

5/5

Clackamas County Official Records  
Sherry Hall, County Clerk

2006-025001

AFTER RECORDING RETURN TO:

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



\$46.00

00953914200600250010050055

03/21/2006 03:05:17 PM

D-E Cnt=1 Sin=1 ELIZABETH  
\$25.00 \$11.00 \$10.00

Map No.: 3-2E-9B  
Tax Lot: 806  
Planning No.: SP01-20

Grantor: FIR STREET BUILDING LLC  
(LESLIE SMELSER, MANAGER)

**CITY OF OREGON CITY, OREGON  
PUBLIC UTILITY(S) EASEMENT**

KNOW ALL BY THESE PRESENTS, THAT FIR STREET BUILDING 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 WATER FACILITIES 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 instrument this 1 day of March, 2006; 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

 manager

Corporation/Partnership Name

Fir Street Building LLC

Signer's Name, Title

Leslie Smelser

Signer's Name, Title

\_\_\_\_\_

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

Leslie Smelser

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

Before me:

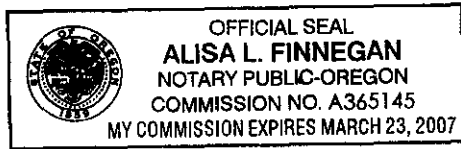
NOTARY PUBLIC FOR OREGON

Alisa L. Finnegan

Notary's signature

My Commission Expires: 03-23-07

Stamp seal below



(Grantor's Name and Address)

**City of Oregon City**

**P.O. Box 3040**

**320 Warner Milne Road**

**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

Allen Morris

City Recorder

Nancy Able

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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

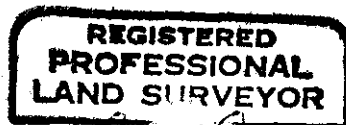
3

**EXHIBIT "A"**

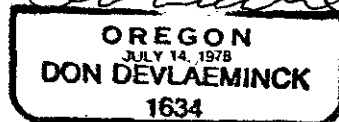
**LEGAL DESCRIPTION FOR WATER LINE EASEMENT  
5074 JUNE 26, 2004 DWD**

**A TRACT OF LAND SITUATED IN PARCEL 2, PARTITION PLAT NO. 2001-083, CLACKAMAS COUNTY PARTITION PLAT RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 2, THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2, AN ARC DISTANCE OF 9.14 FEET ALONG THE ARC OF A 282.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST THROUGH A CENTRAL ANGLE OF 01°51'12" (LONG CHORD BEARS NORTH 31°06'16" WEST 9.14 FEET) TO THE TRUE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE CONTINUING ALONG SAID SOUTHERLY LINE 39.15 FEET ALONG THE ARC OF A 282.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST THROUGH A CENTRAL ANGLE OF 07°56'27" (LONG CHORD BEARS NORTH 36°00'05" WEST 39.12 FEET); THENCE LEAVING SAID SOUTHERLY LINE NORTH 48°04'31" EAST 66.66 FEET; THENCE NORTH 22°32'41" EAST 81.02 FEET; THENCE NORTH 67°27'19" WEST 25.40 FEET; THENCE NORTH 58°52'46" WEST 213.08 FEET; THENCE SOUTH 31°07'14" WEST 124.85 FEET TO THE AFOREMENTIONED SOUTHERLY LINE OF PARCEL 2; THENCE ALONG SAID SOUTHERLY LINE NORTH 58°52'46" WEST 5.94 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE 9.06 FEET ALONG THE ARC OF A 167.50 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST THROUGH A CENTRAL ANGLE OF 03°05'58" (LONG CHORD BEARS NORTH 57°19'47" WEST 9.06 FEET); THENCE LEAVING SAID SOUTHERLY LINE NORTH 31°07'14" EAST 139.60 FEET; THENCE SOUTH 58°52'46" EAST 226.96 FEET; THENCE SOUTH 67°27'19" EAST 24.28 FEET; THENCE NORTH 22°32'41" EAST 8.64 FEET; THENCE SOUTH 67°27'19" EAST 12.00 FEET TO A POINT ON THE EASTERLY LINE OF THE AFOREMENTIONED PARCEL 2; THENCE ALONG SAID EASTERLY LINE SOUTH 22°32'41" WEST 174.88 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 57°58'08" WEST 12.70 FEET TO THE TRUE POINT OF BEGINNING.



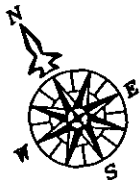
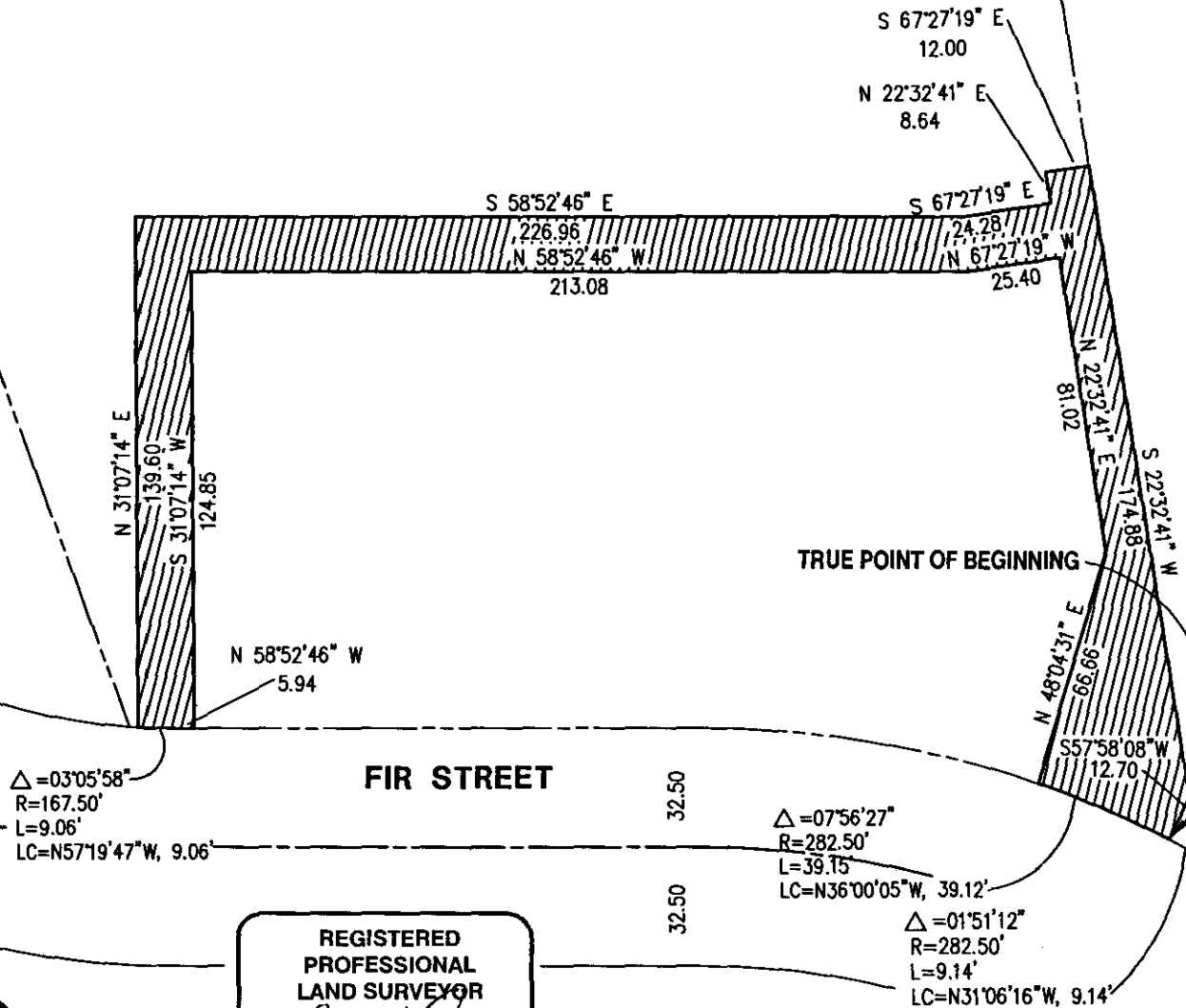
*Don Devlaeminck*



*DATE OF RENEWAL 12/31/05*

*A*

BEAVERCREEK ROAD



PLAN

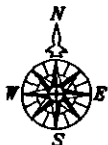
SCALE: 1" = 60'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAMINCK  
1634

DATE OF SIGNATURE: *4/24/04*  
VALID UNTIL 12/31/2005

**EXHIBIT "B"**



**COMPASS ENGINEERING**

ENGINEERING SURVEYING PLANNING  
6564 S.E. LAKE ROAD (503) 653-9093 PHONE  
MILWAUKIE, OREGON 97222 WWW.COMPASS-ENGINEERING.COM

WATERLINE EASEMENT

TAX LOT 806 (3 2E 9B)

NW 1/4 SEC 9, T.3S. R.2E. W.M.

CITY OF OREGON CITY, CLACKAMAS COUNTY, OR.