

RECORDED IN CLACKAMAS COUNTY  
JOHN KAUFFMAN, COUNTY CLERK

2000-004471



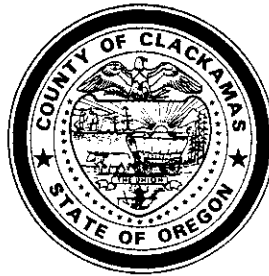
\$46.00

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D E - 1 - 2 ELIZABETH  
\$25.00 \$11.00 \$10.00

# **CLACKAMAS COUNTY RECORDING DEPT. CERTIFICATE PAGE**



**This page must be included  
if document is re-recorded.**

**Do Not remove from original document.**

2 2E 28D 1300  
Tax Lots: 100, 190 & 1490

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

BENEFITS:  
2S-2E-28A  
TAX LOT 2100  
FOR PD 98-07

KNOW ALL MEN BY THESE PRESENTS, THAT Daniel A. /  
Charlotte Cook - The Cook Trustees  
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 a storm drain facility 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.

The GRANTORS bargain, sell, convey, transfer and deliver unto CITY a  
temporary easement and right-of-way upon, across and under so much of the aforesaid  
land as described as:

See attached Exhibit "A" Legal Description and attached  
Exhibit "B" Sketch for Legal Description.

It being understood that said temporary easement is only for the original excavation and  
construction of said utility line and upon the completion of the construction thereof shall  
utterly cease and desist, save and except for that portion hereinbefore described as being a  
permanent easement.

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.

GRANTOR requires that the storm drain facility, within the easement, be a pipe  
conveyance facility as opposed to an open ditch. GRANTOR also requires that the storm  
drain construction plan for the facility within the easement be approved by the  
GRANTOR prior to the City issuing a construction permit. These GRANTOR imposed  
requirements shall extinguish upon sale of the property by the GRANTOR and said rights  
shall not convey to successors of the GRANTOR.

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 \_\_\_\_\_, 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

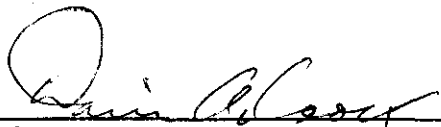
and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

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 29 day of Nov, 1998; 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.

Individuals,  
general partnerships

Corporation  
limited partnership

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

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

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

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

(if executed by a corporation  
affix corporate seal)

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

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

Personal Acknowledgement

STATE OF OREGON

)

)ss.

County of Clackamas

)

Personally appeared the above

Named Daniel A & Charlotte Cook

Acknowledged the foregoing instrument

To be \_\_\_\_\_ voluntary act or  
deed.

Before me:

Donna Riedlinger  
NOTARY PUBLIC FOR OREGON



My Commission Expires: Oct 1, 2001

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.

John F. Holliman, Jr.  
Mayor  
Leilani Bronson-Crelly  
City Recorder

After recording please return to:

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

*Exhibit A*

June 2, 1998

STORM DRAINAGE EASEMENT  
Project 598-26

A STRIP OF LAND 15 FEET IN WIDTH, SITUATED IN THE S.E. 1/4 SECTION 28, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, IN CLACKAMAS COUNTY, OREGON. WITHIN A TRACT OF LAND DESCRIBED IN CLACKAMAS COUNTY DEED RECORDS FEE NO. 92-06230. (COOK TRUST)

The centerline of the easement being described by the following courses.

COMMENCING at the Southwest corner of FEE NO. 94-44621, Clackamas County Deed Records and a corner of FEE NO. 92-06230;

THENCE Easterly along the South line of FEE NO. 94-44621 being a common line with FEE NO. 92-06230, 47.51 feet to the POINT OF BEGINNING;

THENCE S 25°05'45" W, 394.58 feet;

THENCE S 30°15'15" W, 103.87 feet;

THENCE S 38°09'57" W, 144.06 feet;

THENCE S 51°15'49" W, 106.26 feet;

THENCE S 86°40'22" W, 76.12 feet;

THENCE S 17°35'36" W, 229.02 feet to the terminus of the herein described centerline. The side lines of said strip are lengthened or shortened to terminate of the south line of FEE NO. 94-44621.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT 50 FEET IN WIDTH WHOSE WEST LINE IS COMMON TO THE EAST LINE OF THE HEREIN DESCRIBED STORM DRAINAGE EASEMENT. The East line of said TEMPORARY CONSTRUCTION EASEMENT To be lengthened to terminate on the South line of FEE NO. 94-44621.

The said Temporary Construction Easement to terminate upon completion of construction of storm drainage improvements or on July 4, 2001, which ever comes first.

Bearings for the herein described centerline are based on monuments found on the East line of the George Abernathy D.L.C. No. 58 per PS 3858, a survey filed in Clackamas County Survey Records. ( S 8°00'00" W )

SUNNYSIDE CONSTRUCTION/DEVELOPMENT INC.  
FEE NO. 94-44621

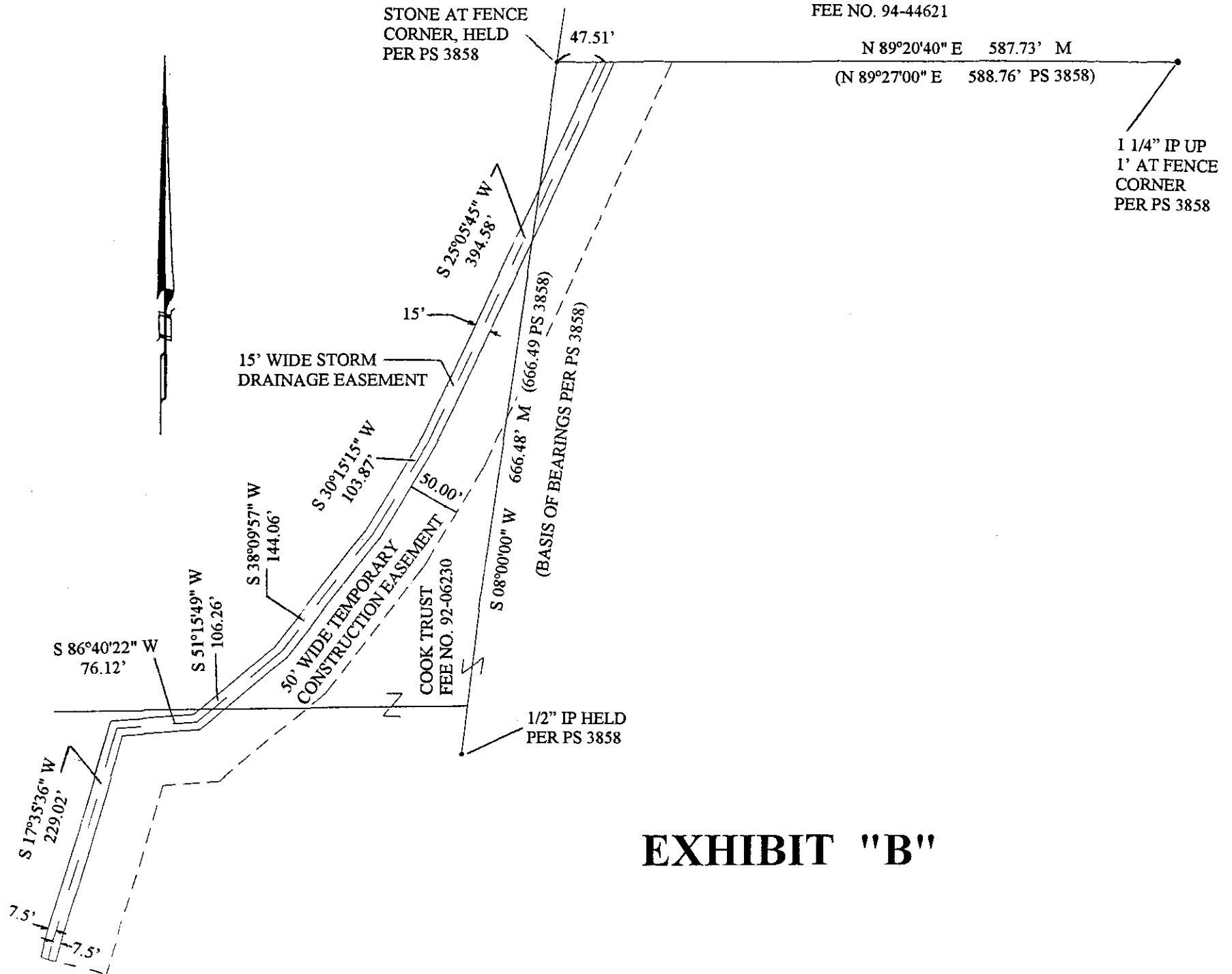




EXHIBIT "B"

# 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> 9	<b>Topic:</b> Deed of Dedication For Street Right-Of-Ways For Two Properties  And One Public Storm Drain Easement
	<b>Report No.:</b> 00-016	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> January 19, 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> 

## RECOMMENDATION:

It is recommended that the City Commission adopt a motion accepting these deeds of dedications for street Right-of-Ways and the Public Storm Drain Easement for the below mentioned properties and authorize the Mayor and City Recorder to execute respectively.

## REASON FOR RECOMMENDATION:

Provided needed street Right-of-Ways and Public Utility Easement.

## BACKGROUND:

On the January 19<sup>th</sup>, 2000 agenda, are two Deed of Dedications for street Right-of-Way and one Public Storm Drain Easement. One street Right-of-Way Dedication is for South End Road, from the "Gentry Meadows" Planned Development project - City Planning File No. PD 97-05, and the other is for the future extension of Fir Street, from the Rescue Tech development (aka Fir Street Building) - City Planning No. SP 97-19. Both dedications are city condition of approval requirements for each respective development. The Public Storm Drainage Easement is for the future development of Tax Lot 2000 of Map 2S 2E 28A.

Map No. 3S 1E 12AA	Tax Lot 5100	Gentry Meadows Planned Development Remainder property at 18908 South End Road (PD 97-05)
Map No. 3S 2E 9B	Tax Lot 700	Rescue Tech Building (aka Fir Street Building) 14151 Fir Street (SP 97-19)
Map No. 2S 2E 28A	Tax Map 2000	Future development of Tax Lot 2000

BUDGET IMPACT: FY(s): N/A

2100 (TRAILVIEW)  
approved

STORM P. U. E.

2-2E-28D TL 100,190, <sup>1300</sup> \$1490

(2-2E-28A TL 2100) Benefits

(Trail View Estates PD98-07)

[Doc. 2000-004471]

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ITEM #			