

5/5

AFTER RECORDING RETURN TO:

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



\$46.00

00579455200301348290050058

10/06/2003 04:39:25 PM

D/E                      Cnt=1    Str=1    ELIZABETH  
\$25.00 \$11.00 \$10.00

Map No.: 2 2E 29CA

Tax Lot No.: 1000

Planning No.: FOR SP01-03 (AMTRAK)

Grantor: Historic Properties, LLC

**CITY OF OREGON CITY, OREGON  
PUBLIC UTILITY(S) & SIDEWALK EASEMENTS  
(Permanent)**

**KNOW ALL BY THESE PRESENTS, THAT Historic Properties 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 slope, drainage and utility easements 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 "A" Legal Description and attached Exhibit "B" Sketch for Legal Description.

It being understood that said temporary easement is only for the original excavation and construction of said utility line and upon the completion of the construction thereof shall utterly cease and desist, save and except for that portion herein before 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 \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_; 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

*Historic Properties, LLC*  
*by Daniel W. Fowler 8-7-03*

Signer's Name

*member/  
manager*

Corporation/limited partnership

Corporation/Partnership Name

Signer's Name

Signer's Name, Title

(if executed by a corporation  
affix corporate seal below)

Signer's Name, Title

Signer's Name, Title

*2*

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

Personal Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of \_\_\_\_\_ )

Personally appeared the above named \_\_\_\_\_

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

Before me:

NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary's signature

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

Stamp seal below

\_\_\_\_\_  
(Grantor's Name and Address)

City of Oregon City  
320 Warner Milne Road  
P.O. Box 3040  
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

\_\_\_\_\_ *Ann Morris*

City Recorder

\_\_\_\_\_ *Leilani Bronson-Crelly*

Corporate Acknowledgment

STATE OF OREGON )  
 ) ss.  
County of CLACKAMAS )

Personally appeared DANIEL W. FOWLER  
\_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ who being duly sworn,

~~each for himself and not one for the other did~~  
say that the former is the <sup>NE IS</sup> MEMBER/MANAGER ~~president~~  
and that the latter is the \_\_\_\_\_ ~~secretary~~  
of HISTORIC PROPERTIES, LLC, A LIMITED LIABILITY  
a corporation, and that ~~the~~ <sup>NE</sup> ~~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. *Company*

Before me:

NOTARY PUBLIC FOR OREGON

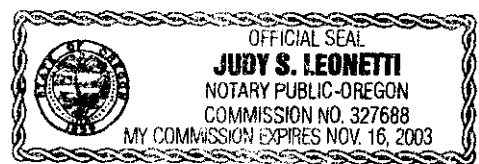
WITNESS my hand and official seal.

\_\_\_\_\_ *Judy S. Leonetti*

Notary's signature

My Commission Expires: Nov 16, 2003

Stamp seal below





DAVID EVANS  
AND ASSOCIATES INC.

Orct0000-0018  
CRG  
7/30/03

Exhibit "A"  
Easement Description  
City of Oregon City, Oregon

Permanent Utility and Sidewalk Easement:

Situated in the George Abernety Donation Land Claim No. 58 and the Northwest Quarter of the Southwest Quarter of Section 29, Township 2 South, Range 2 East, Willamette Meridian, also being a portion of that parcel described in Warranty Deed conveyed to the Historic Properties, LLC in Document Number 2002-011775, recorded on February 5, 2002, Film Records of Clackamas County, Oregon and being described as follows:

Beginning at the southwesterly corner of Parcel 1, Partition Plat No. 1996-30, Clackamas County Survey Records, said point also being on the northerly right-of-way line of Washington Street (Market Road No. 38) and running thence on said northerly right-of-way line South  $44^{\circ} 10' 53''$  West, a distance of 7.12 feet; thence leaving said right-of-way line North  $45^{\circ} 49' 07''$  West, a distance of 19.45 feet; thence North  $44^{\circ} 10' 53''$  East, a distance of 3.40 feet to the west line of said Parcel 1; thence on said west line South  $56^{\circ} 37' 37''$  East, a distance of 19.81 feet to the point of beginning.

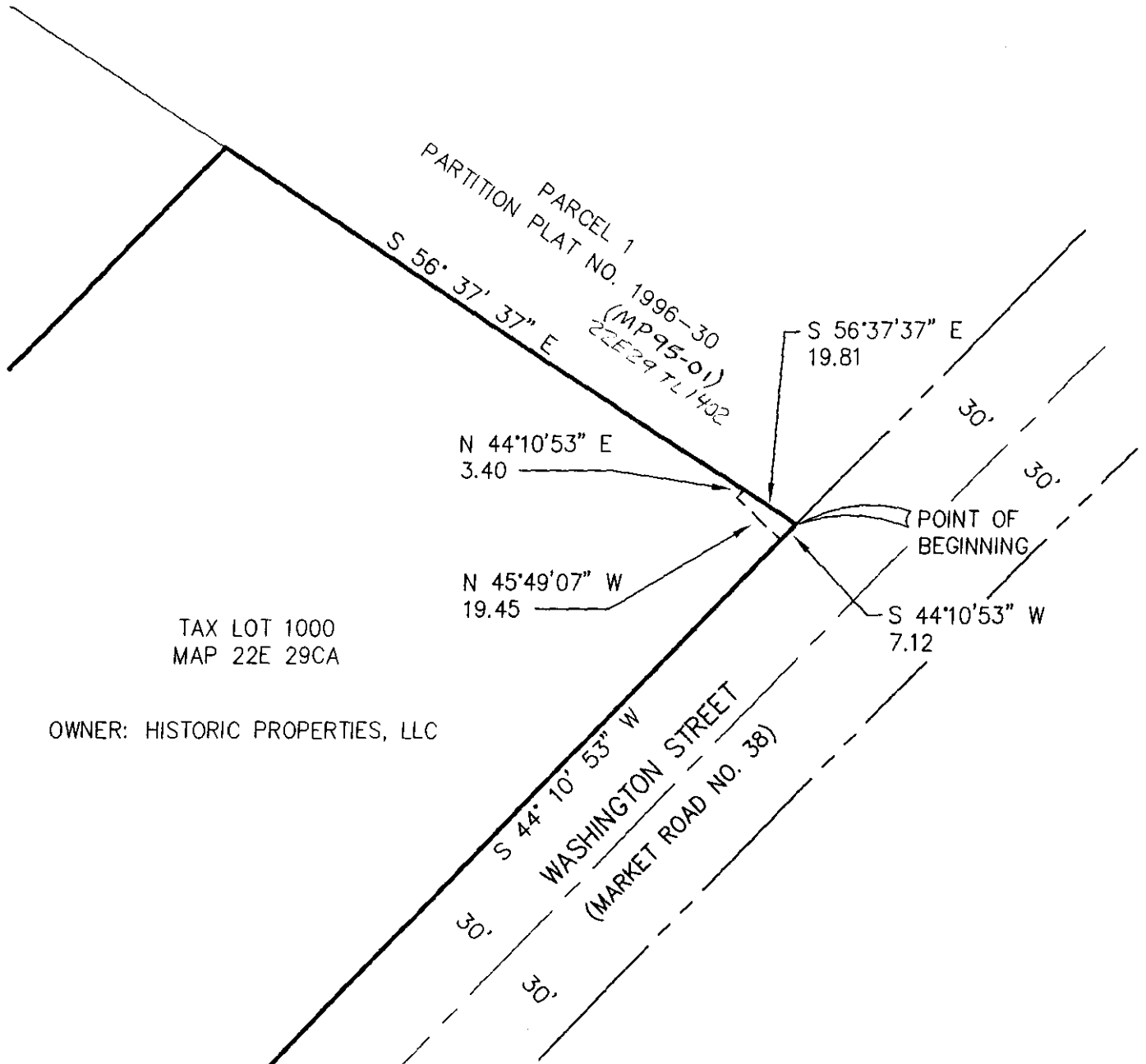
The parcel of land to which this description applies contains 102 square feet more or less.

The basis of bearing for this legal description is based on Partition Plat No. 1996-30 as recorded at the Clackamas County Survey Records, Clackamas County, Oregon.



o:/project/orct00000018/survey/legaldescriptions/easement.doc

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OWNER: HISTORIC PROPERTIES, LLC



**DAVID EVANS  
AND ASSOCIATES INC.**

2100 Southwest River Parkway  
Portland Oregon 97201  
Phone: 503.223.6663

PROJECT

**EXHIBIT 'B'**

SHEET

TITLE **UTILITY AND SIDEWALK EASEMENT  
AMTRAK STATION**

DWG. REF.

ORC18EM1

PROJECT

ORCT0018

SCALE

1"=50'

AMENDMENT NO.

0

DRAWN BY

BXA

DESIGN BY

CRG

APPROVED BY

DGH

DATE

07/30/03


**1**  
OF  
**1**



# COMMISSION REPORT: CITY OF OREGON CITY

TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road---(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 3.2	<b>Topic:</b> Public Utility(s) and Sidewalk Easements for the South Metro Amtrak Station – Phase 1 Project
	<b>Report No.:</b> 03-190	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> September 3, 2003	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> N. Kraushaar	<b>Reviewed By:</b> N. Kraushaar	<b>Approved By:</b> D. Wimmer

## RECOMMENDATION:

Staff recommends that the City Commission move to accept the attached public utility(s) and sidewalk easements, approve the compensation value, and authorize the Mayor and City Recorder to execute the documents.

## REASON FOR RECOMMENDATION:

The attached easements are needed to relocate a utility pole and construct the sidewalk near the entrance to the South Metro Amtrak Station. The easement has been successfully negotiated and granted for a compensation value of \$500.

## BACKGROUND:

The South Metro Amtrak Station will serve the southern portions of the Portland region. It will enhance Amtrak passenger rail service in the Willamette Valley as well as connecting to Seattle. In order to construct public sidewalks to the station and provide access for the public, a utility pole must be relocated. Constructing portions of the sidewalk and moving the pole require both a temporary construction easement and a permanent sidewalk and utilities easement on the adjoining property described as:

Map No. 2-2E-29CA

Tax Lot 1000

**BUDGET IMPACT:** FY(s): \$500 (2003-04)      Funding Source: Urban Renewal - Downtown

Attachment 1 - PUE

*Approved  
4:0*

SIDEWALK & PUE

ON: 2 2E 29CA TL 1000

BENEFITS: 2 2E 29 TL 1402

(FOR AMTRAK STATION)  
SP01-03

HISTORIC PROPERTIES LLC;  
FOWLER, DANIEL

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CLACK. CO. DOC. # 2003-134829

Env#  
715