope easement.

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

Section 1. The City Manager is authorized to acquire and execute deeds for a slope easement and right-of-way from Sandalwood Condominiums as set forth in Exhibits 1 and 2, which are attached and incorporated by reference. The purchase price is \$14,081.00 for the Right-of-Way and \$3,445.00 for the Slope Easement.

Section 2. The City Manager is hereby authorized to execute any and all documents necessary to acquire the property interests identified in Section 1.

Section 3. This resolution is effective upon adoption.

INTRODUCED and ADOPTED by the City Council this ____ day of May, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

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

Exhibit 1

Resolution No. 5541-21



CITY OF TUALATIN, OREGON DEED OF DEDICATION

ASSOCIATION OF UNIT OWNERS OF SANDALWOOD, a Condominium Community ("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 \$14,081.00 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]

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.

Association of Unit Owners of Sandalwood, a Condominium Community

EXECUTED this 1st day of APRIL, 2021.

[Redacted Signature]

Signature

~~EDWARD G PERKINS~~ EDWARD G PERKINS

Name (print or type)

CHAIR

Title

April 1, 2021

Date

[Redacted Signature]

Signature

Amy Surt

Name (print or type)

Secretary

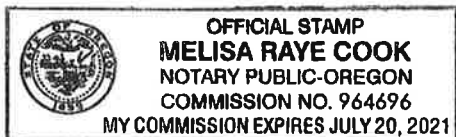
Title

April 1, 2021

Date

(STATE OF OREGON)ss
(County of Washington)

On this 1 day of April, 2021, before me, the undersigned, a Notary Public, personally appeared Edward Perkins and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: [Redacted Signature]

Notary Public for Oregon

My commission expires: 7-20-21

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

STATE OF OREGON)ss
(County of Washington)

On this 1 day of April, 2021, before me, the undersigned, a
Notary Public, personally appeared Amy Burt and acknowledged the
foregoing instrument to be their voluntary act and deed.



Before me: [REDACTED]
Notary Public for Oregon
My commission expires: 7-20-21

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 ___ day of _____ 20__.

City Manager

EXHIBIT A
RIGHT-OF-WAY DEDICATION
JOB NO. 1800485
MAY 15, 2020

LEGAL DESCRIPTION

A PARCEL OF LAND, BEING A PORTION OF THE GENERAL COMMON ELEMENT (GCE) OF THE PLAT OF SANDALWOOD, A CONDOMINIUM COMMUNITY PLAT, WASHINGTON COUNTY PLAT RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SW SAGERT STREET (CR 327) (80 FEET WIDE) AND THE WESTERLY RIGHT-OF-WAY LINE OF SW MARTINAZZI AVENUE (CR 849) (60 FEET WIDE), SAID POINT BEARS NORTH 89°27'15" EAST 980.00 FEET AND SOUTH 00°04'46" WEST 40.00 FEET FROM THE NORTHWEST CORNER OF SECTION 25; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 89°27'15" WEST 22.00 FEET TO A POINT BEING 22 FEET WESTERLY OF SAID WESTERLY RIGHT-OF-WAY LINE, WHEN MEASURED PERPENDICULAR THERETO; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 45°14'00" EAST 30.94 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 00°04'46" EAST 22.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 242 SQUARE FEET OR 0.006 ACRES, MORE OR LESS.

SAID PARCEL OF LAND SHOWN ON THE ATTACHED EXHIBIT B AND BY THIS REFERENCE MADE A PART THEREOF.

THE BASIS OF BEARINGS IS THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE.



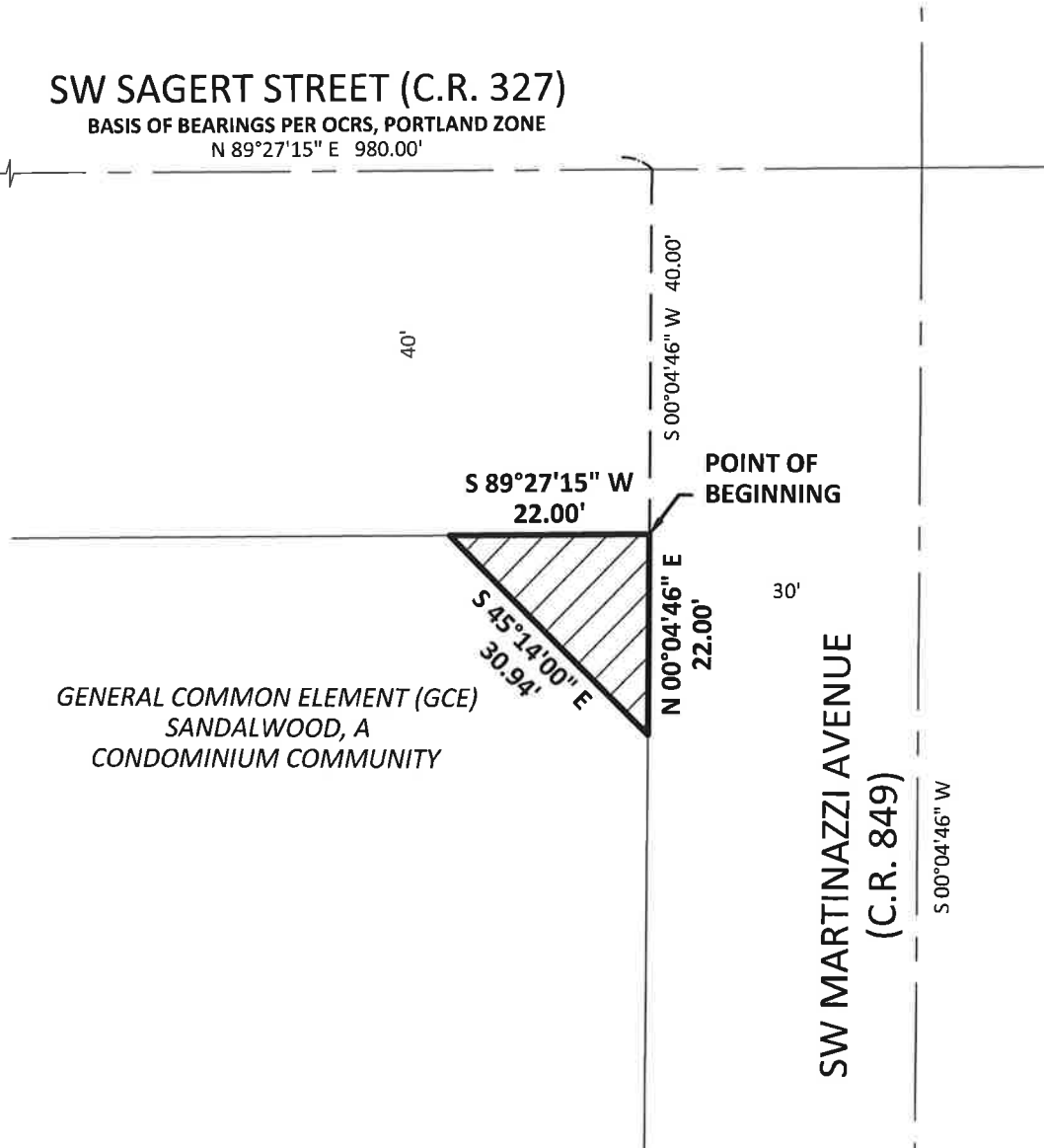
RENEWAL DATE 6-30-*2020*

SW SAGERT STREET (C.R. 327)

BASIS OF BEARINGS PER OCRS, PORTLAND ZONE

N 89°27'15" E 980.00'

NW CORNER
OF SECTION 25
T. 2S, R. 1W, W.M.




GENERAL COMMON ELEMENT (GCE)
SANDALWOOD, A
CONDOMINIUM COMMUNITY

POINT OF BEGINNING

SW MARTINAZZI AVENUE
(C.R. 849)



SCALE: 1" = 20'

 RIGHT-OF-WAY DEDICATION
242 SQ. FT. OR 0.006 ACRES (MORE OR LESS)

kpff

111 SW Fifth Ave., Suite 2400
Portland, OR 97204
O: 503.227.3251
F: 503.274.4681
www.kpff.com

EXHIBIT B RIGHT-OF-WAY DEDICATION	DATE: 15 MAY 2020
	DRAWN BY: NJL
NW 1/4 OF SECTION 25 / TOWNSHIP 2 SOUTH / RANGE 1 WEST / W.M. CITY OF TUALATIN / WASHINGTON COUNTY / OREGON	CHECKED BY: TTT
	PROJECT NO. 1800485
	SHEET: 1 OF 1

After recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092

Exhibit 2

Resolution No. 5541-21



CITY OF TUALATIN, OREGON SLOPE EASEMENT

Association of Unit Owners of Sandalwood, a Condominium Community ("GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors and assigns, the permanent right to design, construct, reconstruct, operate and maintain a SLOPE EASEMENT on the following described land:

*See attached legal description and drawing,
incorporated by reference*

TO HAVE AND TO HOLD, the described EASEMENT unto the CITY, its successors and assigns, runs with the land.

GRANTOR reserves the right to use the surface of the land for walkways, landscaping, parking, and other uses undertaken by the GRANTOR that are not inconsistent and do not 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 this easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY on the EASEMENT, the CITY shall restore the property's disturbed surface to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing in this easement shall be construed as requiring the CITY, its successors or assigns, to maintain landscaping, walkways, parking or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors or assigns.

The true and actual consideration paid for this transfer consists of \$3,445.00 or includes other property or other value given or promised, the receipt of which is acknowledged by the GRANTOR.

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

Association of Unit Owners of Sandalwood, a Condominium Community

Executed this 1st day of APRIL, 2021.

[Redacted Signature]

Signature

Edward C Perkins

Name (print or type)

CHAIR

Title

[Redacted Signature]

Signature

Amy Surt

Name (print or type)

Secretary

Title

(STATE OF OREGON)ss
(County of Washington)

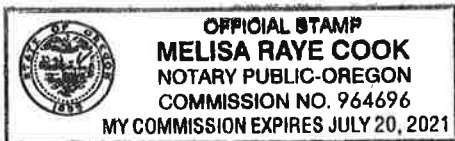
On this 1 day of April, 2021, before me, the undersigned, a Notary Public, personally appeared Edward Perkins and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

[Redacted Name]

Notary Public for Oregon

My commission expires: 7-20-21



(STATE OF OREGON)ss
(County of Washington)

On this 1 day of April, 2021, before me, the undersigned, a
Notary Public, personally appeared Amy Burt and acknowledged the
foregoing instrument to be their voluntary act and deed.



Before me: _____
Notary Public for Oregon

My commission expires: 7-20-21

CITY OF TUALATIN, OREGON

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
SLOPE EASEMENT
JOB NO. 1800485
MAY 15, 2020

LEGAL DESCRIPTION

A PARCEL OF LAND, BEING A PORTION OF THE GENERAL COMMON ELEMENT (GCE) OF THE PLAT OF SANDALWOOD, A CONDOMINIUM COMMUNITY PLAT, WASHINGTON COUNTY PLAT RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TUALATIN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW SAGERT STREET (CR 327) (80 FEET WIDE), SAID POINT BEING 22 FEET WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF SW MARTINAZZI AVENUE (CR 849) (60 FEET WIDE), WHEN MEASURED PERPENDICULAR THERETO, SAID POINT BEARS NORTH 89°27'15" EAST 980.00 FEET, SOUTH 00°04'46" WEST 40.00 FEET AND SOUTH 89°27'15" WEST 22.00 FEET FROM THE NORTHWEST CORNER OF SECTION 25; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 45°14'00" EAST 7.03 FEET TO A POINT BEING 5 FEET SOUTHERLY OF SAID SOUTHERLY RIGHT-OF-WAY LINE, WHEN MEASURED PERPENDICULAR THERETO; THENCE PARALLEL WITH SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH 89°27'15" WEST 408.33 FEET; THENCE LEAVING SAID PARALLEL LINE NORTH 00°32'45" WEST 5.00 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 89°27'15" EAST 403.38 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2,029 SQUARE FEET OR 0.047 ACRES, MORE OR LESS.

SAID PARCEL OF LAND SHOWN ON THE ATTACHED EXHIBIT B AND BY THIS REFERENCE MADE A PART THEREOF.

THE BASIS OF BEARINGS IS THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE.



RENEWAL DATE 6-30-2020

SW SAGERT STREET (C.R. 327)

BASIS OF BEARINGS PER OCRS, PORTLAND ZONE

N 89°27'15" E 980.00'

NW CORNER OF SECTION 25
T. 2S, R. 1W, W.M.

POINT OF BEGINNING

N 89°27'15" E 403.38'

S 89°27'15" W 408.33'

N 00°32'45" W 5.00'

S 45°14'00" E 7.03'

40' S 89°27'15" W 22.00'

S 00°04'46" W 40.00'

S 00°04'46" W

SW MARTINAZZI AVENUE

(C.R. 849)

GENERAL COMMON
ELEMENT (GCE)
SANDALWOOD, A
CONDOMINIUM
COMMUNITY



SCALE: 1" = 100'

kpff

111 SW Fifth Ave., Suite 2400
Portland, OR 97204
O: 503.227.5251
F: 503.274.4681
www.kpff.com



SLOPE EASEMENT
2,029 SQ. FT. OR 0.047 ACRES (MORE OR LESS)

EXHIBIT B SLOPE EASEMENT	DATE: 15 MAY 2020
	DRAWN BY: NJL
NW 1/4 OF SECTION 25 / TOWNSHIP 2 SOUTH / RANGE 1 WEST / W.M. CITY OF TUALATIN / WASHINGTON COUNTY / OREGON	CHECKED BY: TTT
	PROJECT NO. 1800485
	SHEET: 1 OF 1