

**Map No.:** NE1/4 & NW1/4 Sect 29, Twn 2S, Rng 2E, WM

**Tax Lot No.:** 2-2E-29-00904

**Grantor:** Metropolitan Service District of Portland, Oregon, METRO

## **TEMPORARY CONSTRUCTION EASEMENT**

This TEMPORARY CONSTRUCTION EASEMENT is entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between property owner Metro, an Oregon municipal corporation, that took title as Metropolitan Service District of Portland, Oregon (hereafter referred to as "Grantor"), and the City of Oregon City, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

### **RECITALS**

1. Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legal descriptions on EXHIBIT A, and illustrated on EXHIBIT B, attached hereto (hereafter referred to as "Easement Area(s)").
2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of constructing street, road, and public utility improvements associated with the OR 213 improvements project which includes improvements on Washington Street.
3. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake the construction of improvements for roads, retaining walls, public utilities and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the OR 213 improvements project which includes improvements on Washington Street.

### **AGREEMENT**

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each of the parties, it is agreed as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of constructing street, road, and public utility improvements associated with the OR 213 improvements project.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall become effective on the date the City of Oregon City issues notice to proceed to the contractor for construction of the OR 213 improvements project and shall terminate the earlier of: (i) when construction on the property is completed, or (ii) when the City

of Oregon City has made final acceptance of the project, or (iii) after three years from the date the City of Oregon City issues notice to proceed to the contractor for construction of the OR 213 improvements project, or (iv) December 31, 2014..

3. **City's Quitclaim.** Upon the termination of this easement the City of Oregon City shall record a quitclaim of all of the City's right, title and interest in and to this easement not later than 60 days following Metro's written request.

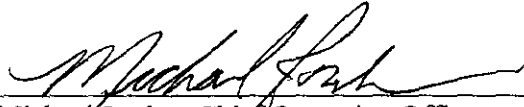
The true consideration for this conveyance is for other valuable consideration, the receipt of which is hereby acknowledged by GRANTOR.

This TEMPORARY CONSTRUCTION EASEMENT has been executed as of the date and year first written above.

**GRANTOR:**

*NOTICE: No stamp or corporate seal is allowed over any typed information.*

METRO

  
Michael Jordan, Chief Operating Officer

**NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.**

Personal Acknowledgment  
STATE OF OREGON )

County of Multnomah ) ss.

Personally appeared the above named

Michael Jordan

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

Before me:

NOTARY PUBLIC FOR OREGON

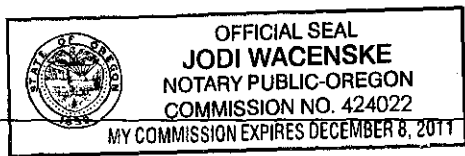
WITNESS my hand and official seal.

Jodi Wacenske

Notary's signature

My Commission Expires: 12/8/11

Stamp seal below



(Grantor's Name and Address)

City of Oregon City  
625 Center Street  
P.O. Box 3040  
Oregon City, OR 97045-0304  
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the  
condition that the easement granted is free and clear  
from any taxes, liens, and encumbrances.

Mayor

Allen Norris

City Recorder

Nancy Webb

PDX\_DOCS:449721.3 [34758-05700]

Corporate Acknowledgment  
STATE OF OREGON )

County of \_\_\_\_\_ ) ss.

Personally appeared \_\_\_\_\_

\_\_\_\_\_ and \_\_\_\_\_

who being duly sworn, each  
for himself and not one for the other did say that the  
former is the \_\_\_\_\_ president and that the latter is  
the \_\_\_\_\_ secretary of \_\_\_\_\_

\_\_\_\_\_ a corporation, and that the  
seal affixed to the foregoing instrument was signed and  
sealed in behalf of said corporation by authority of its  
board of directors; and each of them acknowledged said  
instrument to be its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary's signature

My Commission Expires: \_\_\_\_\_

Stamp seal below

**Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE¼ of Section 29 and the NW¼ of Section 29, Township 2 South, Range 2 East of the W.M., Clackamas County, Oregon and being a portion of those certain tracts of land described in that Warranty Deed – Statutory Form to Metropolitan Service District of Portland, Oregon recorded June 30, 1977 in Instrument Number 77-25593, of the Official Records of Clackamas County, Oregon.

Said parcel being that portion of said property lying within the following described tract:

Beginning at a point opposite and 88.00 feet Westerly of Engineer's Station "W" 268+40.00 on the relocated center line of Washington Street; thence in a straight line to a point opposite and 83.00 feet Westerly of Engineer's Station "W" 268+85.00 on said center line; thence in a straight line to a point opposite and 67.00 feet Westerly of Engineer's Station "W" 269+25.00 on said center line; thence in a straight line to a point opposite and 69.00 feet Westerly of Engineer's Station "W" 269+48.00 on said center line; thence in a straight line to a point opposite and 57.00 feet Westerly of Engineer's Station "W" 269+73.00 on said center line; thence in a straight line to a point opposite and 46.00 feet Westerly of Engineer's Station "W" 270+50.00 on said center line; thence in a straight line to a point opposite and 47.00 feet Westerly of Engineer's Station "W" 270+70.00 on said center line; thence in a straight line to a point opposite and 43.00 feet Westerly of Engineer's Station "W" 271+47.00 on said center line; thence in a straight line to a point opposite and 60.00 feet Westerly of Engineer's Station "W" 271+64.50 on said center line; thence in a straight line to a point opposite and 98.00 feet Northwesternly of Engineer's Station "W" 272+18.00 on said center line; thence in a straight line to a point opposite and 72.00 feet Northwesternly of Engineer's Station "W" 272+18.00 on said center line; thence in a straight line to a point opposite and 33.50 feet Westerly of Engineer's Station "W" 271+51.00 on said center line; thence in a straight line to a point opposite and 41.00 feet Westerly of Engineer's Station "W" 269+82.00 on said center line; thence in a straight line to a point opposite and 35.00 feet Westerly of Engineer's Station "W" 268+78.00 on said center line; thence in a straight line to a point opposite and 88.00 feet Westerly of Engineer's Station "W" 268+40.00 on said center line and the point of beginning.

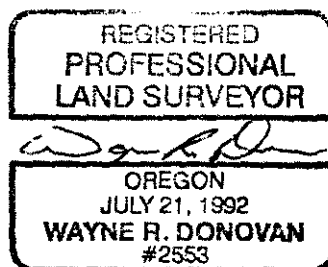
The center line of relocated Washington Street referred to herein is described as follows:

Beginning at Engineer's center line Station "W" 250+02.92, said Station being North 66°48'26" East, 1941.22 of the Quarter Corner common to Sections 20 and 29, Township 2 South, Range 2 East of the W.M, thence South 29°57'00" West 812.61 feet; thence along a 1527.89 foot radius curve to the right (the long chord of which bears South 36°55'36" West, 371.17 feet) 372.09 feet; thence South 43°54'12" West 497.33 feet;

thence along a 593.23 foot radius curve to the left (the long chord of which bears South 25°43'23" West, 370.19 feet) 376.47 feet; thence South 07°32'33" West 39.02 feet; thence along a 739.30 foot radius curve to the right (the long chord of which bears South 38°45'17" West, 766.22 feet) 805.47 feet; thence South 69°58'00" West 183.94 feet to Engineer's center line Station "W" 280+89.86, said station being South 00°15'46" West 1627.38 feet from said Quarter Corner common to Sections 20 and 29.

Bearings are based upon the Oregon State Plane Coordinate System 1983 (CORS 96) Epoch 2002, North Zone.

This parcel of land contains 6,924 Square Feet, more or less.



RENEWAL DATE: 12/31/11

SIGNED: MAY 6, 2010

# EXHIBIT "B" FILE 002

"JE" 604+97.48 P.I.  
N. 628796.200  
E. 7666398.751

INST. NO. 2004-106748  
2-2E-29 TL  
RIS LLC 1

6001  
3.19 P.C.

OREGON STATE HWY. 213

"C" 71+20.39 PSC  
★ 401

"W" 30+00.00 POT  
N. 628262.690  
E. 7666188.232

"W" 40.85+69 S "M"  
"W" 32+19.90 P.C.  
R=200.00' C.R.  
Δ=55°36'21"  
T=105.46'

SE WASHINGTON STREET

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