

Grantor: Newell Creek Plaza LLC

Grantee: City of Oregon City

State of Oregon
County of Clackamas

After Recording Return to:
City of Oregon City
Dept. of Transportation
320 Warner Milne Road
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2003-063563



\$46.00

00486095200300635630050052

05/20/2003 01:21:50 PM

Until a change is requested all taxes shall be sent to:
No change

D-E Cnt=1 Sm=1 DEBBIE
\$25.00 \$11.00 \$10.00

Alise Norris

Accepted by City of Oregon City

AERIAL EASEMENT

Newell Creek Plaza LLC, a Limited Liability Company, Grantor, hereby conveys unto the City of Oregon City, a political subdivision of the State of Oregon, Grantee, its successors and assigns, a perpetual easement for the overhang of electric power lines and signal or communication lines over, upon and across the following described real property (the "Property") located in Clackamas County, State of Oregon, to-wit:

See Exhibits "A" and "B" attached to and by reference made a part of this Easement

TERMS, CONDITIONS, AND COVENANTS

1. Grantee shall have the non-exclusive right to enter upon the Property and to erect, maintain, repair, rebuild, operate and patrol electric power lines and signal or communication lines, and all uses directly or indirectly necessary thereto. Such uses shall include the erection of wires, cables, and appurtenances and the protection thereof from fire and other hazards.
2. Grantee shall have the right to enter upon the Property in order to maintain and keep electric power lines and signal or communication lines free from vegetation.
3. Grantor shall have the right to use the Property for all purposes not inconsistent with the uses and purposes of this easement, except Grantor shall not build or erect any structure or improvement upon, over or across the Property, except a driveway or a fence not to exceed 6 feet in height, without the prior written consent of Grantee, nor shall Grantor allow any encroachments which could interfere with or compromise Grantee's ability to exercise its rights under this easement. In the event any such encroachment occurs, Grantor shall have no right to claim additional compensation based upon the removal or damage to the source of the encroachment.
4. The Grantor warrants that it holds fee title to the Property and that Grantee may peaceably enjoy the rights and benefits of this easement.
5. This easement inures to the benefit of and binds the parties hereto, their heirs, devisees, administrators, executors, successors and assigns.

The true consideration for this conveyance is other non-monetary consideration.

Executed this 15 day of April, 2003.

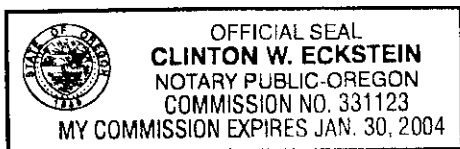
NEWELL CREEK PLAZA LLC, A LIMITED LIABILITY COMPANY

[Signature] member

Grantor Newell Creek Plaza LLC Grantor

State of Oregon)
) ss.
County of Clackamas)

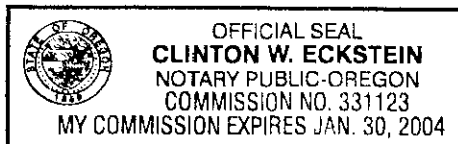
On the 15 day of April, 2003, the above-named Les Smoluer
personally appeared before me and acknowledged the foregoing instrument to be their voluntary act and deed.



Clinton W. Eckstein
Notary Public for Oregon
My Commission Expires: 1/30/04

State of Oregon)
) ss.
County of Clackamas)

On the 15 day of April, 2003, the above-named Les Smoluer,
who is known to be a Member of Newell Creek Plaza, LLC, personally appeared before me and
acknowledged the foregoing instrument to be his voluntary act and deed.



Clinton W. Eckstein
Notary Public for Oregon
My Commission Expires: 1/30/04

EXHIBIT "A"

**BEAVERCREEK ROAD
MARKET ROAD NO. 11**

**HIGHWAY 213/BEAVERCREEK ROAD
MAP & TAX LOT NO. 32E4C-808
FILE NO. 1906802 018**

APRIL 1, 2003

PERPETUAL OVERHEAD EASEMENT

A parcel of land lying in the southwest quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property described in Statutory Bargain and Sale Deed to Newell Creek Plaza LLC, a Limited Liability Company, in Document No. 2000-050696 as recorded on August 7, 2000, Clackamas County Deed Records, said parcel being that portion of said property lying southerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Beginning at a point 14.622 meters (47.97') left of centerline station "B" 1219+590.000m;

Thence in a straight line to a point 18.544 meters (60.84') left of centerline station "B" 1219+620.000m.

EXCEPT therefrom that portion lying within the existing right of way of Beaver Creek Road (Market Road No. 11).

The parcel of land to which this description applies contains 67 square meters (721 square feet) more or less.

The stationing used to describe this parcel is based on the centerline of Beaver Creek Road (Market Road No. 11), being more particularly described as follows:

Beginning at a point in the centerline of Beaver Creek Road at centerline station "B" 1219+504.800m based on in a Record of Survey recorded under Survey Number 29250 in Clackamas County Survey Records, Clackamas County, Oregon, said point bears North 181.406 meters (595.16 feet) and West 892.728 meters (2928.90 feet) from the one quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East of the Willamette Meridian;

Thence S 79°41'35" E, along said centerline, 60.727 meters (199.24 feet) to station "B" 1219+565.527m and the beginning of a 2328.500 meter (7639.44 foot) radius curve to the right having a central angle of 4°10'00";

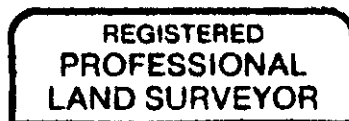
Thence along the arc of said curve to the right (the long chord of which bears S 77°36'34" E, 169.293 meters (555.42 feet)) 169.330 meters (555.55 feet) to station "B" 1219+734.858m;

Thence S 75°31'35" E, 197.344 meters (647.45 feet) to station "B" 1219+932.201m and the beginning of a spiral curve to the right (SD = 4°30'00", the long chord of which bears S 74°01'35" E, 91.415 meters (299.92 feet)) 91.440 meters (300.00 feet) to station "B" 1220+023.641m and the beginning of a 582.125 meter (1909.86 foot) radius curve to the right having a central angle of 27°30'30";

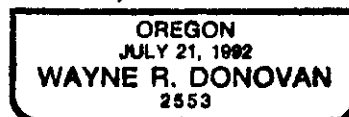
Thence along the arc of said curve to the right (the long chord of which bears S 57°16'20" E, 276.808 meters (908.16 feet)) 279.485 meters (916.95 feet) to station "B" 1220+303.126m and the beginning of a spiral curve to the right (SD = 4°30'00", the long chord of which bears S 40°31'04" E, 91.415 meters (299.92 feet)) 91.440 meters (300.00 feet) to station "B" 1220+394.566m;

Thence S 39°01'05" E, 66.889 meters (219.45 feet) to station "B" 1220+461.455m and the Point of Terminus of this centerline description of Beavercreek Road, said Point of Terminus bears South 211.385 meters (693.52 feet) and West 54.299 meters (178.15 feet) from the one quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East of the Willamette Meridian.

This legal description, along with the basis of bearings, thereof, is established from said Record of Survey recorded under Survey Number 29250, Clackamas County Survey Records.

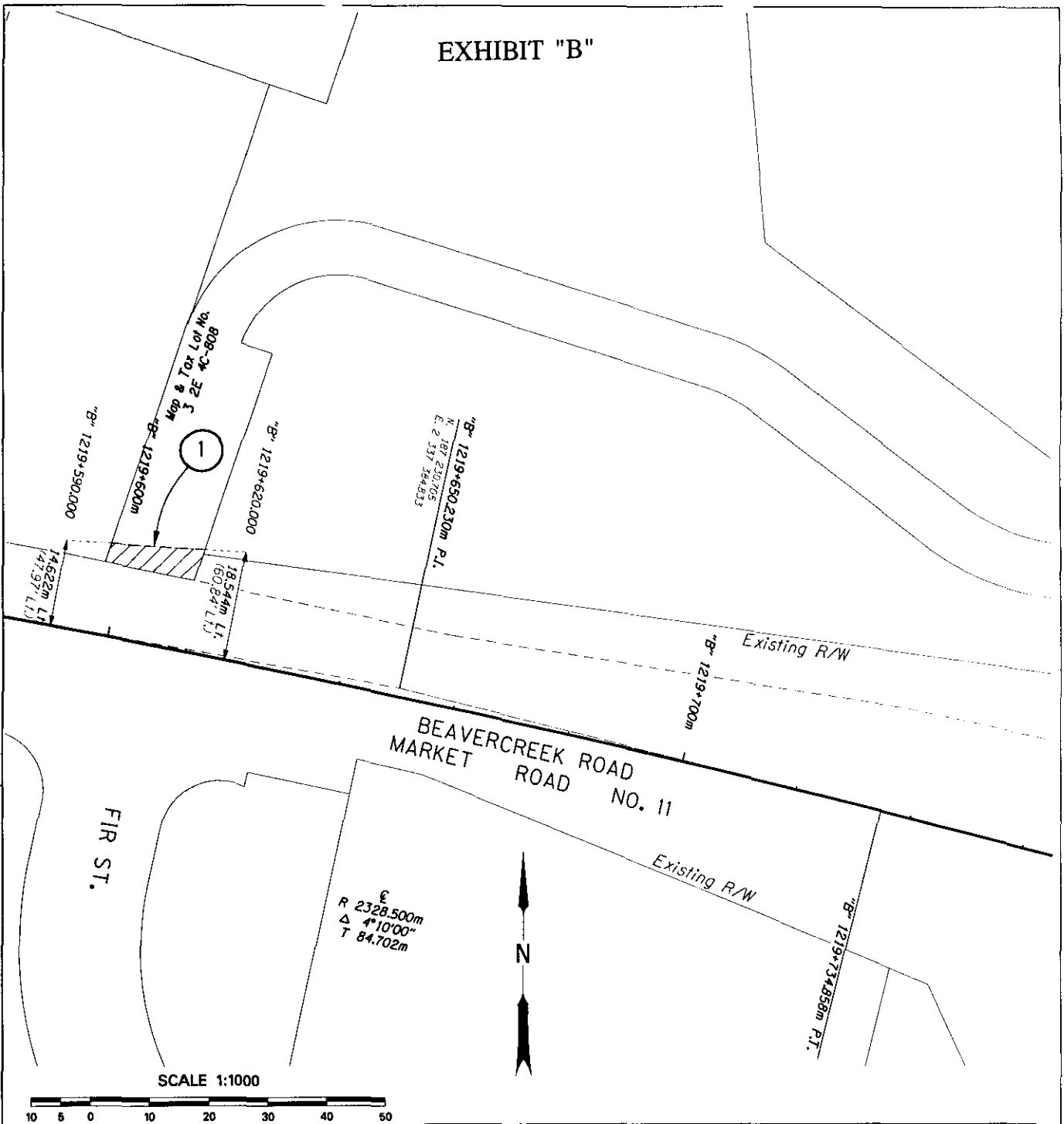


Wayne R. Donovan



*RENEWAL: 12/31/03
SIGNED: 04/01/03*

EXHIBIT "B"



LEGEND



PERPETUAL
OVERHEAD
EASEMENT

① 67 SQ. M. +/-
(721 SQ. FT. +/-)

HIGHWAY 213 / BEAVERCREEK ROAD

PROJECT

EXHIBIT "B"

TITLE

32E4C-808

19-68.2

1:1000

DWG. REF.

PROJECT

SCALE

AMENDMENT NO.

A.D.

W.R.D.

M.L.A.

APRIL 1, 2003

DRAWN BY

DESIGN BY

APPROVED BY

DATE

SHEET

1
OF
1

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Wayne R. Donovan

OREGON
JULY 21, 1992
WAYNE R. DONOVAN
2553

RENEWAL DATE: DEC. 31, 2003

SIGNED: 04/01/03



CONSULTING
ENGINEERS

920 COUNTRY CLUB RD., SUITE 100B
EUGENE, OREGON 97401

TEL. (541) 683-8090
FAX (541) 683-6576

City File No. C103-003