

69 Grantor: Wagner

Grantee: City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

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

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

State of Oregon  
County of Clackamas

Clackamas County Official Records  
Sherry Hall, County Clerk

2003-011019




00417757200300110190060069

\$51.00

01/28/2003 01:32:47 PM

D-E Cnt=1 Sm=3 BEVERLY  
\$30.00 \$11.00 \$10.00

  
Accepted by City of Oregon City

### AERIAL EASEMENT

Larry L. Wagner, 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:

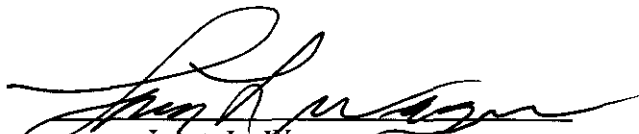
See Exhibits "A" and "B" attached to and by reference made a part of this Easement

### 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 TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00)

IN WITNESS WHEREOF, the Grantor has executed this easement this 11 day of  
DEC, 2002.

  
Larry L. Wagner

## **EXHIBIT "A"**

**BEAVERCREEK ROAD  
MARKET ROAD NO. 11**

**HIGHWAY 213/BEAVERCREEK ROAD  
MAP & TAX LOT NO. 32E9AB-1400  
FILE NO. 1906802 014**

**NOVEMBER 5, 2002**

### **PERPETUAL OVERHEAD EASEMENT**

A parcel of land lying in the northwest quarter of Section 9, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property described in Contract of Sale to Larry L. Wagner, in Document No. 85-06358 as recorded on February 26, 1995, Clackamas County Deed Records, said parcel being that portion of said property lying southwesterly 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 12.075 meters (39.62') left of centerline station "B" 1220+390.000m;

Thence in a straight line to a point 11.000 meters (36.09') left of centerline station "B" 1220+422.000m.

**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 61.4 square meters (661 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;

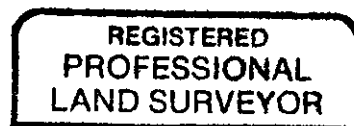
Thence S 79°41'35" E, along said centerline, 60.727 meters (199.24 feet) to station "B" 1219+565.527m and the beginning of a 2328.500 meter (7639.44 foot) radius curve to the right having a central angle of 4°10'00";

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;

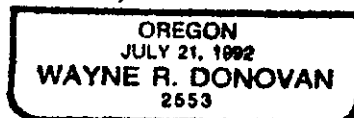
Thence S 75°31'35" E, 197.344 meters (647.45 feet) to station "B" 1219+932.201m and the beginning of a spiral curve to the right (SD = 4°30'00", the long chord of which bears S 74°01'35" E, 91.415 meters (299.92 feet)) 91.440 meters (300.00 feet) to station "B" 1220+023.641m and the beginning of a 582.125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

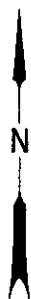


*Wayne R. Donovan*



*RENEWAL: 12/31/03  
SIGNED: 11/06/02*

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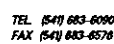
A horizontal scale bar labeled "METERS" with markings at 10, 5, 0, 10, 20, 30, 40, and 50.

① 61.4 SQ. M. +/-  
(661 SQ. FT. +/-)

## - SHEET

DATE \_\_\_\_\_

SIGNED: 11/06/07



CITY FILE NO. C103-003



(Reserved for Recording Purposes)

## CONSENT TO EASEMENT

ODVA Account Number	Tax Account Number
	869233

The State of Oregon, acting by and through its Director of Veterans' Affairs, is the owner and holder of that certain Contract of Sale dated February 25, 1985, recorded on February 26, 1985, as #85 06358, in Clackamas County Records, given to LARRY L. WAGNER.

The purpose of this easement is for a perpetual overhead easement as described herein. The Oregon Department of Veterans' Affairs (ODVA) hereby consents to an easement located on the property for purposes described herein:

**PERPETUAL OVERHEAD EASEMENT:** A non-exclusive right to enter upon 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.

With said easement described as follows:

A parcel of land lying in the northwest quarter of Section 9, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property described in Contract of Sale to Larry L. Wagner, in Document No. 85-06358 as recorded on February 26, 1995, Clackamas County Deed Records, said parcel being that portion of said property lying southwesterly 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 12.075 meters (39.62') left of centerline station "B" 1220+390.000m; thence in a straight line to a point 11.000 meters (36.09') left of centerline station "B" 1220+422.000m. **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 61.4 square meters (661 square feet) more or less.

AFTER RECORDING RETURN TO:

OREGON DEPARTMENT OF VETERANS' AFFAIRS  
700 SUMMER ST NE  
SALEM OREGON 97301-1285

Until a change is requested, all tax statements shall be sent to the following address:

LARRY L WAGNER  
19100 S BEAVERCREEK RD  
OREGON CITY OR 970459504

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE EASEMENT DESCRIBED ABOVE TO LOWER THE VALUE OF THE PROPERTY OR TO BE IN VIOLATION OF APPLICABLE STATE LAWS AND LAND USE LAWS AND REGULATION."

IN WITNESS WHEREOF, the State of Oregon, represented and acting by the Director of Veterans' Affairs, has caused these presents to be executed January 7, 2003, at Salem, Oregon. The foregoing recital of consideration is true as I verily believe.

DIRECTOR OF VETERANS' AFFAIRS - Lender

By: Joyce D Hlopek  
Joyce D Hlopek, Accounts Services Manager

STATE OF OREGON     )  
                                  ) ss.  
County of Marion     )

On January 7, 2003,

this instrument was acknowledged before me by the above-named Joyce D. Hlopek, Accounts Services Manager, who personally appeared, and, being first duly sworn, did say that she is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me: Tina Witherell  
Notary Public for Oregon

