

8/8

AFTER RECORDING RETURN TO:

City of Oregon City Recorder (Nancy Ide)  
P.O. Box 3040  
Oregon City, Oregon 97045-0304  
Map No.: S5D T3S R2E WM  
Tax Lots: 1211  
Street: Beavercreek Rd  
Planning No.: N/A



01085767200700264820080084

\$61.00

03/28/2007 01:23:03 PM

D-E Cnt=1 Stn=2 TIFFANYCLA  
\$40.00 \$11.00 \$10.00

## CITY OF OREGON CITY, OREGON

### PUBLIC UTILITY EASEMENT

KNOW ALL BY THESE PRESENTS, that Wiesberg Family Properties, L.L.C., an Oregon limited liability company (the "GRANTOR"), grants to the City of Oregon City (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Utility Easement on the following described land:

See attached EXHIBIT "A" (labeled Sheet 6 and 7 of 7 and EXHIBIT C),

This Utility Easement is granted for the purpose of construction, operation, reconstruction, maintenance, and repair of utilities.

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

Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No structure or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY except for a pylon sign and footings for same.

Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns as required by development.

The true and actual consideration paid for this transfer consists of other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, subject to all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises 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.

EXECUTED this 19 day of January, 2007.

Wiesberg Family Properties, L.L.C.,  
an Oregon limited liability company

By: Judith Wiesberg  
Judith Wiesberg  
Its: Manager  
Authorized Representative

By: \_\_\_\_\_  
Arlene Watson  
Its: \_\_\_\_\_  
Authorized Representative

STATE OF CALIFORNIA )

County of SAN DIEGO )

On this 19 day of JANUARY, 2007, before me the undersigned, a Notary Public, personally appeared Judith Wiesberg, and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me:

Michelle D. Klusman  
Notary Public for California  
My commission expires: 4-11-08

STATE OF CALIFORNIA )

County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me the undersigned, a Notary Public, personally appeared Arlene Watson, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

\_\_\_\_\_  
Notary Public for California  
My commission expires: \_\_\_\_\_

or under the GRANTOR.

EXECUTED this 18 day of January, 2007.

Wiesberg Family Properties, L.L.C.,  
an Oregon limited liability company

By: \_\_\_\_\_  
Judith Wiesberg

Its: \_\_\_\_\_  
Authorized Representative

By: Arlene Watson  
Arlene Watson

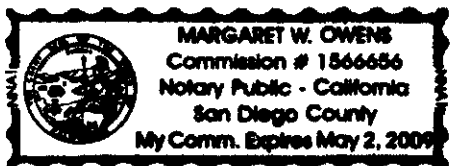
Its: \_\_\_\_\_  
Authorized Representative

STATE OF CALIFORNIA )

County of San Diego )

On this 18 day of January, 2007, before me the undersigned, a Notary Public, personally appeared Judith Wiesberg, and acknowledged the foregoing instrument to be her voluntary act and deed. Arlene Watson

Before me:



Margaret W. Owens  
Notary Public for California  
My commission expires: May 2, 2009

STATE OF CALIFORNIA )

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2007, before me the undersigned, a Notary Public, personally appeared Arlene Watson, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

\_\_\_\_\_  
Notary Public for California  
My commission expires: \_\_\_\_\_

CITY OF OREGON CITY, OREGON

By: Alvin Morris  
Mayor

ATTEST:

By: Nancy K. Cole  
City Recorder

**PUBLIC UTILITY EASEMENT:**

**(P.U.E. NO. 1)**

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF PARCEL II AS DESCRIBED IN WARRANTY DEED TO MALTZMAN PROPERTIES L.L.C., RECORDED AS DOCUMENT NUMBER 94-070273, CLACKAMAS COUNTY DEED RECORDS, WITH A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11); THENCE ALONG SAID PARALLEL LINE SOUTH 59°27'14" EAST 215.99 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID PARALLEL LINE 26.11 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF 01°30'12" (LONG CHORD BEARS SOUTH 60°12'20" EAST 26.11 FEET) TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: THENCE LEAVING SAID PARALLEL LINE 39.01 FEET ALONG THE ARC OF A 35.24 FOOT RADIUS CURVE CONCAVE TO THE WEST THROUGH A CENTRAL ANGLE OF 63°25'40" (LONG CHORD BEARS SOUTH 18°54'12" EAST 37.05 FEET); THENCE NORTH 67°25'28" WEST 1.66 FEET; THENCE NORTH 01°27'46" EAST 9.08 FEET; THENCE NORTH 29°51'59" WEST 19.37 FEET; THENCE NORTH 07°03'08" WEST 8.60 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 136 SQUARE FEET, MORE OR LESS.

**PUBLIC UTILITY EASEMENT:**

**(P.U.E. NO. 2)**

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF PARCEL II AS DESCRIBED IN WARRANTY DEED TO MALTZMAN PROPERTIES L.L.C., RECORDED AS DOCUMENT NUMBER 94-070273, CLACKAMAS COUNTY DEED RECORDS, WITH A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11); THENCE ALONG SAID PARALLEL LINE SOUTH 59°27'14" EAST 215.99 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID PARALLEL LINE 142.52 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF 08°12'27" (LONG CHORD BEARS SOUTH 63°33'27" EAST 142.40 FEET) TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED: THENCE CONTINUING ALONG SAID PARALLEL LINE 23.81 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF 01°22'16" (LONG CHORD BEARS SOUTH 68°20'48" EAST 23.81 FEET); THENCE LEAVING SAID PARALLEL LINE SOUTH 20°58'08" WEST 3.05 FEET; THENCE SOUTH 61°48'54" WEST 1.26 FEET; THENCE NORTH 68°34'16" WEST 23.16 FEET; THENCE SOUTH 69°42'49" WEST 25.48 FEET; THENCE NORTH 67°25'28" WEST 11.06 FEET; THENCE NORTH 76°50'39" EAST 36.71 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 252 SQUARE FEET, MORE OR LESS.



Beavercreek Road Improvements Project  
Public Utility Easement – Page 5 of 10  
Exhibit A – Page 2 of 4

DATE OF SIGNATURE: 10/30/04

VALID UNTIL 12/31/2007

## EXHIBIT C

Sheet 1 of 2

PROJECT: BEAVERCREEK ROAD

LOCATION: TAX LOT 1211, 3 2E 5D

DOCUMENT: 94-70272

PROPERTY OWNER:  
Wiesberg Properties, L.L.C.  
4800 SW Macadam Avenue, No.120  
Portland, Oregon 97239

PREPARED BY:  
Compass Engineering  
6564 S.E. Lake Road  
Milwaukie, Oregon 97222  
(503) 653-9093

### PUBLIC UTILITY EASEMENT:

FIVE SEPARATE 5.00 FOOT WIDE STRIPS OF LAND, AS SHOWN ON THE ATTACHED EXHIBIT "D", SITUATED IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON. SAID 5.00 FOOT WIDE STRIPS OF LAND LIE BETWEEN A LINE 40.00 FEET FROM AND A LINE 45.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11). THE NORTHERLY LINE OF SAID 5.00 FOOT WIDE STRIP IS A LINE 40.00 FEET FROM AND PARALLEL WITH THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11) AND IT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "K.W. COX ASSOC. INC." AT THE MOST NORTHERLY CORNER OF PARCEL 1, PARTITION PLAT NO. 2000-091, CLACKAMAS COUNTY PLAT RECORDS, BEING AT STATION 0+00.00; THENCE ALONG A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11) NORTH 79°24'08" WEST 426.34 FEET; THENCE CONTINUING ALONG SAID PARALLEL LINE 346.40 FEET ALONG THE ARC OF A 994.93 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 19°56'54" (LONG CHORD BEARS NORTH 69°25'41" WEST 344.65 FEET); THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 59°27'14" WEST 215.99 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY LINE OF PARCEL II AS DESCRIBED IN WARRANTY DEED TO MALTZMAN PROPERTIES, L.L.C. RECORDED AS DOCUMENT NUMBER 94-070273, CLACKAMAS COUNTY DEED RECORDS, WITH A LINE PARALLEL WITH AND 40.00 FEET FROM THE CENTERLINE OF BEAVERCREEK ROAD, AND THE TERMINUS OF SAID NORTHERLY LINE, BEING AT STATION 9+88.73.

THE NORTHERLY LINE OF THE FIVE SEPARATE 5.00 FOOT WIDE STRIPS OF  
LAND ARE LOCATED BETWEEN THE FOLLOWING STATIONS:

0+47.79 TO 0+52.79 (25 SQUARE FEET)  
2+35.34 TO 2+40.34 (25 SQUARE FEET)  
3+92.35 TO 3+97.35 (25 SQUARE FEET)  
5+63.61 TO 5+68.61 (25 SQUARE FEET)  
8+62.11 TO 8+67.11 (25 SQUARE FEET)



DATE OF SIGNATURE: *10/30/06*

VALID UNTIL 12/31/2007