

## TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is entered into this 24<sup>th</sup> day of April, 2009, by and between, property owner Coyote Investments, an Oregon limited liability company (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 construction in connection with the Warner Milne Rd: Beaver Creek Molalla Project.
3. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake a driveway and sidewalk reconnection and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Warner Milne Rd: Beaver Creek Molalla Project.

### 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 purposes of construction.
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 Warner Milne Rd: Beaver Creek Molalla Project and shall terminate when construction on the property is completed or when the City of Oregon City has made final acceptance of the project, whichever is earlier.

The true consideration for this conveyance is \$ 1.00, 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.*

Individuals, general partnerships

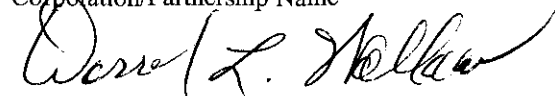
Limited liability company

\_\_\_\_\_  
Signer's Name

\_\_\_\_\_  
Coyote Investments, LLC

\_\_\_\_\_  
Signer's Name

\_\_\_\_\_  
Corporation/Partnership Name



\_\_\_\_\_  
(if executed by a corporation  
affix corporate seal below)

\_\_\_\_\_  
Darrel Wallace, Member

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

Personal Acknowledgment

STATE OF OREGON )

) ss.

County of \_\_\_\_\_ )

Personally appeared the above named

\_\_\_\_\_

and acknowledged the foregoing instrument to be his  
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

Corporate Acknowledgment

STATE OF OREGON )

) ss.

County of Clackamas )

This instrument was acknowledged before me on 24<sup>th</sup>  
day of April, 2009 by Darrel Wallace member  
of Coyote Investments, LLC.

Before me:

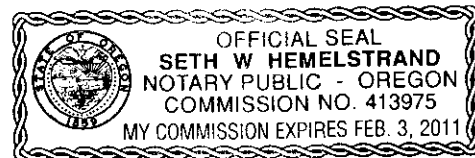
NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

Seth W Hemelstrand  
Notary's signature

My Commission Expires: Feb 3, 2011

Stamp seal below



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Grantor's Name and Address)

**City of Oregon City**  
**320 Warner Milne Road**  
**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

Alvin Horn

City Recorder

Nancy Ble

## **EXHIBIT A**

**Sheet 1 of 2**

**PROJECT:**           **Warner Milne Road**

**LOCATION:**           **TAX LOT 3100 3 2E 5CA**

**PROPERTY OWNER:**  
**Coyote Investments L.L.C.,**  
**365 Warner Milne Road**  
**Oregon City, Oregon 97045**

**PREPARED BY:**  
**Compass Engineering**  
**4105 SE International Way, Suite 501**  
**Milwaukie, Oregon 97222**  
**(503) 653-9093**

### **TEMPORARY CONSTRUCTION EASEMENT (TCE NO. 1):**

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BARGAIN AND SALE DEED TO COYOTE INVESTMENTS L.L.C., RECORDED AS DOCUMENT NUMBER 98-112382, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH ALUMINUM CAP STAMPED "CENTERLINE CONCEPTS INC." AT THE SOUTHWEST CORNER OF PARCEL II OF SAID COYOTE INVESTMENTS L.L.C. TRACT; THENCE ALONG THE WEST LINE OF SAID TRACT NORTH 00°40'34" EAST 4.00 FEET; THENCE PARALLEL WITH THE CENTERLINE OF WARNER MILNE ROAD SOUTH 89°19'27" EAST 36.50 FEET; THENCE SOUTH 00°40'34" WEST 3.00 FEET; THENCE PARALLEL WITH THE CENTERLINE OF WARNER MILNE ROAD SOUTH 89°19'27" EAST 71.80 FEET; THENCE SOUTH 00°41'15" WEST 1.00 FEET TO THE NORTH RIGHT OF WAY LINE OF WARNER MILNE ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE (30 FEET FROM CENTERLINE) NORTH 89°19'27" WEST 108.30 FEET TO THE POINT OF BEGINNING.

CONTAINS 218 SQUARE FEET, MORE OR LESS.

## EXHIBIT A

Sheet 2 of 2

### TEMPORARY CONSTRUCTION EASEMENT (T.C.E. NO. 2):

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BARGAIN AND SALE DEED TO COYOTE INVESTMENTS L.L.C., RECORDED AS DOCUMENT NUMBER 98-112382, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH RED PLASTIC CAP STAMPED "CENTERLINE CONCEPTS INC." AT THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO CJK2, LLC BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2008-069587, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF THAT TRACT OF LAND GRANTED TO THE CITY OF OREGON CITY BY DEED OF DEDICATION RECORDED AS DOCUMENT NUMBER 2000-032069, CLACKAMAS COUNTY DEED RECORDS, 33.36 FEET ALONG THE ARC OF A 668.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 02°51'42" (LONG CHORD BEARS SOUTH 77°44'07" WEST 33.36 FEET) TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CITY OF OREGON CITY TRACT 7.04 FEET ALONG THE ARC OF A 668.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 00°36'13" (LONG CHORD BEARS SOUTH 79°28'04" WEST 7.04 FEET); THENCE LEAVING SAID NORTH LINE NORTH 10°13'53" WEST 4.00 FEET; THENCE NORTH 79°28'04" EAST 7.00 FEET; THENCE SOUTH 10°44'55" EAST 4.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 28 SQUARE FEET, MORE OR LESS.

BASIS OF BEARINGS: SN 25313

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAMINCK  
1634

DATE OF SIGNATURE: *4/9/09*

VALID UNTIL 12/31/2009



TEMPORARY CONSTRUCTION  
EASEMENT NO. 1, AREA=218 SQUARE FEET



TEMPORARY CONSTRUCTION  
EASEMENT NO. 2, AREA=28 SQUARE FEET

TAX LOT 3100  
MAP 3S-2E-5CA  
DOC. NO. 98-112382

POINT OF COMMENCEMENT TCE NO. 2

5/8" IRON ROD WITH A RED PLASTIC CAP STAMPED  
"CENTERLINE CONCEPTS INC." AT THE MOST SOUTHERLY CORNER  
OF THAT TRACT OF LAND CONVEYED TO C&K2, LLC BY  
WARRANTY DEED RECORDED AS DOCUMENT NO. 2008-069587

TCE NO. 2

N79°28'04"E 7.00'  
S10°44'55"E 4.00'  
N10°13'53"W 4.00'  
L=7.04'  
R=668.00'  
 $\Delta=00°36'13"$   
CH=579°28'04"W 7.04'

TRUE POINT OF  
BEGINNING  
TCE NO. 2

L=33.36'  
R=668.00'  
 $\Delta=02°51'42"$   
CH=577°44'07"W 33.36'

TCE NO. 1

N00°40'34"E 4.00'  
S89°19'27"E 36.50'  
S00°40'34"W 3.00'  
S89°19'27"E 71.80'  
N89°19'27"W 108.30'  
S00°41'15"W 1.00'

POINT OF  
BEGINNING TCE NO. 1

5/8" IRON ROD WITH AN  
ALUMINUM CAP STAMPED  
"CENTERLINE CONCEPTS INC."

WARNER MILNE ROAD

TCE DENOTES TEMPORARY CONSTRUCTION EASEMENT



Scale: 1" = 40'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAMINCK  
1634

DATE OF SIGNATURE: 4/9/09  
VALID UNTIL 12/31/2009

**EXHIBIT "B"**



**COMPASS ENGINEERING**

ENGINEERING SURVEYING PLANNING  
4105 INTERNATIONAL WAY, SUITE 501 (503) 653-9093 PHONE  
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

COYOTE INVESTMENTS L.L.C.  
365 WARNER MILNE ROAD  
OREGON CITY, OREGON 97045