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AFTER RECORDING RETURN TO:

City Recorder (Leilani Bronson-Crelly)  
P.O. Box 3040  
Oregon City, Oregon 97045-0304



00854607290500635580050050

\$46.00

07/08/2005 12:50:49 PM

D-E                      Cit#1   Str#2   BEV L.  
\$25.00 \$11.00 \$10.00

Map No.: 3-2E-7DD

Tax Lots: 1915 & 1916

Planning No.: TP04-01 (Newberry Lots 15 & 16)

Grantor: Centex Homes, A Nevada General Partnership  
(Andrew E. Tiemann, Land Development Manager, Portland Division)

## CITY OF OREGON CITY, OREGON PUBLIC UTILITY EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Centex Homes, A Nevada General Partnership 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 Utilities 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, defend 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 other than shown in the public records.


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 20<sup>th</sup> day of JUNE, 2005.

CENTEX HOMES, a Nevada general partnership

By: Centex Real Estate Corporation, a

Nevada corporation, its Managing General Partner

By:   
Andrew E. Tiemann, its Land Development Manager

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

Personal Acknowledgment

STATE OF OREGON )

) ss.

County of Washington )

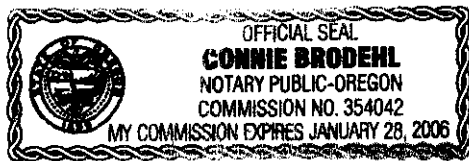
On this 20th day of June, 2005, before me, Connie Brodehl, the undersigned Notary Public, personally appeared Andrew E. Temann, as Land Development Manager, Portland Division, Centex Real Estate Corp. the managing general partner of Centex Homes, a Nevada General Partnership and acknowledged the foregoing instrument to be his/her voluntary act and deed.

*Connie Brodehl*

NOTARY PUBLIC FOR OREGON

My Commission Expires: January 28, 2006

Stamp seal below



Centex Homes, a Nevada General Partnership

16520 SW Upper Boones Ferry Rd., #200

Portland, Oregon 97224

(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

*Alvin Morris*

City Recorder

*Kerlan Bronson-Crelly*

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Corporate Acknowledgment

STATE OF OREGON )

) ss.

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

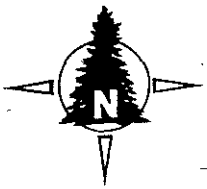
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned Notary Public, personally appeared \_\_\_\_\_ and \_\_\_\_\_ who being duly sworn, each for himself/herself and not one for the other did say that the former is the \_\_\_\_\_ president and that the latter is the \_\_\_\_\_ 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.

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

Stamp seal below



**GAYLORD**  
LAND SURVEYING, INC.

- Surveying Oregon Since 1970 -

2910 S.E. Oak Grove Blvd. • Milwaukie, OR 97267

Phone 503-654-1492 • Fax 503-654-7878

E-mail: pat@gaylordlandsurveying.com

June 1, 2005

## EXHIBIT A

### LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENT

LEGAL DESCRIPTION FOR A VARIABLE WIDTH PUBLIC UTILITY EASEMENT OVER PORTIONS OF LOT 15, 16, NEWBERRY, IN THE SOUTHEAST ONE QUARTER OF SECTION 7, T3S, R2E, W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC" AT THE NORTHEAST CORNER OF TRACT "A", NEWBERRY, A DULY RECORDED PLAT IN CLACKAMAS COUNTY; THENCE ALONG THE NORTH LINE OF TRACT "A", SOUTH  $42^{\circ}55'21''$  WEST 28.68 FEET TO A POINT; THENCE LEAVING THE SAID NORTH LINE NORTH  $50^{\circ}01'56''$  EAST 17.67 FEET TO A POINT; THENCE NORTH  $11^{\circ}31'59''$  WEST 52.11 FEET TO A NON-TANGENT POINT OF CURVE LEFT IN THE RIGHT OF WAY OF JOYS DRIVE; THENCE TRACING THE RIGHT OF WAY OF JOYS DRIVE AROUND THE CURVE LEFT (RADIAL BEARING = NORTH  $05^{\circ}45'56''$  WEST, RADIUS = 50.00 FEET, CENTRAL ANGLE =  $28^{\circ}04'15''$ , LONG CHORD BEARS NORTH  $70^{\circ}11'56''$  EAST 24.25 FEET) 24.50 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT OF WAY SOUTH  $11^{\circ}31'59''$  EAST 64.13 FEET TO A POINT IN THE EAST LINE OF THE AFOREMENTIONED TRACT "A"; THENCE NORTH  $46^{\circ}05'18''$  WEST ALONG THE SAID EAST LINE 10.05 FEET TO THE POINT OF BEGINNING.



**PUBLIC UTILITY EASEMENT EXHIBIT  
IN THE SE 1/4 OF SECTION 7, T3S, R2E, W.M.  
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON**

SUBJECT TO OREGON CITY PLANNING DEPARTMENT FILE NO. TP 04-01 (NEWBERRY)

SCALE 1" = 50' MAY 26, 2005

**GAYLORD LAND SURVEYING, INC.**  
2910 S.E. OAK GROVE BLVD.  
MILWAUKIE, OREGON 97267  
(503)654-1492

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON

JULY 10, 1996

PATRICK M. GAYLORD  
2767

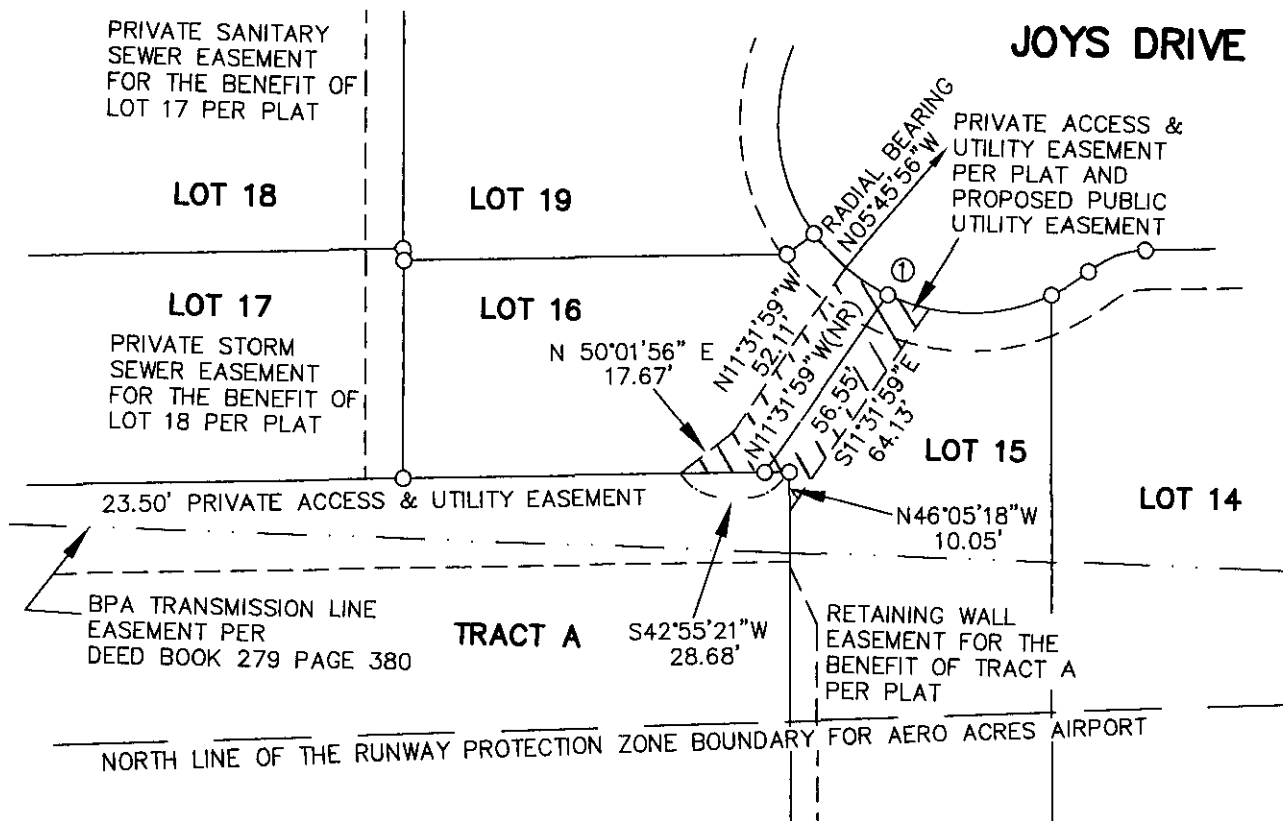
RENEWED THRU 06/30/05

○ = SURVEY MONUMENT PER PLAT  
OF NEWBERRY

**CURVE DATA:**

- ① Δ = 28°04'15"  
R = 50.00  
L = 24.50  
LC = N70°11'56"E  
24.25

SCALE 1" = 50'  
PROJECT NO. 03169



FEE NO. 71-34446

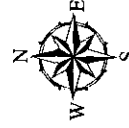
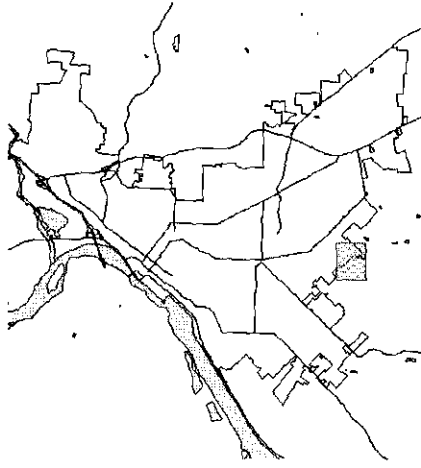
LOT 1  
FIR RIDGE ADDITION, PLAT NO. 2179

LOT 2

EXHIBIT B

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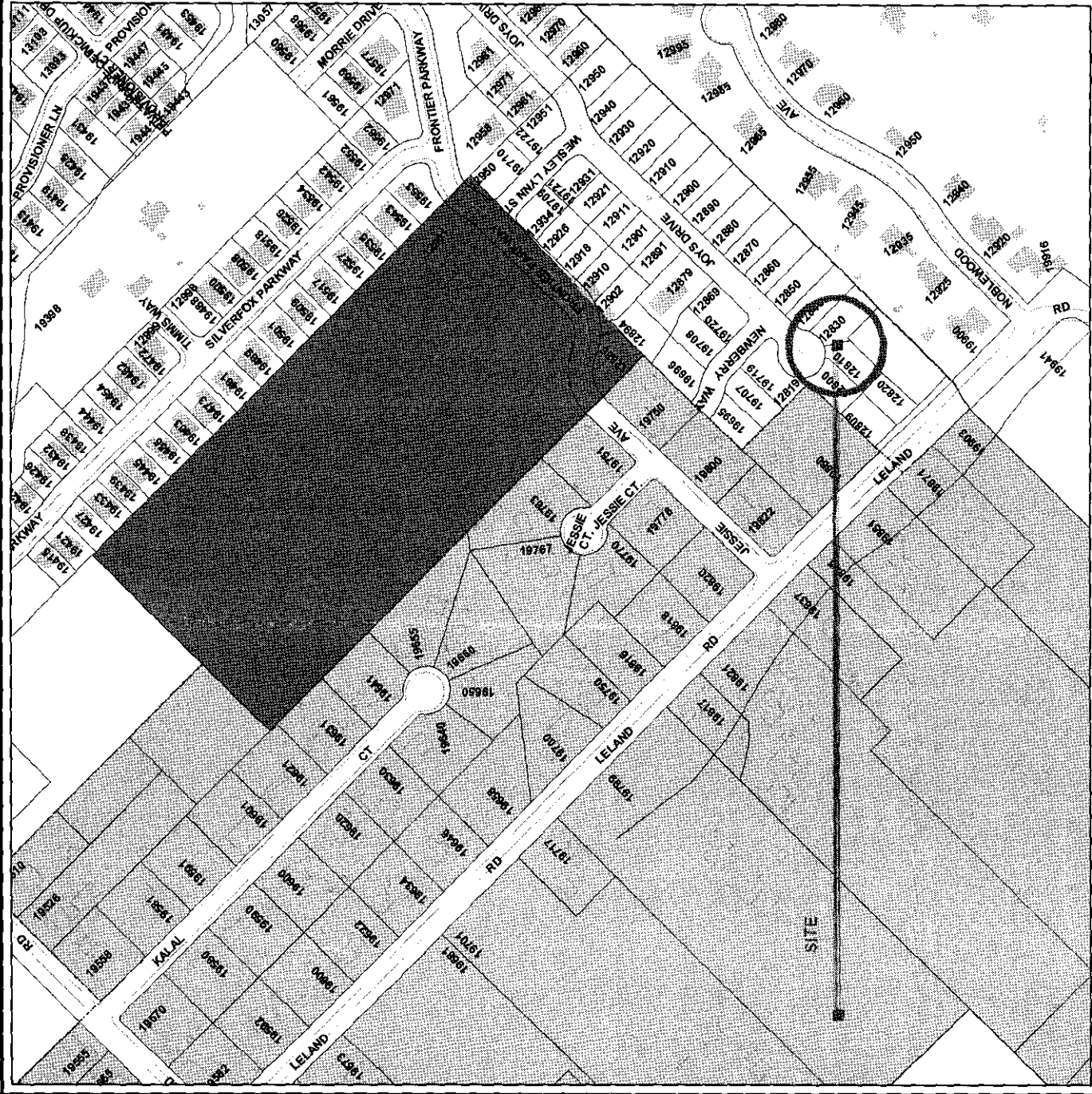
# PUE: Newberry subdivision Lots 15 & 16



The data  
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Errors and  
Map create

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PUBLIC UTILITY  
EASEMENT

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3-2E-7DD TL 1915 &  
1916

TIEMANN, ANDREW E.

(CENTEX HOMES) NEWBERRY  
TP 04-01

[DOC. 2005-063558]

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ITEM # 4