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**CITY OF OREGON CITY**

**PUBLIC UTILITY EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS, THAT** S&V Rentals, Inc., hereinafter called the GRANTOR, does 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 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.

The GRANTOR bargains, sells, conveys, transfers and delivers 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 "C" Legal Description and attached Exhibit "D" Sketch for Legal Description

**GRANTOR:**  
S & V Rentals, Inc.  
PO Box 1153  
Lake Oswego, OR 97035

**GRANTEE:**  
City of Oregon City  
320 Warner Milne Rd.  
Oregon City, OR 97045

**AFTER RECORDING RETURN:**  
City of Oregon City *Recorder*  
320 Warner Milne Rd.  
Oregon City, OR 97045

**98-015056**

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.

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 the 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.

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IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 21<sup>st</sup> day of January, 1998 and it has caused its name to be signed and seal affixed by its officer, duly authorized thereto by order of its board of directors.

**Steve Hilgedick, President**

STATE OF OREGON )  
County of Multnomah ) ss.

 OFFICIAL SEAL  
C JEFFREY ABBOTT  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 060070  
MY COMMISSION EXPIRES DEC. 9, 2000

  
Notary Public for Oregon

~~Mayor~~ Commission President

James H. Elliott  
City Recorder 2-18-98

## EXHIBIT A

### 15-FOOT WIDE WATER LINE EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 4, AND IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, SAID TRACT BEING A PORTION OF THE JAMES G. SWAFFORD PATENT CERTIFICATION NO. 613, ALSO BEING A PORTION OF TRACT 1 AND 2 OF THE RECORD SURVEY NO. 25958 DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE THAT MARKS THE NORTHWEST CORNER OF THE WASHINGTON WILLIAMS DONATION LAND CLAIM NO. 56 (SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SWAFFORD PATENT); THENCE NORTH 17°12'00" EAST ALONG THE EASTERLY LINE OF THE SAMUEL N. VANCE DONATION LAND CLAIM NO. 51 (BEING THE WESTERLY LINE OF SAID SWAFFORD PATENT), 573.10 FEET TO A POINT ON THE NORTHERLY LINE OF MARKET ROAD NO. 11 (BEAVERCREEK ROAD), 30.00 FEET FROM THE CENTERLINE THEREOF; THENCE SOUTH 80°19'00" EAST ALONG SAID NORTHERLY LINE OF BEAVERCREEK ROAD, 105.14 FEET TO THE POINT OF BEGINNING:

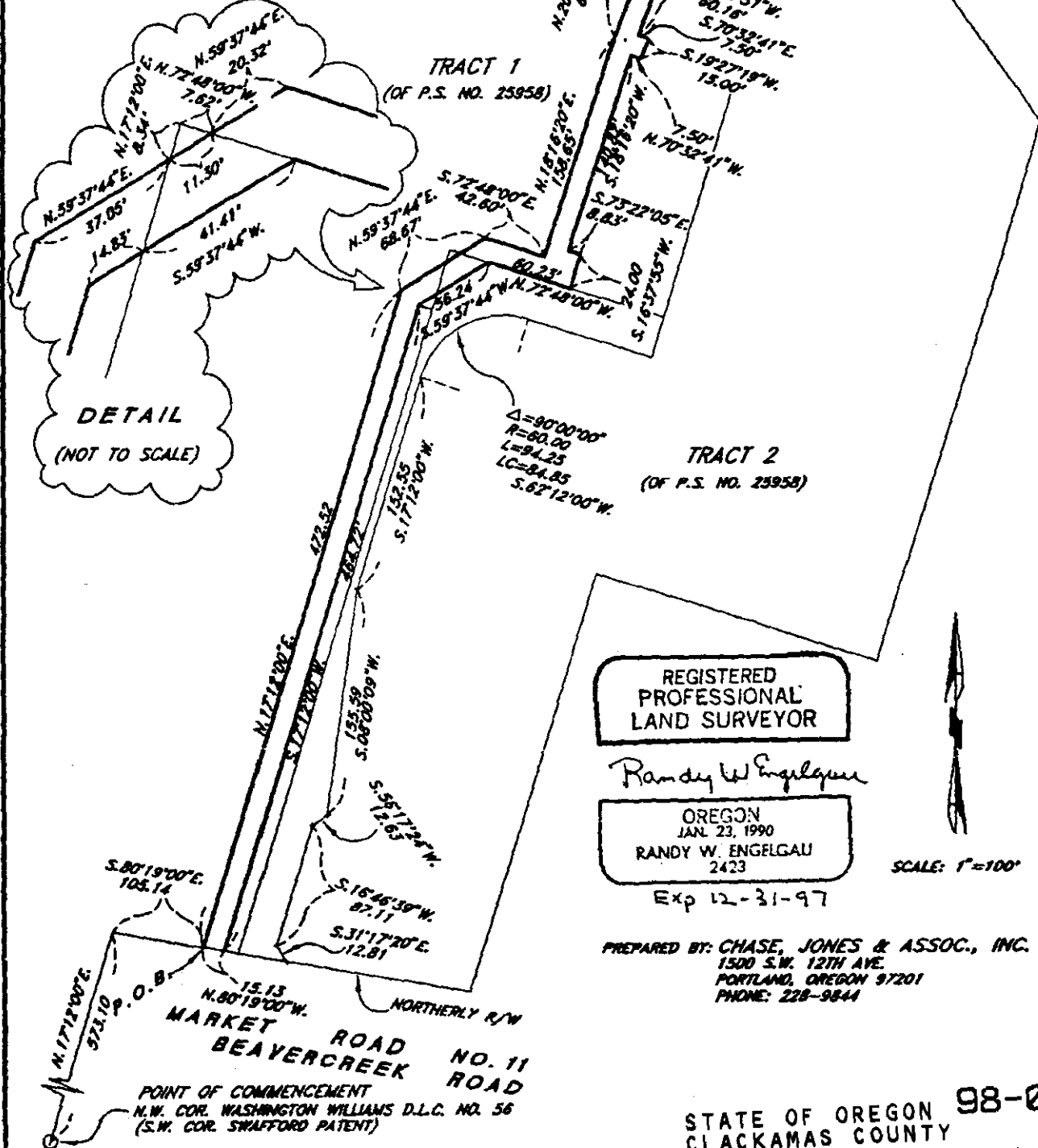
THENCE NORTH 17°12'00" EAST ALONG THE WESTERLY LINE OF TRACT 1 COMMON TO THE WAGNER TRACT RECORDED IN BOOK 251 PAGE 269 SHOWN ON THE RECORDED SURVEY NO. 25958 A DISTANCE OF 472.52 FEET; THENCE NORTH 59°37'44" EAST 37.05 FEET TO THE WESTERLY LINE OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING NORTH 59°37'44" EAST 11.30 FEET TO THE SOUTHERLY LINE OF TRACT 1 OF SAID SURVEY FROM WHICH A 5/8" IRON ROD WITH A "CHASE, JONES & ASSOC." CAP BEARS NORTH 72°48'00" WEST 7.62 FEET MARKING THE MOST WESTERLY NORTHWEST CORNER OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING NORTH 59°37'44" EAST 20.32 FEET; THENCE SOUTH 72°48'00" EAST PARALLEL WITH AND 15.00 FEET PERPENDICULAR AND NORTHERLY TO THE SAID LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY 42.60 FEET; THENCE NORTH 18°16'20" EAST 158.65 FEET; THENCE NORTH 20°54'51" EAST 67.75 FEET; THENCE NORTH 24°58'18" EAST 65.87 FEET; THENCE SOUTH 69°30'49" EAST 61.27 FEET; THENCE NORTH 17°12'00" EAST PARALLEL WITH AND 15.00 FEET PERPENDICULAR WESTERLY TO THE WESTERLY LINE COMMON TO SAID TRACT 1 AND 2 OF SAID SURVEY 57.66 FEET; THENCE NORTH 63°58'37" EAST 30.20 FEET TO THE EASTERLY LINE OF TRACT 1 OF SAID SURVEY; THENCE SOUTH 17°12'00" WEST ALONG SAID EASTERLY LINE 21.62 FEET; THENCE NORTH 72°48'00" WEST 7.00 FEET TO A 5/8" IRON ROD WITH A CAP MARKED "CHASE, JONES & ASSOC." MARKING THE MOST NORTHERLY NORTHWEST CORNER OF TRACT 2 OF SAID SURVEY; THENCE SOUTH 17°12'00" WEST ALONG THE COMMON LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY 72.60 FEET; THENCE NORTH 69°30'49" WEST 63.29 FEET; THENCE SOUTH 24°58'18" WEST 51.47 FEET; THENCE SOUTH 20°54'51" WEST 60.16 FEET; THENCE SOUTH 70°32'41" EAST 7.50 FEET; THENCE SOUTH 19°27'19" WEST 15.00 FEET; THENCE NORTH 70°32'41" WEST 7.50 FEET; THENCE SOUTH 18°16'20" WEST 140.82 FEET; THENCE SOUTH 73°22'05" EAST 8.83 FEET; THENCE SOUTH 16°37'55" WEST 24.00 FEET TO THE SOUTHERLY LINE OF TRACT 1 OF SAID SURVEY; THENCE NORTH 72°48'00" WEST ALONG THE COMMON LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY 60.23 FEET; THENCE SOUTH 59°37'44" WEST 41.41 FEET TO THE WESTERLY LINE OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING SOUTH 59°37'44" WEST 14.83 FEET; THENCE SOUTH 17°12'00" WEST PARALLEL WITH AND 10.00 FEET PERPENDICULAR WESTERLY OF THE COMMON LINE BETWEEN TRACT 1 AND 2 OF SAID SURVEY TO THE NORTHERLY RIGHT-OF-WAY LINE OF BEAVERCREEK ROAD 464.72 FEET; THENCE NORTH 80°19'00" WEST ALONG SAID RIGHT-OF-WAY 15.13 FEET TO THE POINT OF BEGINNING.

# EXHIBIT B

## MAP TO ACCOMPANY LEGAL DESCRIPTION

INGRESS/EGRESS EASEMENT THROUGH TRACTS  
1 & 2 OF P.S. NO. 25958

SITUATED IN THE S.E. 1/4 SECTION 5, T. 3 S., R. 2 E., W.M.  
CLACKAMAS COUNTY, OREGON





# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

FOR AGENDA

DATED  
February 18, 1998

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TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Public Utility Acceptance  
Map 2-2E-4C T.L. 802

Report No. 98-16

On the February 18, 1998 Commission agenda is the attached Public Utility Easement for the construction, reconstruction and maintenance of a water line through the property of the "Berryhill Condominiums", Map 2-2E-4C, tax lot 802 - City Planning File Number SP96-39. This project has been approved and is described by attached exhibits "A" and "B." The Public Utility Easement was required as a condition of approval for development.

It is recommended that the City Commission accept this Public Utility Easement and authorize the Mayor and the City Recorder to execute.

Charles Leeson  
City Manager

CC: Rich Carson, Community Development Director  
Allison Gonyeau, Engineering Technician  
File SP96-39