

61  
AFTER RECORDING RETURN TO:

~~City Recorder~~ Kelly Burgoyne  
City of Oregon  
P.O. Box 3040  
Oregon City, Oregon 97045-0304

Map No.: 3-2E-05C

Tax Lot: 203

Planning No.: CP 10-01/DP 10-02

Clackamas County Official Records  
Sherry Hall, County Clerk

2011-066459



01538296201100664590080085

\$82.00

11/17/2011 01:00:26 PM

D-E Cnt=1 Stn=4 KANNA  
\$40.00 \$16.00 \$16.00 \$10.00

Grantor: HILLTOP MALL LLC

## CITY OF OREGON CITY, OREGON PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT HILLTOP MALL LLC hereinafter called the GRANTOR, do(es) hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Public Storm Sewer / Drainage Facilities on the following described land:

See attached Exhibit "A" Legal Description and attached

Exhibit "B" Sketch for Legal Description

**TO HAVE AND TO HOLD**, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$1.00, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions)

and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed and where the context 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.

IN WITNESS WHEREOF, the GRANTOR has executed this 2<sup>nd</sup> day of November, 2011; 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 board of directors.

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

Individuals, general partnerships

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

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

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

Corporation/limited partnership

HILLTOP MALL LLC

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

\_\_\_\_\_  
Signer's Name, Title (SIGNATURE)

Craig T. Danielson  
MANAGER HILLTOP PROPERTIES, LLC

\_\_\_\_\_  
Signer's Name, Title (PRINTED)

CRAIG T DANIELSON

\_\_\_\_\_  
Signer's Name, Title

**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

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

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

Stamp seal below

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

**City of Oregon City**

**P.O. Box 3040**

**625 Center Street**

**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

\_\_\_\_\_  
*Doug Nelson*

City Recorder

\_\_\_\_\_  
*Nancy Able*

Page 3

Corporate Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

Personally appeared Craig T. Danielson  
and \_\_\_\_\_

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

\_\_\_\_\_, 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:

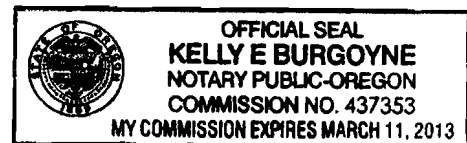
NOTARY PUBLIC FOR OREGON

\_\_\_\_\_  
*Kelly E. Burgoyne*

Notary's signature

My Commission Expires: 3-11-2013

Stamp seal below



## **EXHIBIT A**

**PROJECT:**            **Hilltop Mall Redevelopment**

**LOCATION:**            **TAX LOTS 200, 203 AND 300 3 2E 5C**

**PROPERTY OWNER:**  
**Hilltop Mall, LLC**  
**P.O. Box 2200**  
**Oregon City, Oregon 97045**

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

### **PUBLIC STORM DRAINAGE EASEMENT:**

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO HILLTOP PROPERTIES, LLC, RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, BEING A 15.00 FOOT WIDE STRIP LAND LYING 7.50 FEET ON EACH SIDE OF THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF PARTITION PLAT NO. 1991-102 WITH THE SOUTH RIGHT OF WAY LINE OF WARNER MILNE ROAD, SAID POINT BEING FURTHER DESCRIBED AS THE NORTHEAST CORNER OF PARCEL III AS DESCRIBED IN BARGAIN AND SALE DEED TO HILLTOP PROPERTIES, LLC RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°13'55" WEST 57.92 FEET TO THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE SOUTH 12°25'53" EAST 212.32 FEET; THENCE SOUTH 05°24'33" WEST 283.20 FEET; THENCE NORTH 85°14'13" EAST 255.92 FEET; THENCE SOUTH 87°41'19" EAST 61.97 FEET; THENCE SOUTH 30°43'19" EAST 304.45 FEET; THENCE SOUTH 39°34'11" EAST 166.27 FEET; THENCE SOUTH 33°58'24" EAST 107.92 FEET TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED PARCEL III AS DESCRIBED IN BARGAIN AND SALE DEED TO HILLTOP PROPERTIES, LLC RECORDED AS DOCUMENT NUMBER 96-095098, CLACKAMAS COUNTY DEED RECORDS, WHICH IS LOCATED NORTH 89°30'06" EAST 1047.11 FEET FROM A STONE WITH "X" AT THE SOUTHWEST CORNER OF SAID PARCEL III; THENCE CONTINUING SOUTH 33°28'24" EAST 1.30 FEET TO A POINT ON THE NORTH LINE OF THAT STORM DRAIN EASEMENT AS DESCRIBED AND DEPICTED IN EXHIBIT "B-1" AND EXHIBIT "B-2" OF INSTRUMENT RECORDED AS DOCUMENT NUMBER 92-09152, CLACKAMAS COUNTY DEED RECORDS, AND THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE (AT THE NORTHERLY END OF SAID STRIP) ON THE SOUTH RIGHT OF WAY LINE OF WARNER MILNE ROAD AND (AT THE SOUTHERLY END OF SAID STRIP) ON THE NORTH LINE OF SAID STORM DRAIN EASEMENT AS DESCRIBED AND DEPICTED IN EXHIBIT "B-1" AND EXHIBIT "B-2" OF

INSTRUMENT RECORDED AS DOCUMENT NUMBER 92-09152, CLACKAMAS COUNTY  
DEED RECORDS.

BASIS OF BEARINGS: SN 20410.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR






OREGON  
JULY 14, 1978  
DON DEVLAE MINCK  
1634

DATE OF SIGNATURE: 10/31/11

EXPIRES 12/31/2011

**WARNER MILNE ROAD**

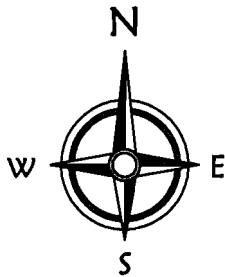
-  PROPOSED STORM DRAINAGE EASEMENT
-  EXISTING STORM DRAINAGE EASEMENT PER 92-09152
-  EXISTING PUBLIC UTILITY EASEMENT FOR DRAINAGE FACILITY PER 91-36014

SEE SHEET 2 OF 3  
(PUBLIC STORM DRAINAGE EASEMENT)

**MOLALLA AVENUE**

SEE SHEET 3 OF 3  
(PUBLIC STORM DRAINAGE EASEMENT)

**BEAVERCREEK ROAD**



**Scale: 1" = 200'**

## **EXHIBIT "B"**

### **PUBLIC STORM DRAINAGE EASEMENT**

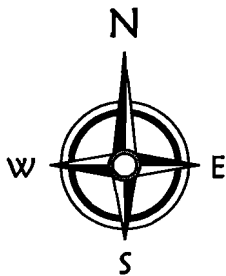
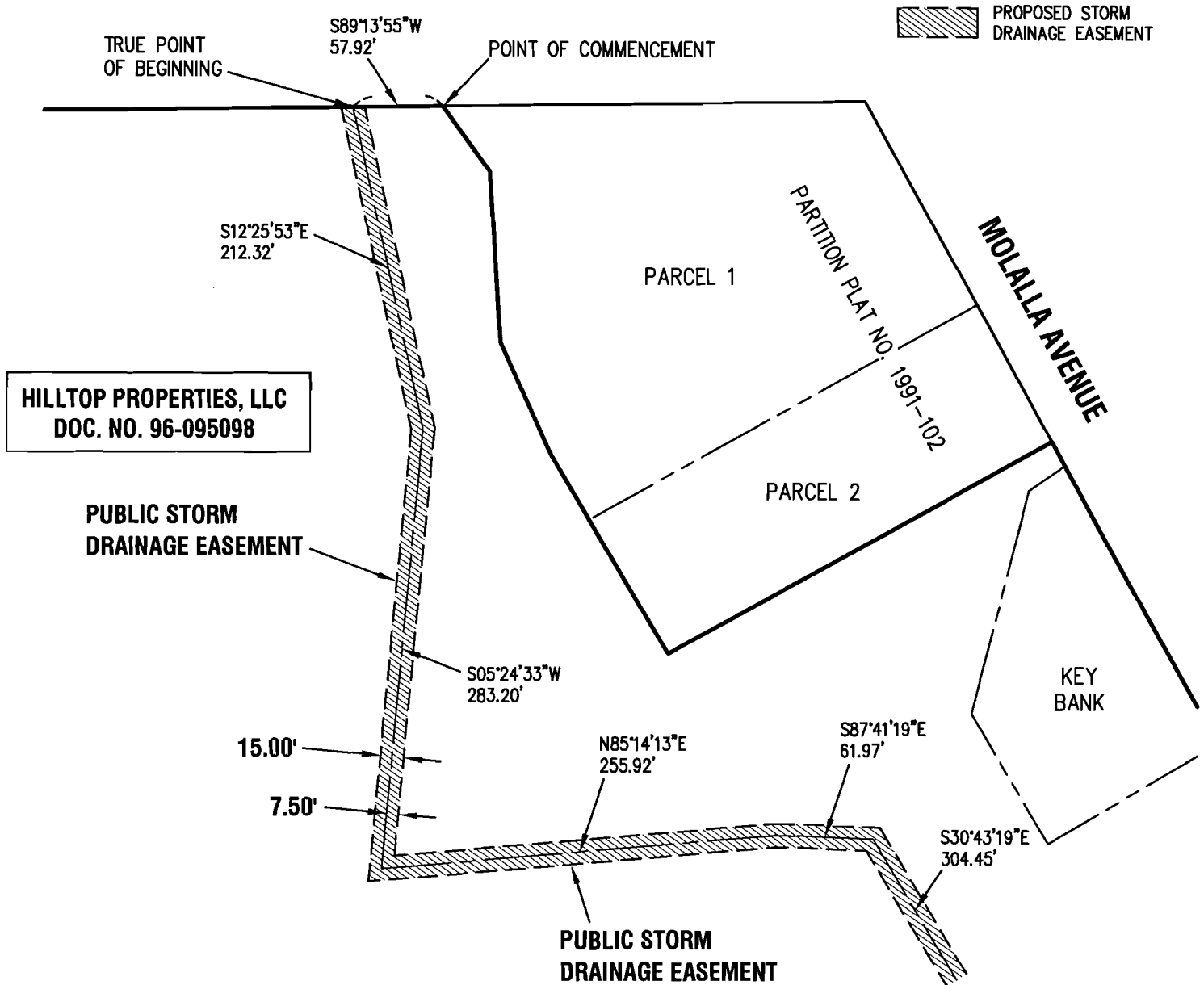
3509.17 Storm Ease.dwg

engineering surveying planning  
**COMPASS ENGINEERING**  
4105 SE International Way, Suite 501 503.653.9093  
Milwaukie, Oregon 97222 www.compass-engineering.com

LOCATED IN THE SOUTH 1/2 OF SECTION 5,  
T.3S., R.2E., W.M., CITY OF OREGON CITY,  
CLACKAMAS COUNTY, OREGON

1  
3

# WARNER MILNE ROAD



Scale: 1" = 100'

CONTINUED ON SHEET 3 OF 3

## EXHIBIT "B" PUBLIC STORM DRAINAGE EASEMENT

3509.17 Storm Ease2.dwg

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LOCATED IN THE SOUTH 1/2 OF SECTION  
5, T.3S., R.2E., W.M., CITY OF OREGON  
CITY, CLACKAMAS COUNTY, OREGON

2

3

**CONTINUED ON SHEET 2 OF 3**

KEY  
BANK

 PROPOSED STORM  
DRAINAGE EASEMENT

 EXISTING STORM  
DRAINAGE EASEMENT  
PER 92-09152

 EXISTING PUBLIC UTILITY  
EASEMENT FOR DRAINAGE  
FACILITY PER 91-36014

N85°14'13"E  
255.92'

S87°41'19"E  
61.97'

# **PUBLIC STORM DRAINAGE EASEMENT**

McDONALD'S

S30°43'19"E  
304.45'

**15.00'**

7.50'

S39°34'11"E  
166.27'

S33°58'24"E  
107.92'

S33°58'24"E  
1.30'

**SEE DETAIL**

**CENTERLINE**

# BEAVERCREEK ROAD

STONE WITH "X" AT THE  
SOUTHWEST CORNER OF PARCEL  
III, DOC. NO. 96-095098

N89°30'06"E 1047.11'

## Detail

SCALE: 1" = 20'

7.50' ✓

15.00'

S33°58'24"E  
1.30'

TERMINUS OF  
CENTERLINE

NORTH LINE STORM DRAIN  
EASEMENT DOC. NO. 92-09152  
PER EXHIBIT "B-1" AND "B-2"

100'                      0'                      100'                      200'

**Scale: 1" = 100'**

## EXHIBIT "B"

# PUBLIC STORM DRAINAGE EASEMENT

engineering surveying planning

# COMPASS ENGINEERING

4105 SE International Way, Suite 501  
Milwaukie, Oregon 97222

**LOCATED IN THE SOUTH 1/2 OF SECTION 5,  
T.3S., R.2E., W.M., CITY OF OREGON CITY,  
CLACKAMAS COUNTY, OREGON**

3

3