

AFTER RECORDING RETURN TO:

Clackamas County Official Records
Sherry Hall, County Clerk

2010-006184

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



01376617201000061840080080

\$82.00

01/28/2010 01:20:12 PM

D-E Cnt=1 Stn=2 TINAJAR
\$40.00 \$16.00 \$16.00 \$10.00

Map No.: 2-2E-28BD
Tax Lot No.: 900
Planning No.: TP 07-04

Grantor: John R. & Gina Marquardt

**CITY OF OREGON CITY, OREGON
PUBLIC SIDEWALK EASEMENT
(Temporary and Permanent)**

KNOW ALL BY THESE PRESENTS, THAT John R. & Gina Marquardt 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 sidewalk 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.

The GRANTORS bargain, sell, convey, transfer, and deliver unto CITY a temporary easement and right-of-way upon, across, and under so much of the aforesaid land as described as:

See attached Exhibit "C" Legal Description and attached Exhibit "D" Sketch for Legal Description.

It being understood that said temporary easement is only for the original excavation and construction of said sidewalk and upon the completion of the construction thereof shall utterly cease and desist, save and except for that portion hereinbefore described as being a permanent easement.

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.

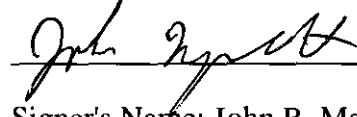
And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions) and that GRANTOR and their heirs and personal representatives shall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

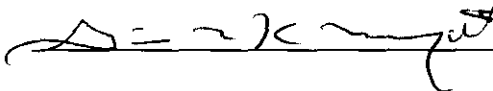
IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 13th day of JANUARY, 2010; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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

Individuals, general partnerships



Signer's Name: John R. Marquardt



Signer's Name: Gina Marquardt

Corporation/limited partnership

Corporation/Partnership Name

Signer's Name, Title:

(if executed by a corporation
affix corporate seal below)

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

Personal Acknowledgment
STATE OF WASHINGTON)
County of Clark) ss.

Personally appeared the above named
John and Gina Marguardt
and acknowledged the foregoing instrument to
be his voluntary act and deed.

Before me: Nicholas Ryan Foster

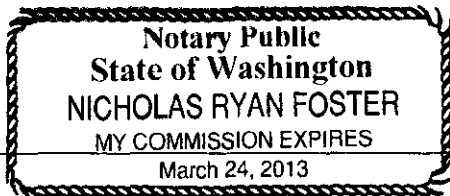
NOTARY PUBLIC FOR WASHINGTON

My Commission Expires: March 24, 2013

Nicholas Ryan Foster
Notary's signature

My Commission Expires: MARCH 24, 2013

Stamp seal below



(Grantor's Name and Address)

City of Oregon City

P.O. Box 3040

~~320 Warner Milne Road~~ 625 Center St.

Oregon City, OR 97045-0304

(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City
on the condition that the dedication conveyed
is free and clear from taxes, liens, and
encumbrances.

Mayor

Michelle Morris

City Recorder

Nancy Wade

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

Personally appeared _____
and _____
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:

NOTARY PUBLIC FOR OREGON

Notary's signature

My Commission Expires: _____

Stamp seal below

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

Personal Acknowledgment
STATE OF WASHINGTON)
County of Clark) ss.

Personally appeared the above named
John and Gina Marquardt
and acknowledged the foregoing instrument to
be his voluntary act and deed.

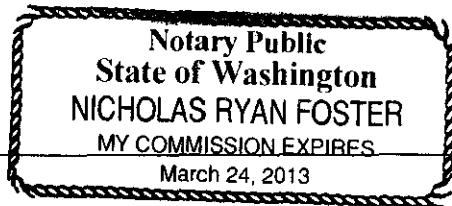
Before me: Nicholas Ryan Foster

NOTARY PUBLIC FOR WASHINGTON

My Commission Expires: March 24, 2013

Nicholas Ryan Foster
Notary's signature

My Commission Expires: March 24, 2013
Stamp seal below



(Grantor's Name and Address)

City of Oregon City
P.O. Box 3040
~~320 Warner Milne Road~~ 625 Center St.
Oregon City, OR 97045-0304
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City
on the condition that the dedication conveyed
is free and clear from taxes, liens, and
encumbrances.

Mayor

City Recorder

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

Personally appeared _____
and _____
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:

NOTARY PUBLIC FOR OREGON

Notary's signature
My Commission Expires: _____
Stamp seal below

EXHIBIT "A"

LEGAL DESCRIPTION
SIDEWALK EASEMENT
JANUARY 8, 2010

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 2007-051146, RECORDED JUNE 11, 2007, CLACKAMAS COUNTY DEED RECORDS, WITHIN LOT 34 OF THE PLAT OF "CLACKAMAS HEIGHTS", CLACKAMAS COUNTY RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF PARTITION PLAT NUMBER 2005-124, CLACKAMAS COUNTY PLAT RECORDS, SAID POINT BEARS SOUTH 00°20'47" EAST, 87.42 FEET FROM THE NORTHEAST CORNER OF PARCEL 1 OF SAID PLAT; THENCE LEAVING SAID EASTERLY LINE NORTH 49°12'20" EAST, 391.03 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SWAN AVENUE, BEING 20.00 FEET WESTERLY OF THE CENTERLINE THEREOF (WHEN MEASURED PERPENDICULAR THERETO), SAID POINT BEARS SOUTH 00°05'34" EAST, 384.44 FEET FROM A 1" IRON PIPE AT THE NORTHEAST CORNER OF LOT 43 OF SAID PLAT OF "CLACKAMAS HEIGHTS"; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 00°05'34" EAST, 3.96 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HOLCOMB BOULEVARD (COUNTY ROAD NUMBER 354); THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE SOUTH 49°12'20" WEST, 391.01 FEET TO THE EASTERLY LINE OF SAID PARTITION PLAT NUMBER 2005-124; THENCE ALONG SAID EASTERLY LINE NORTH 00°20'47" WEST, 3.94 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 1,173 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS OF THE ABOVE LEGAL DESCRIPTION IS PER SN2009-193, CLACKAMAS COUNTY SURVEY RECORDS.

JANUARY 8, 2010

- SIDEWALK EASEMENT
AREA=1,173 SQUARE FEET
(0.027 ACRES)

EXHIBIT "A"

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT
JANUARY 8, 2010

A PORTION OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 2007-051146, RECORDED JUNE 11, 2007, CLACKAMAS COUNTY DEED RECORDS, WITHIN LOT 34 OF THE PLAT OF "CLACKAMAS HEIGHTS", CLACKAMAS COUNTY RECORDS, LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF PARTITION PLAT NUMBER 2005-124, CLACKAMAS COUNTY PLAT RECORDS, SAID POINT BEARS SOUTH 00°20'47" EAST, 78.22 FEET FROM THE NORTHEAST CORNER OF PARCEL 1 OF SAID PLAT; THENCE LEAVING SAID EASTERLY LINE NORTH 49°12'20" EAST, 391.08 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SWAN AVENUE, BEING 20.00 FEET WESTERLY OF THE CENTERLINE THEREOF (WHEN MEASURED PERPENDICULAR THERETO), SAID POINT BEARS SOUTH 00°05'34" EAST, 375.21 FEET FROM A 1" IRON PIPE AT THE NORTHEAST CORNER OF LOT 43 OF SAID PLAT OF "CLACKAMAS HEIGHTS"; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 00°05'34" EAST, 13.19 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF HOLCOMB BOULEVARD (COUNTY ROAD NUMBER 354); THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE SOUTH 49°12'20" WEST, 391.01 FEET TO THE EASTERLY LINE OF SAID PARTITION PLAT NUMBER 2005-124; THENCE ALONG SAID EASTERLY LINE NORTH 00°20'47" WEST, 13.14 FEET TO THE **POINT OF BEGINNING**.

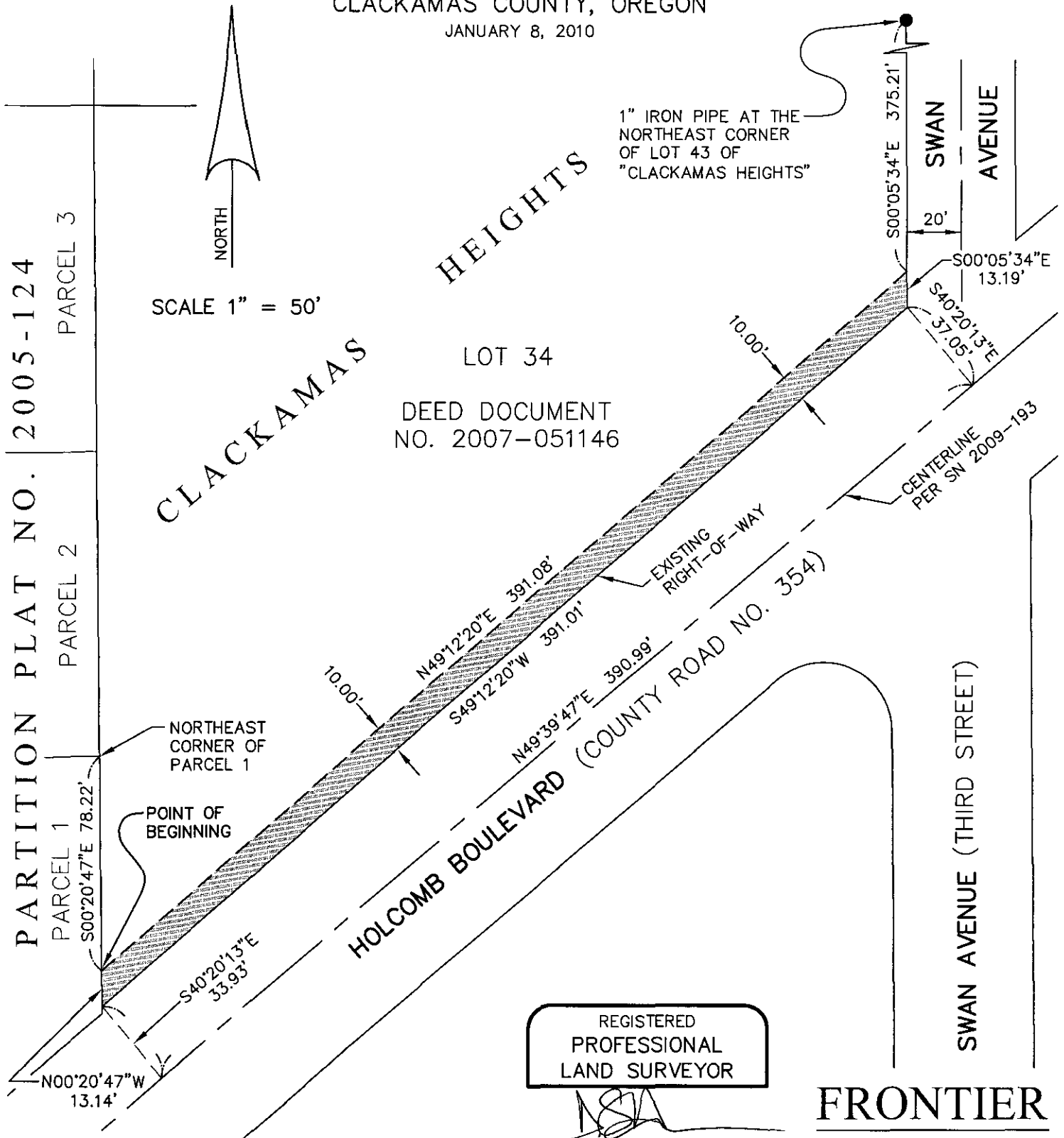
CONTAINS 3,910 SQUARE FEET, MORE OR LESS.

THE BASIS OF BEARINGS OF THE ABOVE LEGAL DESCRIPTION IS PER SN2009-193, CLACKAMAS COUNTY SURVEY RECORDS.

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M.
CLACKAMAS COUNTY, OREGON

JANUARY 8, 2010



LEGEND:



- TEMPORARY CONSTRUCTION EASEMENT
AREA=3,910 SQUARE FEET
(0.090 ACRES)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
DARREN S. HARR
56181

RENEWAL DATE: 6-30-11

FRONTIER
LAND SURVEYING

2207B PORTLAND ROAD
NEWBERG, OR 97132
PHONE: (503)620-4100
FAX: (503)620-4900
JOB NO.: 1202