

58  
AFTER RECORDING RETURN TO:

City Recorder *Nancy Id*  
City of Oregon City  
P.O. Box 3040  
Oregon City, Oregon 97045-0304



\$67.00

01379211201000084970050057

02/08/2010 02:49:39 PM

D-E Cnt=1 Stn=1 JANISKEL  
\$25.00 \$16.00 \$16.00 \$10.00

Map No.: 3-1E-12A *B*

Tax Lots: *(50, 51, & 52) 3307, 3308, 3309*

Planning No.: PD 04-02

Grantor: D. R. Horton, Inc. - Portland

**CITY OF OREGON CITY, OREGON  
PUBLIC SIDEWALK EASEMENT  
(Dawn Meadows Lots 50, 51 and 52)**

Pg	Item
1406	16

**KNOW ALL BY THESE PRESENTS**, that **D. R. Horton, Inc. – Portland**, a Delaware corporation, hereinafter called the "GRANTOR," does hereby grant unto the **City of Oregon City, Oregon**, hereinafter called the "CITY," its successors in interest and assigns and on behalf of the public, a permanent public sidewalk easement over and 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 public sidewalk easement unto the CITY, its successors in interest and assigns forever in favor of the public.

GRANTOR shall construct the sidewalk and the Dawn Meadows Homeowner Association, an Oregon non-profit corporation, shall be responsible for maintaining the sidewalk.

Grantor, its successors and assigns shall retain the right to use the easement area in a manner consistent with the public's rights granted herein. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY and public. No obstruction or utility shall be placed upon, under, or within the easement area during the term thereof without the written permission of the CITY.

The public shall have the right to use the easement area for a public sidewalk. No other uses shall be allowed, including without limitation, skateboards, roller blades and scooters which shall be specifically prohibited. No motorized devices except for electrically powered wheelchairs and similar devices shall be allowed to use the easement area.

The Grantor and its successors in interest, shall be entitled to all of the immunities from liability provided by ORS 105.672 through ORS 105.700.

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

GRANTOR 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.

CITY takes the easements granted herein subject to all existing encumbrances on title to

the premises, whether recorded or unrecorded.

In the event that the terms of this easement and the terms of the Conditions, Covenants and Restrictions of Dawn Meadows should conflict, the terms of this easement shall control for purposes of the easement area.

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 instrument this 14 day of February, 20 10; if a corporate grantor, it has caused its name to be signed 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

**D. R. HORTON, INC. - PORTLAND**, a  
Delaware corporation

By:  \_\_\_\_\_

Its: Vice President

By: \_\_\_\_\_

Its: \_\_\_\_\_

**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.

Mayor

\_\_\_\_\_ *Mike Harris*

City Recorder

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

Corporate Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

Personally appeared

Groff Clark  
and \_\_\_\_\_  
\_\_\_\_\_ who being duly sworn,  
each for himself/herself and not one for the  
other did say that the former is the Vice-President  
and that the latter is the \_\_\_\_\_ of D. R.  
Horton, Inc.-Portland, a Delaware 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

\_\_\_\_\_ *Mary Kay Kraft*  
Notary's Signature

My Commission Expires

Stamp seal below

July 30, 2013



**EXHIBIT "A"**

January 26, 2010

**LEGAL DESCRIPTION**

Job No. 101-007

**PUBLIC SIDEWALK EASEMENT**

A parcel of land being a portion of Lots 50, 51, and 52, "Dawn Meadows" in the Northeast Quarter of Section 12, Township 3 South, Range 1 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, more particularly described as Follows:

BEGINNING at the most Northerly corner of Lot 50;

thence along the Southwesterly right-of-way line of Chanelle Way, South 42°58'44" East, a distance of 167.38 feet;

thence leaving said right-of way line, South 47°01'35" West, a distance of 9.91 feet;

thence North 42°58'44" West, a distance of 1.59 feet;

thence along a 15.50 foot radius tangential curve to the right, through a central angle of 34°33'37", arc length of 9.35 feet, chord bearing of North 25°41'56" West, and chord distance of 9.21 feet;

thence along a 9.50 foot radius tangential curve to the left, through a central angle of 34°33'37", arc length of 5.73 feet, chord bearing of North 25°41'56" West, and chord distance of 5.64 feet;

thence North 42°58'44" West, a distance of 136.52 feet;

thence along a 9.50 foot radius tangential curve to the left, through a central angle of 41°01'44", arc length of 6.80 feet, chord bearing of North 63°29'36" West, and chord distance of 6.66 feet;

thence along a 15.50 foot radius tangential curve to the right, through a central angle of 28°46'41", arc length of 7.79 feet, chord bearing of North 69°37'08" West, and chord distance of 7.70 feet to a point on the Northwesterly line of said Lot 50;

thence along said Northwesterly line, North 37°09'33" East, a distance of 11.46 feet to the POINT OF BEGINNING.

Basis of bearing per plat of "Dawn Meadows".

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

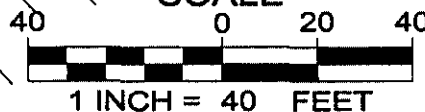
RENEWS: 6/30/2011

N:\proj\101-007\dwg\Survey\Exhibits\101007 LEGALS.DWG - SHEET: ESMT.SDWK.50-51-52 Jan. 26, 10 - 5:34 AM tcj

POINT OF BEGINNING



SCALE



LINE TABLE		
LINE	BEARING	LENGTH
L1	S42°58'44"E	167.38
L2	S47°01'35"W	9.91
L3	N42°58'44"W	1.59
L4	N42°58'44"W	136.52
L5	N37°09'33"E	11.46

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	15.50	34°33'37"	9.35	N25°41'56"W	9.21
C2	9.50	34°33'37"	5.73	N25°41'56"W	5.64
C3	9.50	41°01'44"	6.80	N63°29'36"W	6.66
C4	15.50	28°46'41"	7.79	N69°37'08"W	7.70

TRACT E

DARLING WAY

CHANELLE WAY

P.U.E.

**EXHIBIT "B"**  
**PUBLIC SIDEWALK EASEMENT**

DRAWN BY: MHK DATE: 1/26/10  
REVIEWED BY: TCJ DATE: 1/26/10  
PROJECT NO.: 101-007  
SCALE: 1" = 40'  
PAGE 1 OF 1

*Pacific Community  
Design*

[T] 503-941-9484 [F] 503-941-9485

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