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**AFTER RECORDING RETURN TO:**

Nancy Ide, City Recorder  
P.O. Box 3040  
Oregon City, OR 97045-0304

Clackamas County Official Records  
Sherry Hall, County Clerk

2007-020965



\$41.00

01079830200700209650040043

03/12/2007 02:08:31 PM

D-E Cnt=1 Stn=1 ELIZABETH  
\$20.00 \$11.00 \$10.00

**EASEMENT  
(Right-of-Way)**

This Agreement (this "**Agreement**"), dated as of the 21<sup>st</sup> day of February, 2007, is made by and between VAL-U INN OREGON CITY, L.L.C., an Oregon limited liability company ("**Grantor**"), and CITY OF OREGON CITY, a municipal corporation ("**Grantee**").

**RECITALS**

A. Grantor is the owner of that certain real property conveyed to Grantor by Bargain and Sale Deed recorded as document number 96-072479, Clackamas County Deed Records ("**Grantor's Property**").

B. Grantee is the owner of the right-of-way constituting the public street known as Clackamette Drive ("**Grantee's Property**") adjacent to Grantor's Property.

C. Grantor desires to grant Grantee an easement appurtenant to Grantee's Property for vehicular and pedestrian ingress and egress to and from Grantee's Property over and across a portion of Grantor's Property.

**AGREEMENT**

NOW THEREFORE, in consideration of the premises and the mutual promises set forth in this Agreement, Grantor and Grantee agree as follows:

1. **Right-of-Way.** Grantor hereby grants to Grantee and the public a permanent, nonexclusive right-of-way over and across that portion of Grantor's Property described in Exhibit A hereto for the purpose of ingress and egress to and from Grantee's Property and providing a circular ending on said Clackamette Drive. Such uses may include, but shall not be

limited to, vehicles, trams, pedestrians, cycling, temporary parking, all as limited or controlled by rules, regulations and ordinances issued by Grantee from time to time. Such easement shall also include the right to install, remove, and maintain utilities in, on, and under Grantor's Property. Said easement shall be appurtenant to and for the benefit of Grantee's Property. Grantor shall have the right to fully use and enjoy Grantor's Property as long as such use does not unreasonably interfere with the exercise by Grantee of the rights granted herein.

2. **Maintenance of Easement.** Grantee shall maintain the right-of-way in good repair consistent with Grantee's maintenance of Clackamette Drive, at Grantee's sole cost and expense. Grantee may install and maintain landscaping with such easement, at Grantee's sole discretion.

3. **Entire Agreement.** This Agreement and the documents referred to herein contain the entire understanding between the parties and supersedes any prior understandings and agreements between them respecting the subject matter hereof. There are no other representations, agreements, arrangements or understandings, oral or written, between and among the parties hereto or any of them, relating to the subject matter of this Agreement. No amendment of or supplement of this Agreement shall be valid or effective unless made in writing and executed by the parties hereto.

4. **Attorney Fees.** In the event of litigation between the parties in connection with or arising out of this Agreement, the prevailing party shall recover its costs and attorney fees reasonably incurred, including costs and fees incurred in appeals.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above stated.

**GRANTOR:**

VAL-U INN OREGON CITY, L.L.C.

By: [Signature]  
Title: member

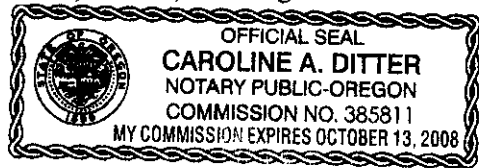
**GRANTEE:**

CITY OF OREGON CITY

By: [Signature]  
Title: MAYOR

STATE OF OREGON )  
 ) ss.  
County of Washington )

This instrument was acknowledged before me this 2<sup>nd</sup> day of February, 2007, by Greg A. Hemstreet, member of VAL-U INN OREGON CITY, L.L.C., an Oregon limited liability company.

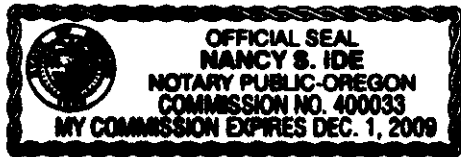


[Signature]  
Notary Public for Oregon

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STATE OF OREGON                    )  
  ) ss.  
County of Clackamas            )

This instrument was acknowledged before me this 21<sup>st</sup> day of February,  
2007, by Alice L. Norris, Mayer of CITY OF OREGON  
CITY, a municipal corporation.



Nancy S. Ide  
Notary Public for Oregon

## EXHIBIT A

Sheet 1 of 1

**PROPERTY OWNER:**  
Val-U Inn Oregon City, LLC  
1900 Clackamette Drive  
Oregon City, Oregon 97045

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

### **RIGHT OF WAY DEDICATION:**

A TRACT OF LAND IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON (AND BEING FURTHER DESCRIBED AS BEING A PORTION OF THAT PROPERTY CONVEYED TO VAL-U INN OREGON CITY, LLC BY BARGAIN AND SALE DEED RECORDED AS DOCUMENT NUMBER 96-072479, CLACKAMAS COUNTY DEED RECORDS), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF PARCEL 1 AS DESCRIBED IN GUARDIAN'S DEED TO THE STATE OF OREGON RECORDED AS DOCUMENT NUMBER 68-5680, CLACKAMAS COUNTY DEED RECORDS, WITH THE SOUTH LINE OF THE HIRAM STRAIGHT DLC NO. 42; THENCE ALONG SAID EAST LINE NORTH 00°21'33" WEST 54.31 FEET; THENCE LEAVING SAID EAST LINE 91.92 FEET ALONG THE ARC OF A 53.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST THROUGH A CENTRAL ANGLE OF 99°22'17" (LONG CHORD BEARS SOUTH 41°41'31" EAST 80.83 FEET) TO THE AFOREMENTIONED NORTH LINE OF THE HIRAM STRAIGHT DLC NO. 42; THENCE ALONG SAID NORTH LINE NORTH 83°32'33" WEST 53.76 FEET TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAEINCK  
1634

DATE OF SIGNATURE: 10/24/04

VALID UNTIL 12/31/2007

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## **EXHIBIT A**

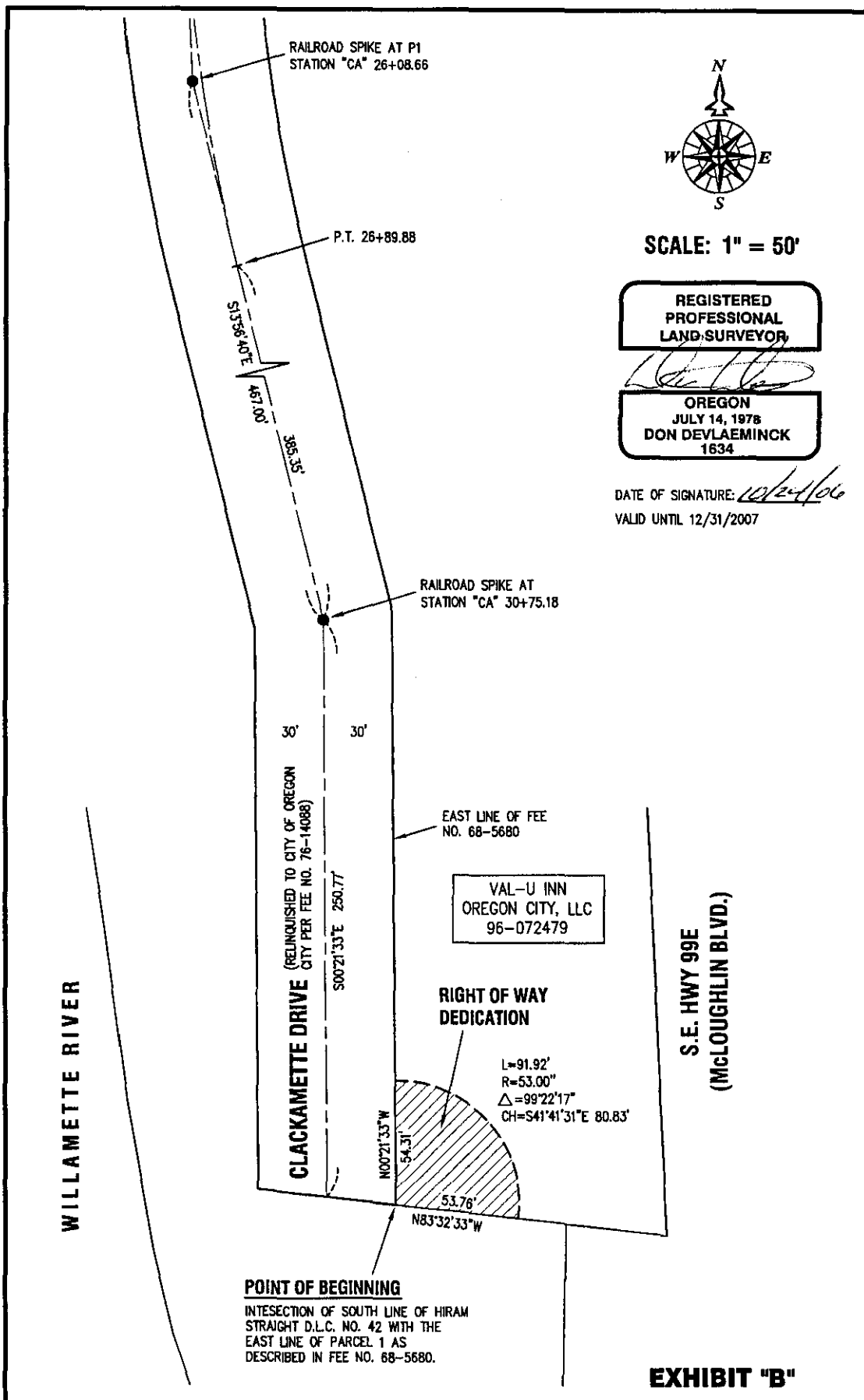
### **Easement Area**

A TRACT OF LAND IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON (AND BEING FURTHER DESCRIBED AS BEING A PORTION OF THAT PROPERTY CONVEYED TO VAL-U INN OREGON CITY, LLC BY BARGAIN AND SALE DEED RECORDED AS DOCUMENT NUMBER 96-072479, CLACKAMAS COUNTY DEED RECORDS), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PDX\_DOCS:384907.1 [34758-00100]

EXHIBIT A



**COMPASS ENGINEERING**

ENGINEERING SURVEYING PLANNING

4106 INTERNATIONAL WAY, SUITE 501 (503) 853-9093 PHONE  
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

VAL-U INN OREGON CITY, LLC  
1900 CLACKAMETTE DRIVE  
OREGON CITY, OREGON 97045

