

RETURN TO:
City Recorder
320 Warner Milne Road
Oregon City, OR 97045

TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is entered into this 19th day of January, 2008, by and between Wiesberg Family Properties, L.L.C., 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

A. Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legal descriptions on Exhibit A (labeled Sheets 1, 2, and 3 of 7),

B. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Areas, together with the right to go upon said Easement Areas for the purpose of reconstructing a driveway, curb, gutter, sidewalk, roof drains, and intersection improvements as part of the Beaver Creek Road Improvements Project.

C. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake the reconstruction of driveway, curb, gutter, sidewalk, roof drains, and intersection improvements and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Beaver Creek Road Improvements 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 Areas, together with the right to go upon said Easement Areas for the purpose of driveway, curb, gutter, sidewalk, roof drains, and intersection improvements.

2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall terminate when the City of Oregon City has approved the completion of the Beaver Creek Road Improvements project.

The true consideration for this conveyance is Mutual benefits.

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

Wiesberg Family Properties, L.L.C.,
an Oregon limited liability company

By: Judith Wiesberg
Judith Wiesberg
Its: Manager
Authorized Representative

By: _____
Arlene Watson
Its: _____
Authorized Representative

STATE OF CALIFORNIA)

County of SAN DIEGO)

On this 19 day of JANUARY, 2007, before me the undersigned, a Notary Public, personally appeared Judith Wiesberg, and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me:
Michelle D. Klusman
Notary Public for California
My commission expires: 4-11-08

STATE OF CALIFORNIA)

County of _____)

On this ____ day of _____, 2007, before me the undersigned, a Notary Public, personally appeared Arlene Watson, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Notary Public for California
My commission expires: _____

The true consideration for this conveyance is Mutual benefits.

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

Wiesberg Family Properties, L.L.C.,
an Oregon limited liability company

By: _____
Judith Wiesberg

Its: _____
Authorized Representative

By: [Signature]
Arlene Watson

Its: _____
Authorized Representative

STATE OF CALIFORNIA)

County of _____)

On this ____ day of _____, 2007, before me the undersigned, a Notary Public, personally appeared Judith Wiesberg, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Notary Public for California
My commission expires: _____

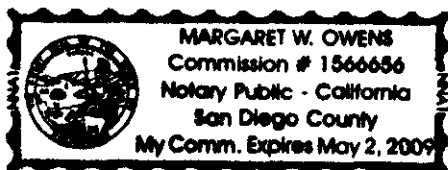
STATE OF CALIFORNIA)

County of San Diego)

On this 18 day of January, 2007, before me the undersigned, a Notary Public, personally appeared Arlene Watson, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

[Signature]
Notary Public for California
My commission expires: May 2, 2009



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

Alii P. Hous

City Recorder

Nancy Ide

EXHIBIT A

Sheet 1 of 7

PROJECT: **BEAVERCREEK ROAD**

LOCATION: **TAX LOT 1211, 3 2E 5D**

DOCUMENT: **94-70272**

PROPERTY OWNER:
Wiesberg Properties, L.L.C.
4800 SW Macadam Avenue, No.120
Portland, Oregon 97239

PREPARED BY:
Compass Engineering
6564 S.E. Lake Road
Milwaukie, Oregon 97222
(503) 653-9093

TEMPORARY CONSTRUCTION EASEMENT:

(T.C.E. NO. 1)

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "K.W. COX ASSOC. INC." AT THE MOST NORTHERLY CORNER OF PARCEL 1, PARTITION PLAT NO. 2000-091, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11) NORTH 79°24'08" WEST 142.07 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE LEAVING SAID PARALLEL LINE SOUTH 41°20'22" WEST 43.76 FEET; THENCE NORTH 73°13'37" WEST 67.17 FEET; THENCE NORTH 16°46'23" EAST 9.00 FEET; THENCE NORTH 28°15'02" WEST 27.53 FEET TO A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF THE AFOREMENTIONED BEAVERCREEK ROAD; THENCE ALONG SAID PARALLEL LINE SOUTH 79°24'08" EAST 105.45 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 2851 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT:

(T.C.E. NO. 2)

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "K.W. COX ASSOC. INC." AT THE MOST NORTHERLY CORNER OF PARCEL 1, PARTITION PLAT NO. 2000-091, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11) NORTH 79°24'08" WEST 412.55 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE LEAVING SAID PARALLEL LINE SOUTH 09°51'30" WEST 12.25 FEET; THENCE NORTH 80°02'27" WEST 18.93 FEET; THENCE SOUTH 11°00'59" WEST 13.83 FEET; THENCE NORTH 77°57'01" WEST 19.56 FEET; THENCE SOUTH 12°01'00" WEST 67.84 FEET; THENCE NORTH 79°35'23" WEST 24.15 FEET; THENCE NORTH 28°43'30" WEST 23.95 FEET; THENCE NORTH 21°22'00" EAST 41.74 FEET; THENCE NORTH 28°24'50" WEST 49.06 FEET TO A LINE WHICH IS PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF THE AFOREMENTIONED BEAVERCREEK ROAD; THENCE ALONG SAID PARALLEL LINE 27.29 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 01°34'17" (LONG CHORD BEARS SOUTH 75°04'16" EAST 27.29 FEET); THENCE LEAVING SAID PARALLEL LINE SOUTH 14°08'35" WEST 3.50 FEET; THENCE 15.05 FEET ALONG THE ARC OF A 998.43 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 00°51'50" (LONG CHORD BEARS SOUTH 76°17'21" EAST 15.05 FEET); THENCE NORTH 13°16'43" EAST 3.50 FEET TO THE AFOREMENTIONED LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD; THENCE ALONG SAID PARALLEL LINE 46.56 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 02°40'53" (LONG CHORD BEARS SOUTH 78°03'42" EAST 46.56 FEET); THENCE CONTINUING ALONG SAID PARALLEL LINE SOUTH 79°24'08" EAST 13.79 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 4492 SQUARE FEET, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT:

(T.C.E. NO. 3)

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF PARCEL II AS DESCRIBED IN WARRANTY DEED TO MALTZMAN PROPERTIES L.L.C., RECORDED AS DOCUMENT NUMBER 94-070273, CLACKAMAS COUNTY DEED RECORDS, WITH A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11); THENCE ALONG SAID PARALLEL LINE SOUTH 59°27'14" EAST 215.99 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID PARALLEL LINE 10.06 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF 00°34'46" (LONG CHORD BEARS SOUTH 59°44'37" EAST 10.06 FEET) TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE LEAVING SAID PARALLEL LINE SOUTH 28°27'52" EAST 40.96 FEET; THENCE SOUTH 61°30'31" WEST 21.25 FEET; THENCE SOUTH 28°29'29" EAST 36.55 FEET; THENCE SOUTH 67°25'28" EAST 46.95 FEET; THENCE NORTH 80°37'07" EAST 42.64 FEET; THENCE NORTH 61°48'54" EAST 39.75 FEET; THENCE NORTH 68°34'16" WEST 23.16 FEET; THENCE SOUTH 69°42'49" WEST 25.48 FEET; THENCE NORTH 67°25'28" WEST 74.56 FEET; THENCE NORTH 01°27'46" EAST 9.08 FEET; THENCE NORTH 29°51'59" WEST 19.37 FEET; THENCE NORTH 07°03'08" WEST 8.60 FEET; THENCE ALONG A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD 16.05 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 00°55'27" (LONG CHORD BEARS NORTH 60°29'44" WEST 16.05 FEET) TO THE TRUE POINT OF BEGINNING.

CONTAINS 3941 SQUARE FEET, MORE OR LESS.