

715

RECORDED IN CLACKAMAS COUNTY  
JOHN KAUFFMAN, COUNTY CLERK

2002-014849

AFTER RECORDING RETURN TO:

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



\$46.00

00256190200200148490050057

02/13/2002 02:05:04 PM

D-E Cnt=1 Stn=2 ELIZABETH  
\$25.00 \$11.00 \$10.00

Map No.: 2-2E-28BC

Tax Lots: 4700

Planning No.: VR01-07

Location: Cleveland Street & Hiram Avenue

Grantor: Smith, Michael

## CITY OF OREGON CITY, OREGON PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Michael Smith 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 Sidewalk and 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 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 9 day of January, 2002; 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

Michael Smith

\_\_\_\_\_  
Signer's Name

\_\_\_\_\_  
Signer's Name

\_\_\_\_\_  
(if executed by a corporation  
affix corporate seal below)

Corporation/limited partnership

\_\_\_\_\_  
Corporation/Partnership Name

\_\_\_\_\_  
Signer's Name, Title

\_\_\_\_\_  
Signer's Name, Title

\_\_\_\_\_  
Signer's Name, Title

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

Personal Acknowledgment

STATE OF OREGON )

) ss.

County of Clackamas )

On this 9 day of January, 2002,  
before me, Alisa L. Heathman, the  
undersigned Notary Public, personally appeared  
Michael Smith and  
acknowledged the foregoing instrument to be  
his/her voluntary act and deed.

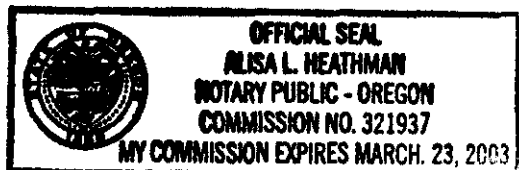
NOTARY PUBLIC FOR OREGON

Alisa L. Heathman

Notary's signature

My Commission Expires: 03-23-03

Stamp seal below



(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

John F. Williams, Jr.

City Recorder

Leilani 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

Notary's signature

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

Stamp seal below

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## **LEGAL DESCRIPTION**

### **8.5 FOOT SIDEWALK & UTILITY EASEMENT**

A portion of Lot 12, Block B of Clackamas Heights (Supplemental), a duly recorded plat in the County of Clackamas, Oregon (Subdivision Plat No. 42, Book 2, Page 12), more particularly described as follows:

The northerly 8.5 feet of Lot 12, Block B of Clackamas Heights (Supplemental) subdivision.

### **3.5 FOOT SIDEWALK & UTILITY EASEMENT**

A portion of Lot 10, Lot 11, and Lot 12, Block B of Clackamas Heights (Supplemental), a duly recorded plat in the County of Clackamas, Oregon (Subdivision Plat No. 42, Book 2, Page 12), more particularly described as follows:

The easterly 3.5 feet of Lot 10, Lot 11, and Lot 12, Block B of Clackamas Heights (Supplemental) subdivision.

## **EXHIBIT "A"**

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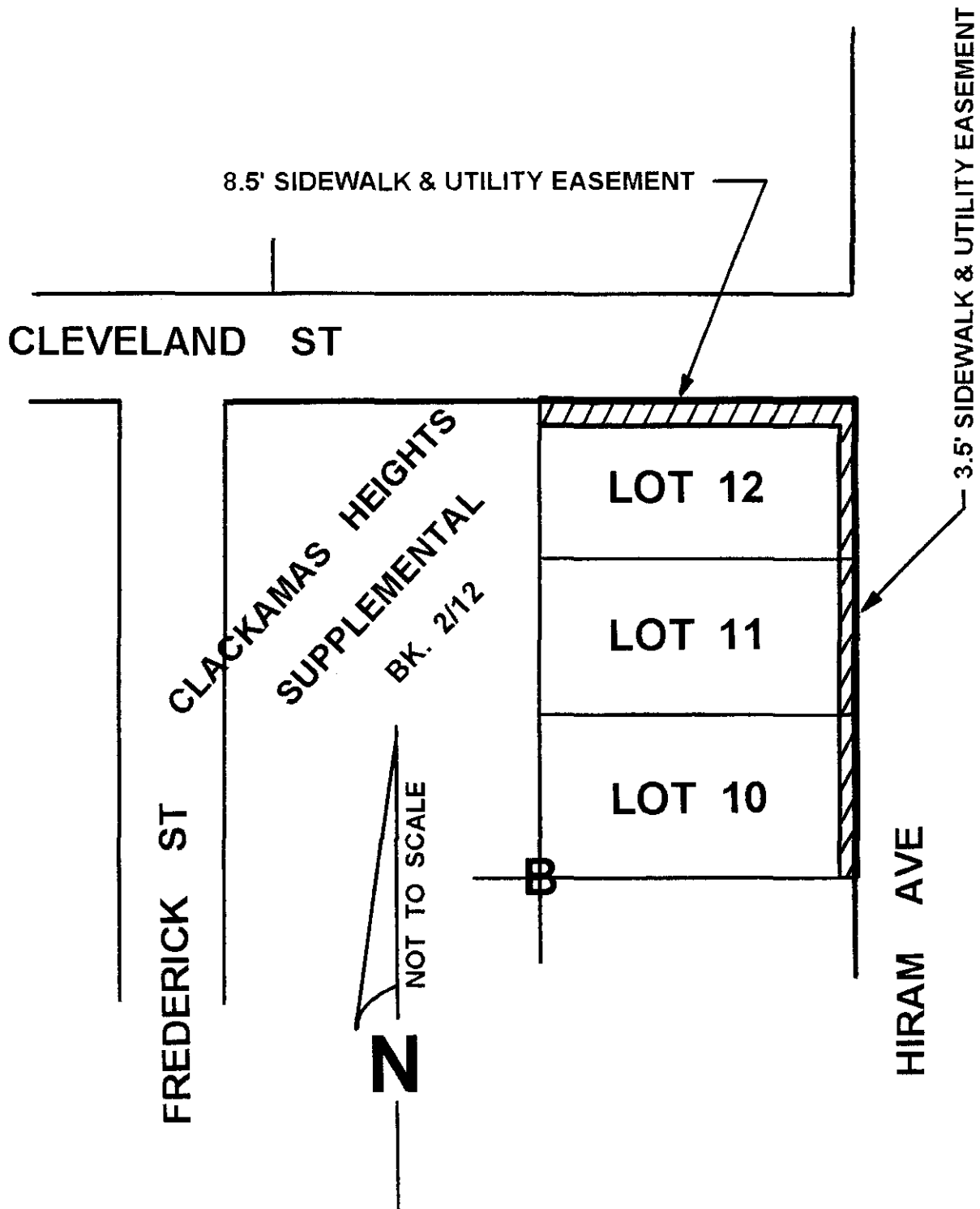



EXHIBIT "B"

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 <p>INCORPORATED 1844</p>	<b>Agenda Item No.:</b> <p>7.5</p>	<b>Topic:</b> Public Sidewalk And Public Utility Easements For The Michael Smith 16267 Hiram Avenue, Administrative Variance Project (VR01-07)
	<b>Report No.:</b> <p>02-016</p>	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> February 6, 2002	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> John Knapp	<b>Reviewed By:</b> Dean Norlin	<b>Approved By:</b> B. Nakamura

**RECOMMENDATION:**

It is recommended that the City Commission adopt a motion accepting this public sidewalk and public utility easement instrument and authorize the Mayor and City Recorder to execute it.

**REASON FOR RECOMMENDATION:**

This instrument provides the needed public easements for future sidewalks and utilities along Cleveland Street and Hiram Avenue respectively. The easement instrument is attached for Commission review.

**BACKGROUND:**

On the February 6, 2002, agenda is the Public Sidewalk and Public Utilities Easements Instrument for the Michael Smith Administrative Variance project – City Planning File No. VR01-07.

Map No. 2-2E-28BC

Tax Lot 4700

Michael Smith Variance (16267 Hiram Avenue)  
(VR01-07)

**BUDGET IMPACT:** FY(s): N/A

Funding Source: N/A

*Approved*

P.U.E. (Side walk)

Z-2E-28BC TL 4700

Smith, Michael

(Vr01-07)

[Doc. 2002-014849]

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ITEM # 28

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