



\$51.00

00478603200300580520060062

05/08/2003 10:46:53 AM

AFTER RECORDING RETURN TO:

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

D-E Cnt=1 Stn=10 BEVL  
\$30.00 \$11.00 \$10.00

Map No.: 32E16B (Now 16BA)  
Tax Lots.: 202 (Now 10400)  
Planning No.: C102-001  
Public Projects

Grantor: Ronald D. & Wanda I. Rutherford

## CITY OF OREGON CITY, OREGON TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is entered into this 11<sup>th</sup> day of March, 2003 by and between Ronald D. & Wanda I. Rutherford, property owner (hereafter referred to as "Grantor") and the City of Oregon City, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

### RECITALS

1. Grantor is the owner of certain real property located in Clackamas County, Oregon, illustrated on Exhibit "A" attached hereto (hereafter referred to as "Easement Area") and more generally described as follows:  
  
See Exhibit "A" attached to and by reference made a part of this document.
2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for purpose of construction of the Glen Oak Road Project.
3. This TEMPORARY CONSTRUCTION EASEMENT is intended to allow the City of Oregon City to undertake the construction of project and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Glen Oak Road Project.

### AGREEMENT

NOW THEREFORE, in consideration of the sum of \$1.00 and other good and valuable consideration paid by the City of Oregon City, the receipt and adequacy of which are hereby acknowledged by each of the parties, it is agreed as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary easement over, under, and across the Easement Area, together with the right to go upon said Easement Area for the purpose of constructing said project.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION EASEMENT shall be temporary and shall terminate one year from the date the City issues the notice to proceed to the contractor or when the project is completed, whichever comes first.

3. **Grantor's Covenants.** Grantor covenants and warrants that (a) Grantor holds full legal and equitable title to the property; (b) Grantee's rights to the use and enjoyment of the Easement Area shall not be disturbed; (c) no new structures or landscaping of any kind shall be erected by Grantor in the Easement Area while this TEMPORARY CONSTRUCTION EASEMENT is in effect.
4. **Allowed Uses.**
5. **Restoration.** Upon completion of the identified work by Grantee in the Easement Area, Grantee shall restore the Easement Area to its prior condition, at Grantee's sole cost and expense. Restoration shall be limited to re-grading the area outside of the Glean Oak Road Right-of-Way and providing reseeding of grass.
6. **Run with the Land.** The terms and provisions of this TEMPORARY CONSTRUCTION EASEMENT shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
7. **Indemnification.** Each party agrees to indemnify and hold the other party harmless from any loss, claim or liability arising in any manner out of such party's use of the Easement Area or the breach of this TEMPORARY CONSTRUCTION EASEMENT. In addition, Grantor agrees to indemnify and hold Grantee harmless from any loss, claim or liability arising from subsurface conditions, hazardous wastes and hazardous substances existing on or under the Easement Area as of the date of this TEMPORARY CONSTRUCTION EASEMENT.
8. **Attorney Fees.** If legal action is commenced in connection with this TEMPORARY CONSTRUCTION EASEMENT, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and in the appeal therefrom. The term "action" shall be deemed to include action commenced in the bankruptcy courts of the United States and any other court of general or limited jurisdiction.

IN WITNESS HEREOF, this TEMPORARY CONSTRUCTION EASEMENT has been executed as of the date and year first written above.

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IN WITNESS WHEREOF, the GRANTOR has executed this 11 day of MARCH 2003; 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

Corporation/limited partnership

Ronald D. Rutherford

Signer's Name

Corporation/Partnership Name

Wanda I. Rutherford

Signer's Name

Signer's Name, Title



Carl E. Long

**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

Ronald D. Rutherford &

Wanda I. Rutherford

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

Before me:

NOTARY PUBLIC FOR OREGON

WITNESS my hand and official seal.

Carl E. Long

Notary's signature

My Commission Expires: Jan 7, 2004

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

Alvin Harris

City Recorder

Liselani Bronson-Crelly



DAVID EVANS  
AND ASSOCIATES INC.

**EXHIBIT "A"**

GLEN OAK ROAD, OREGON CITY  
CLACKAMAS COUNTY, OREGON  
CRG, DEA, INC., 12-19-02  
DEA JOB NO. ORCT0000-0013

COUNTY ROAD NO.1448 & 881  
TAX MAP NO. 3 2E 16B 202

**PARCEL 1 (TEMPORARY CONSTRUCTION EASEMENT)**

A parcel of land situated in the Andrew Hood Donation Land Claim No 44, in the northwest quarter of Section 16, Township 3 south, Range 2 East, Willamette Meridian, Oregon City, Clackamas County, Oregon and being a portion of that property described in Warranty Deed to Ronald D. Rutherford and Wanda I. Rutherford, in Records Fee No. 2002-039540, recorded on April 25, 2002, Film Records of Clackamas County, Oregon, also being Tract A of Partition Plat No. 1998-0042 Clackamas County Survey Records, said parcel being that portion of land included in a strip of land 50.00 feet wide, lying on the southerly side of and parallel with the relocated centerline of Glen Oak Road, and being located between lines at right angles to said centerline at Engineer's Station 11+75 to 12+40, which centerline is described as follows:

Situated in the southwest quarter and southeast quarter of Section 9, and in the northwest quarter and northeast quarter of Section 16, also being in the Andrew Hood Donation Land Claim No. 44 and the Robert Caufield Donation Land Claim No. 53, all in Township 3 South, Range 2 East, Willamette Meridian, Oregon City, Clackamas County, Oregon, said centerline being more particularly described as follows:

Beginning at a point (referred to as Engineers Station 1+00.00) in the centerline of Cascade Hwy (State Hwy. 213) and Glen Oak Road which bears North 88° 15' 10" West, a distance of 1372.93 feet and South 01° 44' 50" West, a distance of 91.90 feet from the quarter corner common to Sections 9 and 16, Township 3 South, Range 2 East, Willamette Meridian being a found 1/2" iron pipe in a monument box; thence North 67° 46' 19" East, a distance of 99.61 feet (Station 1+99.61) to the beginning of a tangent 196.85 foot radius curve to the right; thence on said curve through a central angle of 23° 27' 51" (the long chord of which bears North 79° 30' 14" East, a distance of 80.05 feet) an arc distance of 80.62 feet to the end thereof (Station 2+80.23); thence South 88° 45' 50" East, a distance of 134.92 feet (Station 4+15.15) to the beginning of a tangent 492.13 foot curve to the left; thence on said curve through a central angle of 07° 48' 11" (the long chord of which bears North 87° 20' 04" East, a distance of 66.97 feet)



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AND ASSOCIATES INC.

an arc distance of 67.02 feet to the end thereof (Station 4+82.17); thence North 83° 25' 59" East, a distance of 158.52 (Station 6+40.69) feet to the beginning of a tangent 492.13 foot curve to the right; thence on said curve through a central angle of 08° 18' 52" (the long chord of which bears North 87° 35' 25" East, a distance of 71.35 feet) an arc distance of 71.41 feet to the end thereof (Station 7+12.10); thence South 88° 15' 10" East, a distance of 773.98 feet to said 1/2" iron pipe in a monument box, (Station 14+86.08), being the said quarter corner common to Sections 9 and 16; thence South 88° 26' 04" East, a distance of 2660.74 to a Found 3" brass cap in a monument box (Station 41+46.82), being the section corner common to Sections 9, 10, 15 and 16 of said township and range, and the terminus of this centerline description.

EXCEPT therefrom that portion lying within the existing right-of-way of Glen Oak Road.

The Parcel of land to which this description applies contains 1,224 square feet, more or less.

The basis of bearing for this legal description is based on Survey Number 24286 and being South 88° 26' 04" East on the centerline of Glen Oak Road, also being the south line of said Section 9 as monumented and recorded in Clackamas County Survey Records, Clackamas County, Oregon.



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T.L. 400 (3 2E 09C)  
BRETT H. BRUCKER  
FEE NO. 96-40557

14401 S. GLEN OAK RD.



T.L. 300 (3 2E 09C)  
ROSS D. & DUSTI L. KEITH  
FEE NO. 94-98555

14433 S GLEN OAK RD.


11+00 12+00 13+00  
GLEN OAK ROAD

20.00

50.00

T.L. 300 (3 2E 16B)  
STEVEN & CATHLYN G. SPLONSKOWSKI  
FEE NO. 91-18493  
14422 S. GLEN OAK RD.

### LEGEND

 TEMPORARY CONSTRUCTION  
EASEMENT = 1,224 SQ. FT. ±

T.L. 202 (3 2E 16B)  
RONALD D & WANDA I. RUTHERFORD  
FEE NO. 2002-039540  
TRACT "A" PP 1998-42

#### PARCEL 1

T.L. 200 (3 2E 16B)  
RONALD D. & WANDA I. RUTHERFORD  
FEE NO. 98-53449  
14468 S. GLEN OAK RD.

PARTITION PLAT 1998-0042

T.L. 201 (3 2E 16B)  
TROY D. & FRANCIE J. RUTHERFORD  
FEE NO. 99-106983  
14468 S. GLEN OAK RD.

#### PARCEL 2



**DAVID EVANS  
AND ASSOCIATES INC.**

2100 Southwest River Parkway  
Portland Oregon 97201  
Phone: 503.223.6663

PROJECT

GLEN OAK ROAD

SHEET

TITLE

EXHIBIT B

OREGON CITY

DWG. REF.

C-1

PROJECT

ORCT0000-0013

SCALE

1" = 50'

AMENDMENT NO.

0.0

DRAWN BY

LMCA

DESIGN BY

CRG

APPROVED BY



DATE

12-19-02

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