

AFTER RECORDING RETURN TO:

City Recorder (Nancy Ide) *Kelly Burgoyne*  
City of Oregon  
P.O. Box 3040  
Oregon City, Oregon 97045-0304



01538295201100664580080088

\$82.00

11/17/2011 01:00:26 PM

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

Map No.: 3-2E-05C

Tax Lot: 203 & 204

Planning No.: CP10-01 / DP10-02

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 Sanitary Sewer 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 )

County of Clackamas ) ss.

Personally appeared the above named  
Craig T. Danielson

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

Before me:

NOTARY PUBLIC FOR OREGON

Kelly E. Burgoyne

Notary's signature

My Commission Expires: 03-11-2013

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

City Recorder

Page 3

Corporate Acknowledgment  
STATE OF OREGON )

County of Clackamas ) ss.

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:

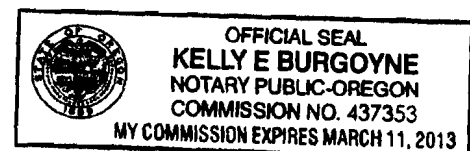
NOTARY PUBLIC FOR OREGON

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 SANITARY SEWER 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 VARIABLE WIDTH STRIP LAND 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 6.94 FEET TO STATION 0+00.00 AND THE TRUE POINT OF BEGINNING OF THE CENTERLINE TO BE DESCRIBED; THENCE ALONG THE FOLLOWING EIGHT (8) COURSES:

- 1) SOUTH 00°20'36" EAST 148.44 FEET TO STATION 1+48.44;
- 2) THENCE SOUTH 28°49'47" EAST 251.97 FEET TO STATION 4+00.41;
- 3) THENCE SOUTH 36°26'08" EAST 81.71 FEET TO STATION 4+82.12;
- 4) THENCE SOUTH 77°50'27" EAST 75.26 FEET TO STATION 5+57.38;
- 5) THENCE NORTH 83°18'42" EAST 77.11 FEET TO STATION 6+34.49;
- 6) THENCE SOUTH 36°34'33" EAST 121.35 FEET TO STATION 7+55.84;
- 7) THENCE SOUTH 27°28'16" EAST 318.03 FEET TO STATION 10+73.87;
- 8) THENCE SOUTH 60°08'30" EAST 243.99 FEET TO STATION 13+17.86 AND THE TERMINUS OF SAID CENTERLINE AT A POINT ON THE NORTH RIGHT OF WAY LINE OF BEAVERCREEK ROAD WHICH IS LOCATED SOUTH 42°30'25" WEST 20.28 FEET AND SOUTH 74°52'20" WEST 32.68 FEET FROM THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF OREGON CITY RECORDED AS DOCUMENT NUMBER 91-49741, CLACKAMAS COUNTY DEED RECORDS.

BASIS OF BEARINGS: SN 20410.

THE WIDTH OF THIS EASEMENT SHALL BE AS FOLLOWS:

STATION 0+00.00 TO STATION 4+82.12: 15.00 FEET WIDE, LYING 7.50 FEET ON EACH SIDE OF CENTERLINE.

STATION 4+82.12 TO STATION 10+73.87: 30.00 FEET WIDE LYING 15.00 FEET ON EACH SIDE OF CENTERLINE.

STATION 10+73.87 TO STATION 13+17.86: 15.00 FEET WIDE LYING 7.50 FEET ON EACH SIDE OF 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 RIGHT OF WAY LINE OF BEAVERCREEK ROAD. THE REMAINING SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO MEET AT ANGLE POINTS, ALL AS SHOWN ON THE ATTACHED MAP (EXHIBIT "B").



DATE OF SIGNATURE: *12/14/11*

EXPIRES 12/31/2011

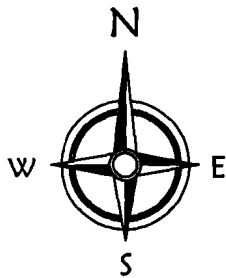
**WARNER MILNE ROAD**

**SEE SHEET 2 OF 3**  
(PUBLIC SANITARY  
SEWER EASEMENT)

**SEE SHEET 3 OF 3**  
(PUBLIC SANITARY  
SEWER EASEMENT)

**MOLALLA AVENUE**

**BEAVERCREEK ROAD**



**Scale: 1" = 200'**

**EXHIBIT "B"**

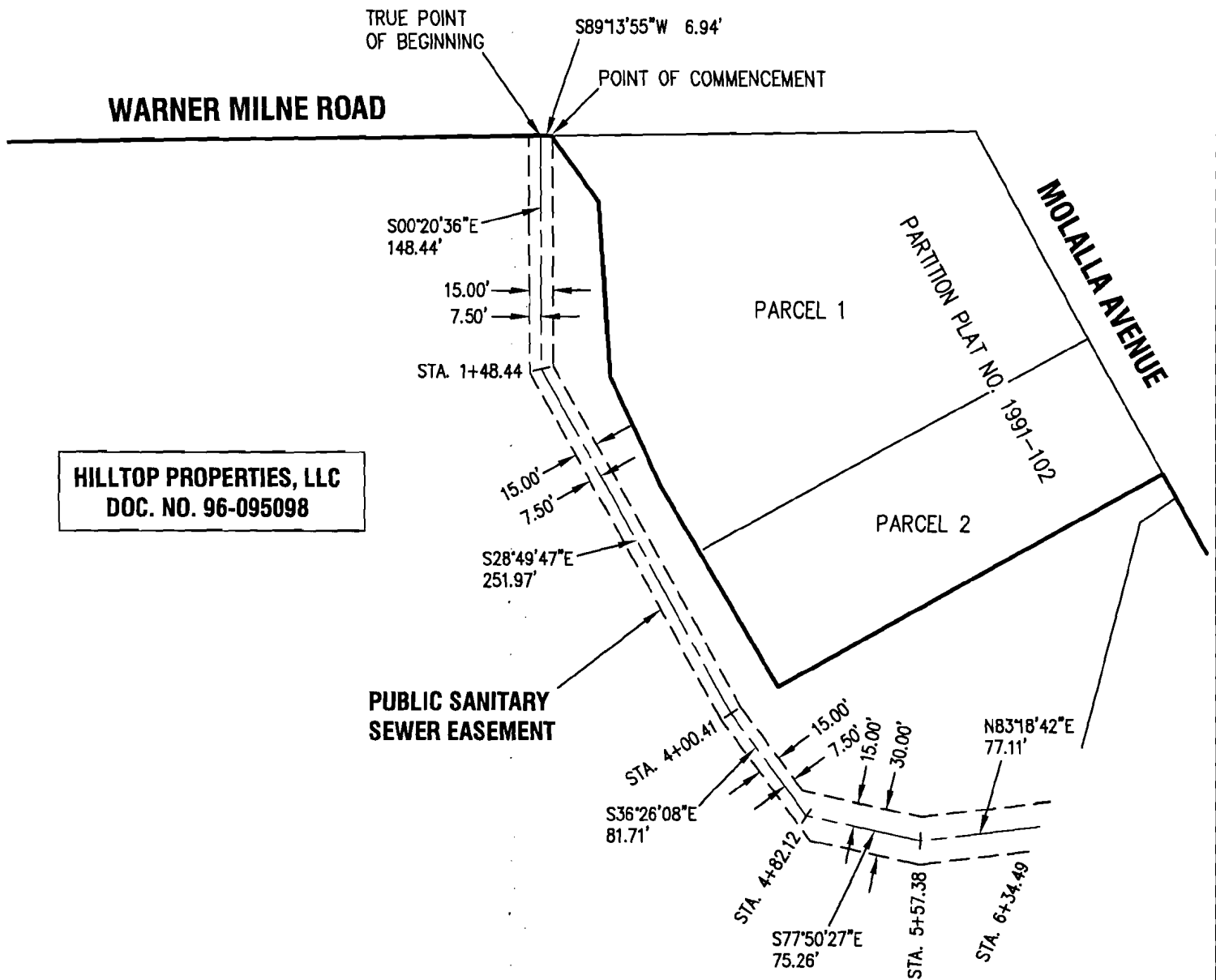
**PUBLIC SANITARY SEWER EASEMENT**

3509.17 Storm Ease.dwg

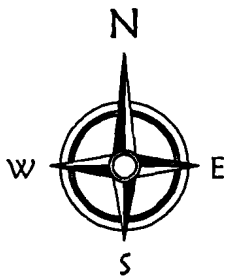
engineering surveying planning  
**COMPASS ENGINEERING**  
4105 SE International Way, Suite 501 503.653.9093  
Milwaukie, Oregon 97222 www.compass-engineering.com

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

1  
3



CONTINUED ON SHEET 3 OF 3



Scale: 1" = 100'

## EXHIBIT "B"

### PUBLIC SANITARY SEWER EASEMENT

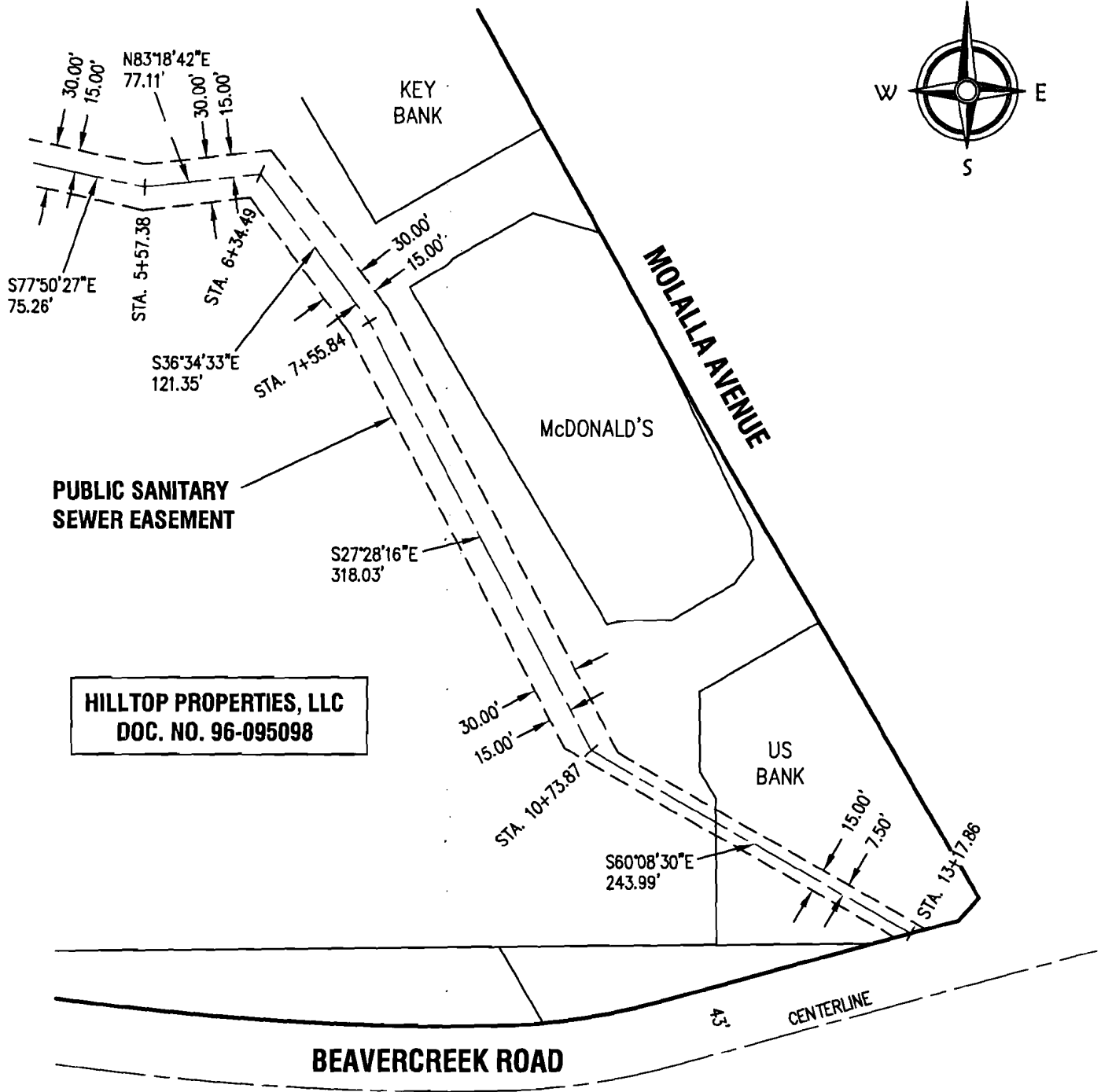
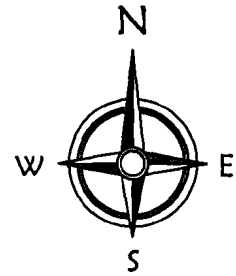
3509.17 San Ease2.dwg

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 Milwaukie, Oregon 97222 www.compass-engineering.com

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

2

3



HILLTOP PROPERTIES, LLC  
DOC. NO. 96-095098



Scale: 1" = 100'

## EXHIBIT "B"

### PUBLIC SANITARY SEWER EASEMENT

3509.17 San Ease3.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

3

3