

Map No.: 3 2E 5C
Tax Lot No.: 301
Planning No.: N/A
Street: Beaver Creek Road

Grantor: Sierra Vista Properties Partnership

TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is entered into this 29th day of MARCH, 2010 by and between, property owner Sierra Vista Properties Partnership, (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 a new right turn lane, concrete curb and sidewalk, and associated traffic signal equipment on Beaver Creek Road at Mollala Avenue.
3. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake construction and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Beaver Creek Road at Mollala Avenue Right Turn Lane 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 purpose of constructing a new right turn lane, concrete curb and sidewalk, and associated traffic signal equipment on Beaver Creek Road at Mollala Avenue.
2. Upon completion of the construction, the Grantee shall restore the surface of the property to its original condition.
3. **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 Beaver Creek Road Right Turn Lane 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 or by December 31, 2013, whichever is earlier.

The true consideration for this conveyance is **EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$850.00)**, 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~~

Corporation/limited partnership

Signer's Name

Philip C. Fogg Jr.

Corporation/Partnership Name

Signer's Name

Signer's Name, Title

(if executed by a corporation
affix corporate seal below)

Signer's Name, Title

Signer's Name, Title

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

Personal Acknowledgment
STATE OF OREGON)
County of Clackamas) ss.

Corporate Acknowledgment
STATE OF OREGON)
County of _____) ss.

Personally appeared the above named
Philip Fogg Jr.

Personally appeared _____
and _____

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

_____ 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: Christine Huston

Before me:

NOTARY PUBLIC FOR OREGON

NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

WITNESS my hand and official seal.

Christine Huston
Notary's signature
My Commission Expires: 2/5/12
Stamp seal below

Notary's signature
My Commission Expires: _____
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 Alicia Norris

City Recorder Nancy Wade

EXHIBIT A
Sheet 3 of 3

TEMPORARY CONSTRUCTION EASEMENT:

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO SIERRA VISTA PROPERTY PARTNERSHIP RECORDED AS DOCUMENT NUMBER 94-97970, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL 4, PARTITION PLAT NO. 1999-116, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD (43.00 FEET FROM CENTERLINE) NORTH 76°18'58" EAST 106.94 FEET TO A BRASS SCREW WITH A WASHER STAMPED "ZTEC LS 1944" AT AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE SOUTH 65°45'13" EAST 22.09 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "ZTEC LS 1944" ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOLALLA AVENUE (46.01 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE SOUTH 31°32'48" EAST 12.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHWESTERLY RIGHT OF WAY LINE NORTH 73°24'31" WEST 38.22 FEET; THENCE SOUTH 76°18'58" WEST 11.02 FEET; THENCE SOUTH 13°41'02" EAST 6.50 FEET; THENCE SOUTH 76°18'58" WEST 13.55 FEET; THENCE NORTH 13°41'02" WEST 6.50 FEET; THENCE SOUTH 76°18'58" WEST 92.47 FEET TO THE EASTERLY LINE OF THE AFOREMENTIONED PARCEL 4; THENCE ALONG SAID EASTERLY LINE SOUTH 01°17'07" WEST 2.59 FEET; THENCE LEAVING SAID EASTERLY LINE NORTH 76°18'58" EAST 88.14 FEET; THENCE SOUTH 13°41'02" EAST 8.95 FEET; THENCE NORTH 76°18'58" EAST 24.00 FEET; THENCE NORTH 13°41'02" WEST 8.95 FEET; THENCE NORTH 76°18'58" EAST 2.92 FEET; THENCE SOUTH 73°24'31" EAST 43.15 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOLALLA AVENUE; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE NORTH 31°32'48" WEST 5.24 FEET TO THE TRUE POINT OF BEGINNING.




CONTAINS 559 SQUARE FEET, MORE OR LESS.

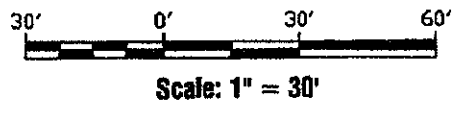
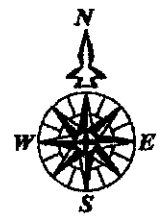
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 2/19/09
VALID UNTIL 12/31/2009

-  **TEMPORARY CONSTRUCTION EASEMENT, 559 SQUARE FEET**
-  **RIGHT-OF-WAY DEDICATION 1,047 SQUARE FEET**
-  **PUBLIC UTILITY EASEMENT 88 SQUARE FEET**



REGISTERED PROFESSIONAL LAND SURVEYOR

[Signature]
OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: *2/19/09*
 EXPIRES 12/31/2009

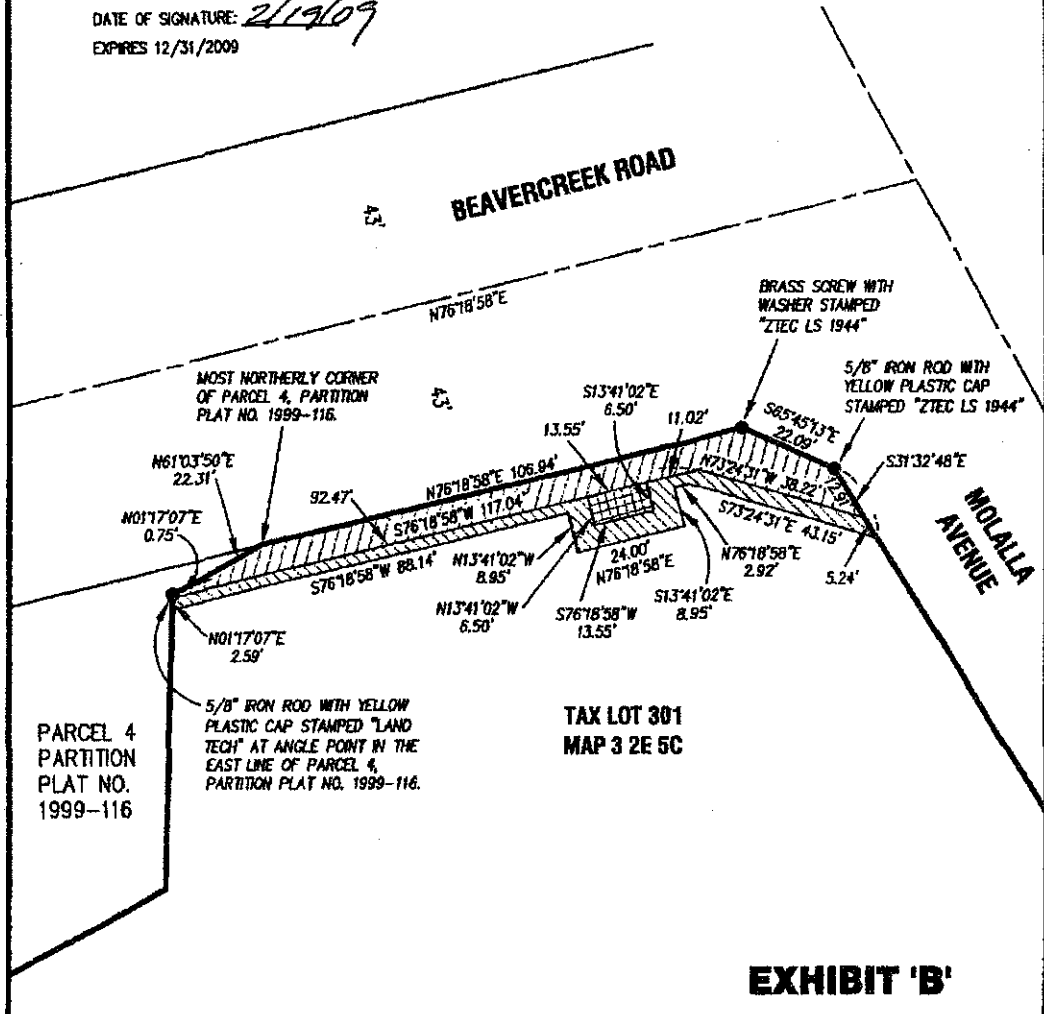


EXHIBIT 'B'

COMPASS ENGINEERING
 ENGINEERING SURVEYING PLANNING
 4106 S.E. INTERNATIONAL WAY, SUITE 901 (503) 663-0063 PHONE
 MILWAUKEE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

SIERRA VISTA PROPERTY PARTNERSHIP
 1680 MOLALLA AVENUE
 OREGON CITY, OREGON 97045