

528  
D-E

RECORDED IN CLACKAMAS COUNTY  
JOHN KAUFFMAN, COUNTY CLERK

2000-037534



0004478420000037534005

\$46.00

06/12/2000 10:58:19 AM

D E - 1 - 1 ELIZABETH  
\$25.00 \$11.00 \$10.00

AFTER RECORDING RETURN TO:

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

Map No.: 3S-1E-12D  
Tax Lots: 1400 (benefits 1402)  
Planning No.: PD 98-06

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

**KNOW ALL BY THESE PRESENTS, THAT Harold Payson** 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 Storm Drainage Facilities 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 20th day of August, 1999; 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

Harold O. Rayson  
\_\_\_\_\_  
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

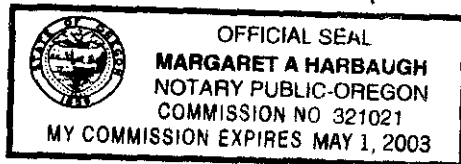
County of Clackamas ) ss.

Personally appeared the above named  
Harold O. Payson  
and acknowledged the foregoing instrument to be his  
voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: 5/1/03



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

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

\_\_\_\_\_  
(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 taxes, liens, and encumbrances.

Mayor

City Recorder

Corporate Acknowledgment  
STATE OF OREGON

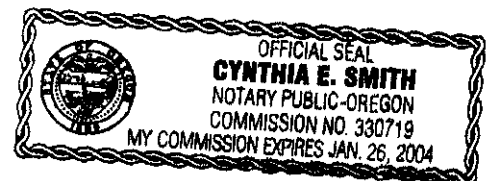
County of Clackamas ) ss.

Personally appeared David G. Herman and  
\_\_\_\_\_, who being duly  
sworn, each for himself and not one for the other did  
say that the former is the \_\_\_\_\_ president and that the  
latter is the \_\_\_\_\_ secretary of White  
Star Development, 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.

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: 1/26/2004



## **PUBLIC STORM DRAINAGE EASEMENT**

A 30.00 FOOT WIDE STRIP OF LAND FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC STORM DRAINAGE LOCATED WITHIN PARCEL 2, PARTITION PLAT 1998-118, CLACKAMAS COUNTY PLAT RECORDS, IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON.

THE CENTERLINE OF SAID 30.00 FOOT WIDE STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 2, PARTITION PLAT 1998-118;

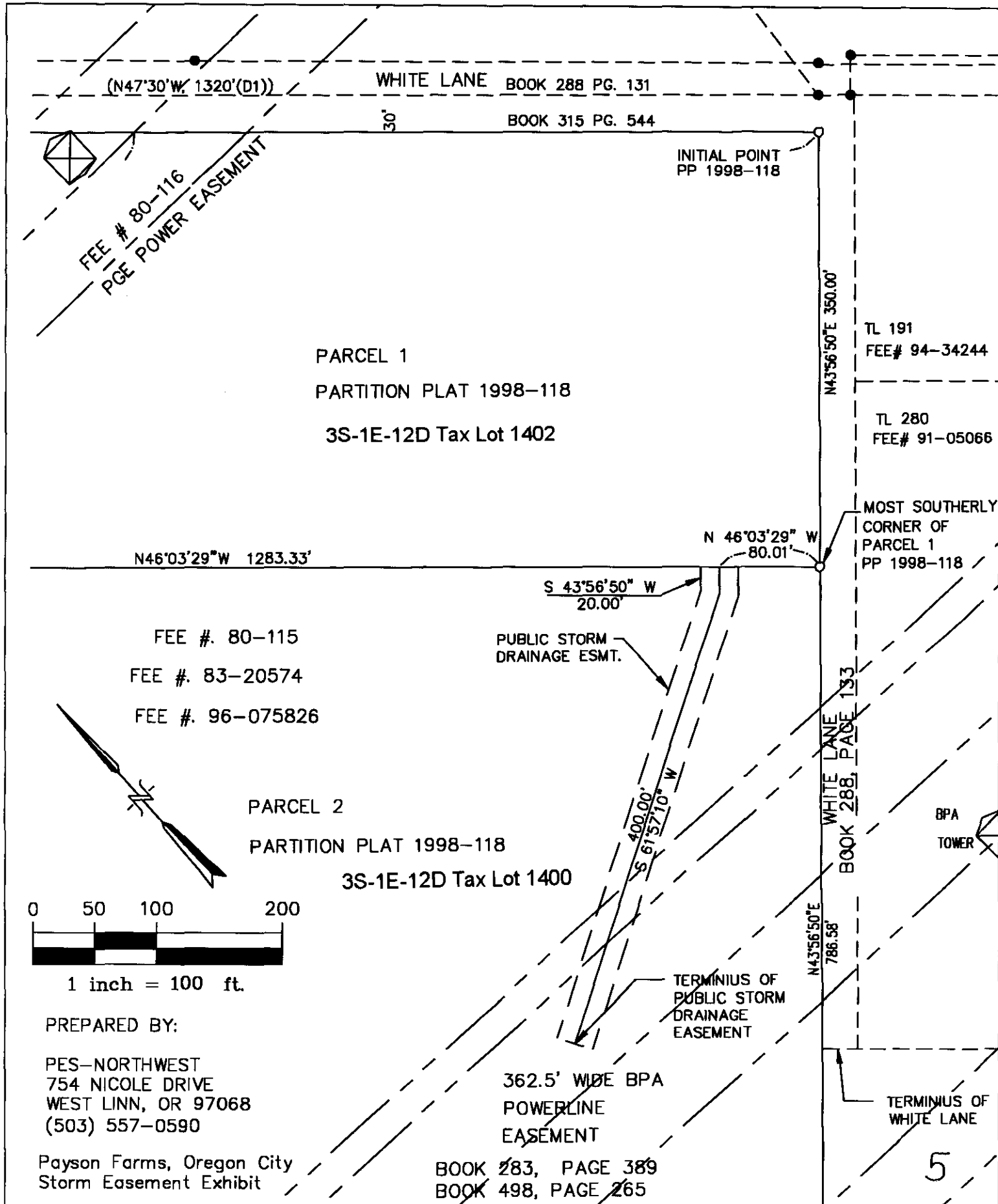
THENCE N 46°03'29" W, 80.01 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID PARCEL 2 TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE S 43°56'50" W, 20 FEET TO A POINT;

THENCE S 61°57'10" W, 400 FEET TO A POINT; SAID POINT BEING THE TERMINUS OF THE ABOVE DESCRIBED CENTERLINE.


# **EXHIBIT "A"**

# EXHIBIT "B"



**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> 12	<b>Topic:</b> Public Utility Easement Serving The Payson Farms Subdivision – PD 98-06
	<b>Report No.:</b> 00-091	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> June 7, 2000	<b>Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Prepared By:</b> John Knapp	<b>Reviewed By:</b> Jay Toll	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<b>Approved By:</b> B. Nakamura <i>B. Nakamura</i>

**RECOMMENDATION:**

It is recommended that the City Commission adopt a motion accepting this Public Utility Easement and authorize the Mayor and City Recorder to execute it respectively.

**REASON FOR RECOMMENDATION:**

The Public Utility Easement provides the needed easement for public storm drainage facilities to serve the approved Payson Farms Subdivision. The Public Utility Easement is attached for Commission review.

**BACKGROUND:**

On the June 7, 2000 agenda, is the Public Utility Easement, for Public Storm Drainage Facilities, for the approved Payson Farms Subdivision - City Planning No. PD 98-06.

Map No. 3S 1E 12D

Tax Lot 1400

for the Payson Farms Subdivision  
(PD 98-06)

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

*Approved*

P.U.E. Storm Drain Facilities

3-E-12D

TL 1400

Payson, Harold

(Payson Farms PD 98-06)

[Doc. 2000-037534]

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ITEM #2

Env. 294