

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

25  
10  
Map No.: 3-2E-7A

Tax Lot: Platted ROW in Haven Estates

Planning No.: TP 98-03  
(Former TL 3101)

**KNOW ALL BY THESE PRESENTS, THAT GREAT AMERICAN DEVELOPMENT CO.** 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 Stormwater Drainage 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.

Grantor previously granted the City an easement for storm drainage facilities in a Public Utility(s) Easement dated August 6, 1992 and recorded on November 18, 1992 at Recorder Fee No. 92 73655, Clackamas County Deed Records ("1992 Easement"). The 1992 Easement provides that the easement can be moved to accommodate future development by Grantor. This current easement is being granted to move the easement to allow such development, and the parties consequently agree that this easement shall replace, supercede, and terminate the 1992 Easement.

**99-093994**

IN WITNESS WHEREOF, the GRANTOR has executed this 27<sup>th</sup> day of July, 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

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

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

(if executed by a corporation  
affix corporate seal below)

Corporation/limited partnership

\_\_\_\_\_  
Great American Development Co.

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

Joseph F. Spaziani, President  
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 \_\_\_\_\_ ) ss.

Personally appeared the above named \_\_\_\_\_

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

Before me:

NOTARY PUBLIC FOR OREGON

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

**Corporate Acknowledgment**

STATE OF OREGON )

County of Clackamas ) ss.

Personally appeared Joseph F. Spaziani 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 \_\_\_\_\_ 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: Kathleen E. Nolin

NOTARY PUBLIC FOR OREGON

My Commission Expires: 2/29/00

**GREAT AMERICAN DEVELOPMENT CO.**

**12999 S. Haven Road**

**Oregon City, Oregon 97045**

(Grantor's Name and Address)

**City of Oregon City**

**320 Warner Milne Road**

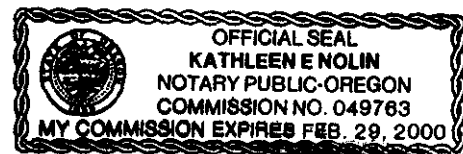
**Oregon City, OR 97045**

(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

John F. Holliman Jr.  
9-15-99  
City Recorder Stan K. Elliott



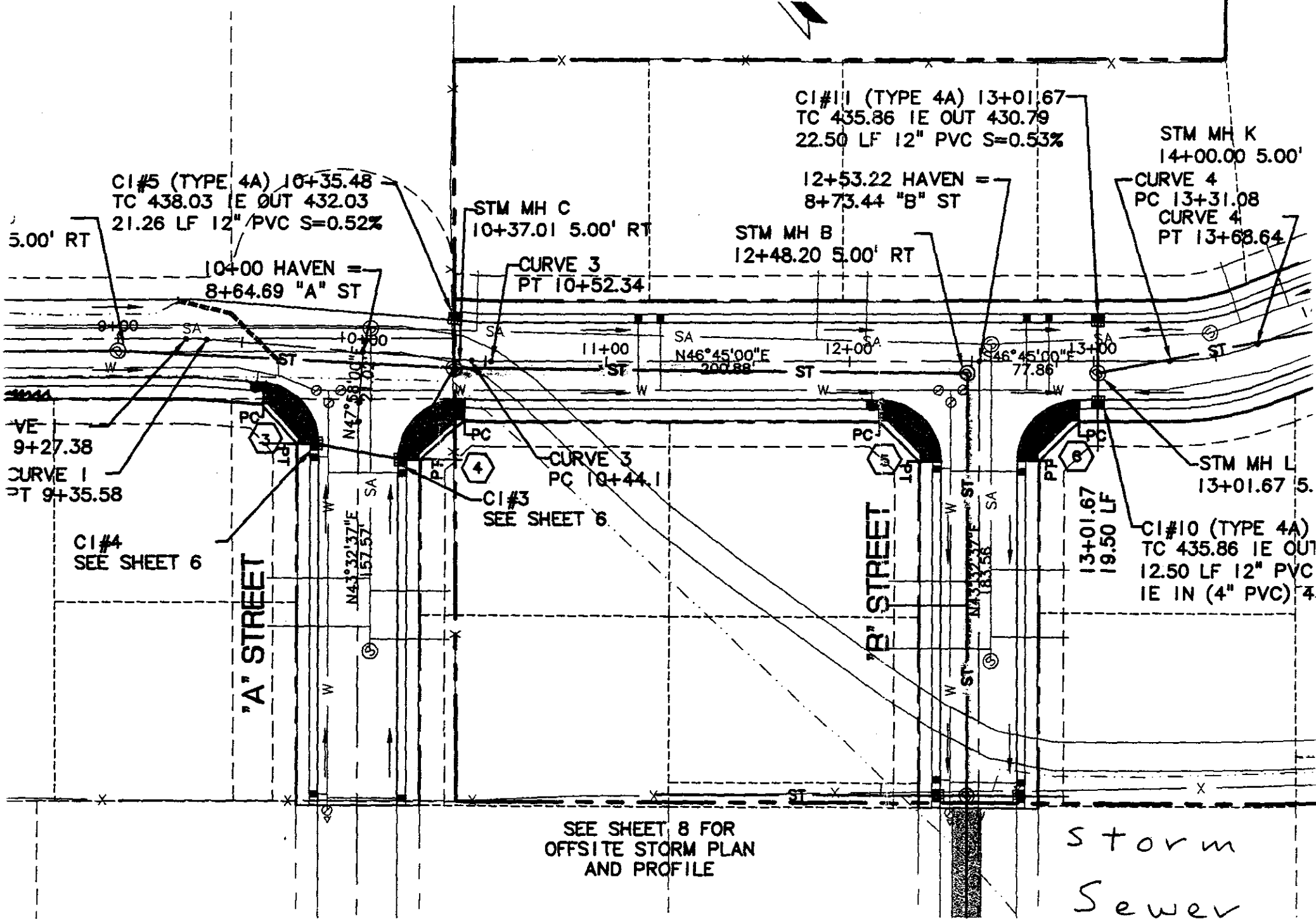


Exhibit "B"

Easement



EXHIBIT "A"

A STRIP OF LAND 20 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF LOT 6, BLOCK 2 OF "LELAND HAVEN," A RECORDED PLAT IN CLACKAMAS COUNTY, OREGON; THENCE, N 43°42'18" E ALONG THE SOUTHEASTERLY BOUNDARY OF SAID "LELAND HAVEN" A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE, S 46°15'48" E A DISTANCE OF TWO HUNDRED TWELVE (212) FEET; THENCE, S 44°02'35" W A DISTANCE OF APPROXIMATELY ONE HUNDRED SEVENTY EIGHT (178) FEET TO THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DEED NO. 98-51462 AND THE TERMINUS OF THE CENTERLINE HEREIN DESCRIBED. THE SIDELINES OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED SO AS TO TERMINATE ON THE SOUTHEASTERLY BOUNDARY OF SAID "LELAND HAVEN" AND THE SOUTHWESTERLY LINE OF THAT PROPERTY DESCRIBED IN SAID DEED NO. 98-51462.



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED  
September 15, 1999

**Subject:** Public Utility Easements Acceptance  
Map 3-2E-7A - Haven Estates

**Report No. 99-180**

On the September 15, 1999 Commission agenda, are the two attached Public Utility Easements for the construction, reconstruction, operation, and maintenance of "Stormwater Drainage Lines" for Haven Estates and Haven Estates No. 2 Subdivisions. These easements are described by their respective Exhibits "A" and "B".

It is recommended that the City Commission adopt a motion to accept the two easements and authorize the Mayor and the City Recorder to execute respectively.

  
CHRIS JORDAN  
Interim City Manager

cc: Bryan Cosgrove, Interim Community Development Director  
Staff Contact - Bob Cullison  
Rick McClung, Public Works

ISSUED BY THE CITY MANAGER

STORM DRAINAGE

HAVEN ESTATES (NO. 1) <sup>PHASE</sup>  
(GREAT AMERICAN DEVELOP. CO.,)  
JOSEPH SPAZIANI

(SEE TP 98-03)  
(C.CO. 99-093994)

3-2E-7A

HAVEN ESTATES NO. 1  
(FORMERLY TAX LOT. NO. 3101)

NOTE:

THIS C. CO. INSTRUMENT # 99-093994  
REPLACES # 9273655, AINSWORTH  
ESTATES PH. 1, 3-2E-7A T.L. 3101,  
JOSEPH F. SPAZIANI & PENNY J.  
SPAZIANI, 1992

1611 # 3

Env. 430