

RESOLUTION NO. 1581

A RESOLUTION ACCEPTING A DEED OF DEDICATION FOR LAND REFERRED TO AS THE DON AND FLO BOHNERT FAMILY FARM PARK FROM THE TWIN CREEKS DEVELOPMENT COMPANY, LLC FOR PARK PURPOSES AND DIRECTING THE CITY MANAGER TO TAKE SUCH STEPS AS MAY BE REQUIRED TO COMPLETE THE DONATION

Recitals:

- A. The City has been working with the developer of Twin Creeks, Twin Creeks Development, LLC (“Developer”) and the Johnson Family to develop an all-age park in the northern part of Twin Creeks. The property is described as LOT 2, THE NORTH VILLAGE AT TWIN CREEKS, PHASE III.
- B. As a condition of development, the developer was required to install or fund specified improvements to Bohnert Park, and ultimately to dedicate the park to the City.
- C. To date, the park land is encumbered by CCRs for Twin Creeks development, however the City is working with the Developer to amend the CCRs to remove the property from said CCRs.
- D. The City has been awarded grant funds to complete the remaining improvements to the playground, and as a condition of such grant award, must take title to the property.
- E. As a condition of recording, ORS 311.411 requires the Developer to obtain a certification from the tax assessor that all taxes have been paid on the property before recording the deed.
- F. The City desires to accept donation of the land at this time, for the purpose of completing the park improvements, with the condition that the City will continue to work with the Developer to remove the CCRs from title.
- G. The City finds time is of the essence in finalizing and recording the deed, to ensure compliance with the grant award.

The City of Central Point resolves as follows:

Section 1. The City hereby accepts the donation of land via Deed of Dedication in substantially the form attached hereto as Exhibit “A”.

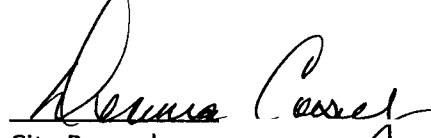
Section 2. The City Manager or his designee is directed and authorized to execute the deed and to complete any other documents required to complete the acceptance of the donation.

Section 3. The City Manager or his designee is directed to record the deed upon receipt of a certification from the tax assessor that all taxes have been paid.

Passed by the Council and signed by me in authentication of its passage this 13<sup>th</sup> day of June, 2019.

  
Mayor Hank Williams

ATTEST:

  
City Recorder

*AFTER RECORDING RETURN TO:*

City Recorder  
City of Central Point  
140 S. Third Street  
Central Point, OR 97502

**Map No.:** 372W03BC

**Tax Lot No.:** 307

**Grantor:** Twin Creeks Development Co., LLC

**Grantee:** City of Central Point

## **DEED OF DEDICATION**

**KNOW ALL BY THESE PRESENTS, THAT** TWIN CREEKS DEVELOPMENT CO., LLC, an Oregon limited liability company hereinafter called the GRANTOR, does hereby grant unto the CITY OF CENTRAL POINT, an Oregon municipal corporation, hereinafter called the CITY, its successors in interest and assigns, all the following real property in the County of Jackson, State of Oregon, to be used and held by the CITY for park and public utility purposes, bounded and described as follows, to wit:

LOT 2, THE NORTH VILLAGE AT TWIN CREEKS, PHASE III, IN  
THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON,  
ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN  
VOLUME 39, PAGE 6, PLAT RECORDS.

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever for open space, park and recreation, and such other public purposes as the CITY may determine.

The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and the CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above named premises, free from all encumbrances except as specifically set forth herein below and that GRANTOR and its heirs and personal representatives shall warrant and forever defend the said premises against the lawful claims and demands of all persons claiming by, through or under the GRANTOR:

1. Easement, including terms and provisions contained therein:  
Recording Information: April 25, 2005 as Document No. 2005-023042  
For: Irrigation (see plat/partition for exact location)

2. Easement as shown on the recorded plat/partition  
For: Public utilities  
Affects: Southeasterly,  
Southwesterly, Northwesterly & Northeasterly 10 feet

In construing this deed and where the text so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S 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 OR 215.010, 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, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, 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.**

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 3<sup>rd</sup> day of April 2019; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its members.

TWIN CREEKS DEVELOPMENT CO., LLC

By:

PRINT NAME:

. Member

**Notarial page follows**

STATE OF OREGON            )  
  ) ss:  
County of Jackson            )

On this            day of                                    , 2019, before me, the undersigned Notary Public in and for said State, personally appeared                                    , as Member of TWIN CREEKS DEVELOPMENT CO., LLC, AN OREGON LIMITED LIABILITY COMPANY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that said instrument was signed and sealed on behalf of said company by authority of its Members, and he acknowledged said instrument to be its voluntary act and deed.

Notary Public for the State of Oregon  
My Commission Expires:

**Accepted on behalf of the City of Central Point on the condition that the deed of dedication conveyed is free and clear from taxes, liens, and encumbrances except those encumbrances listed as 1-2 herein above.**

By:  
Chris Clayton, City Manager

Attest:  
Deanna Casey, City Recorder