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After Recording Return To: City Recorder; City of Oregon City; 320 Warner Milne Road;  
Oregon City, Oregon 97045

**CITY OF OREGON CITY, OREGON**

**NON EXCLUSIVE ACCESS EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, THAT the City of Oregon City hereinafter called the GRANTOR, does hereby grant unto Clark Poulton and Carol Poulton, 19559 Toni Court, Oregon City, Oregon 97045, hereinafter called the GRANTEE(s), its successors in interest and assigns, an access easement, including the right to install driveway surface material over a portion of the property, plant grass and landscape shrubs and maintain the same 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 access easement unto the GRANTEE, its successors in interest and assigns forever or until such time as the GRANTOR unilaterally withdraws said access easement.

GRANTOR reserves the right to unilaterally withdraw the access easement with thirty (30) days notice to GRANTEE(s). GRANTEE(s) reserve the right to request the GRANTOR vacate the access easement with thirty (30) days notice to GRANTOR. No building or utility except partial coverage with driveway surface material shall be placed upon, under, or within the property subject to the foregoing access easement during the term thereof, however, without the written permission of the GRANTOR.

Upon withdrawal of this access easement by the GRANTOR, the GRANTEE(s) shall remove any personal property from the property 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 \$0.00, the receipt of which is hereby acknowledged by GRANTEE(s).

And the GRANTOR above named hereby covenants to and with the GRANTEE(s), and GRANTEE(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 personal representatives shall warrant and forever defend the said premises and every part thereof to the GRANTEE(s), its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

was not city property

98-000461

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 5<sup>th</sup> day of November, 1997; 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.

Grantee(s)

Clark Poulton

Signer's Name

Carol Poulton

Signer's Name

Clark and Carol Poulton

19559 Toni Court

Oregon City, OR 97045

(Grantee(s) Name and Address)

Personal Acknowledgment

STATE OF OREGON )

County of Clackamas ) ss.

Personally appeared the above named Clark Poulton and Carol Poulton and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Vivian D. Finnegan  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 3-09-00

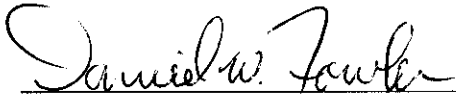


(OFFICIAL SEAL)

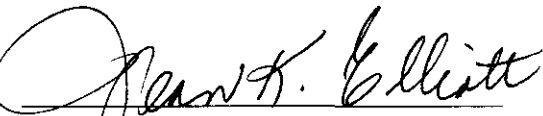
City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

(Grantor's Name and Address)

Extended on behalf of the City of Oregon City on the condition that the access easement granted is free and clear from taxes, liens, and encumbrances.



Mayor

attest:   
City Recorder

# EXHIBIT -A-

MAP# 3-2E-8D

## LEGAL DESCRIPTION

TRACT "A", Anderwood, County of Clackamas, State of Oregon.

STATE OF OREGON 98-000461  
CLACKAMAS COUNTY  
Received and placed in the public  
records of Clackamas County  
RECEIPT# AND FEE: 65818 \$50.00  
DATE AND TIME: 01/05/98 11:23 AM  
JOHN KAUFFMAN, COUNTY CLERK

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LINE OF ROADS  
POINT  
ENT  
ROD FOUND  
W PLASTIC CAP STAMPED AS NOTED  
TRIAN  
UTILITY EASEMENT  
SIDEWALK EASEMENT  
L  
BEARING  
RADIAL  
MENT BOX SET

EXHIBIT -B-

DEED REC. NO.  
77-3485

5/8" I.R.F. IN ASPHALT  
HELD FOR SOUTH LINE  
OF BOOK 593, PAGE 388  
RT-20.04' OF C/L

DEED BOOK 593  
PAGE 388

N 42°13'25" E  
225.00'

5/8" I.R.F. HELD

FRONT YARD

LOT 28  
8778 SF

REAR YARD

LOT  
8184

LOT 27  
8066 SF

LOT 26  
8128 SF

LOT 25  
8190 SF

LOT 5  
10,499 SF

LOT 4  
8684 SF

LOT 3  
9247 SF

LOT 1  
8761 SF

LOT 2  
8764 SF

SEE ESMT. NOTES  
LOTS 1-4

TRACT 'A'  
4.19 SF  
230.07'

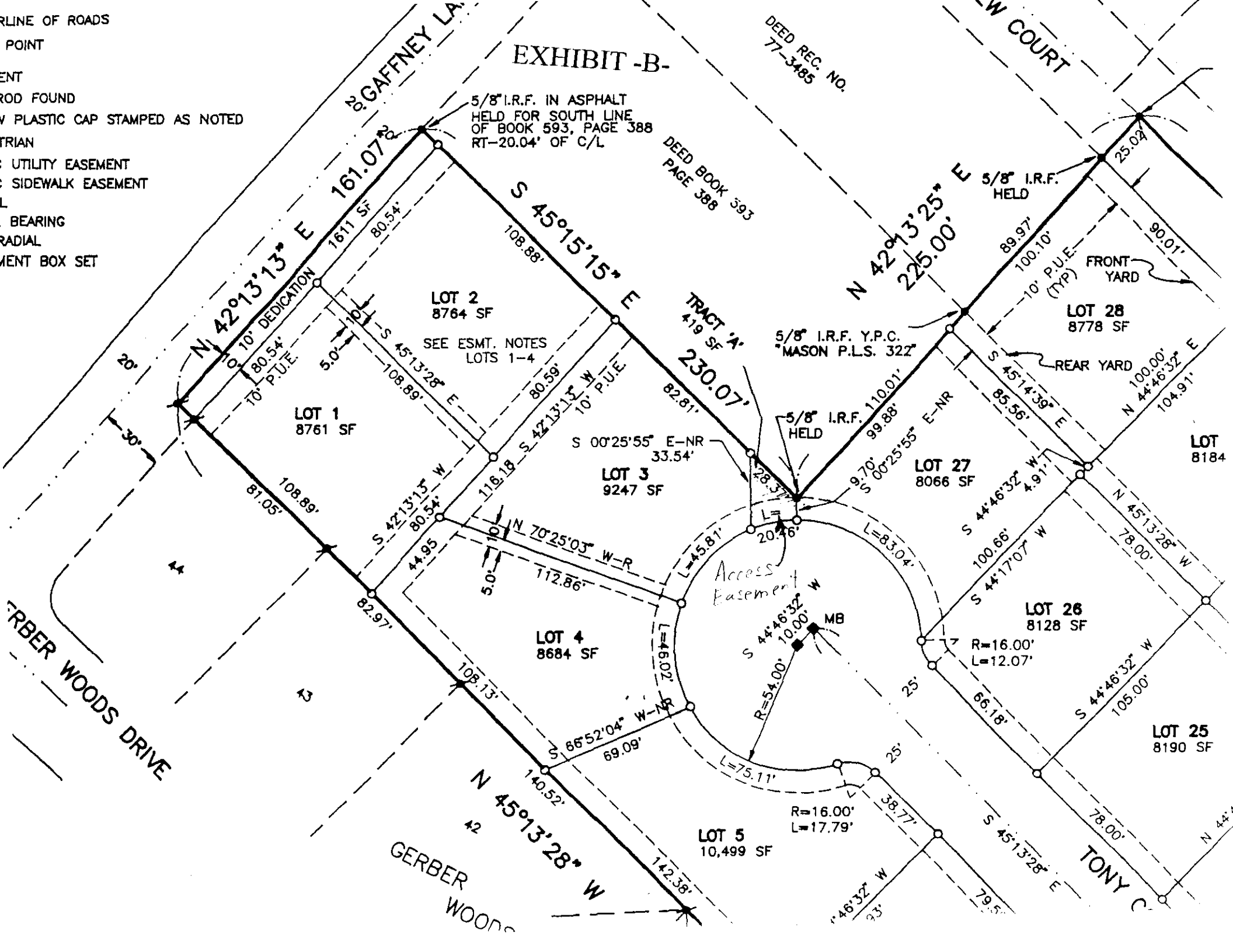
Access  
Easement

MB

GERBER WOODS DRIVE

GERBER WOODS

TONY C



October 9, 1997

City of Oregon City  
320 Warner Milne Rd.  
Oregon City OR 97045

I would like to request an access easement across publicly owned Tract <sup>A</sup>~~X~~ on Toni Court in the Anderwood subdivision in Oregon City. This is necessary because without it there is no access to the right side of the garage to my new home at 19559 Toni Court.

If, and when, the property on Gaffney Lane develops, a driveway from that property to Toni Court could butt up against my driveway, providing one driveway for both properties. Until the property on Gaffney lane develops, I would maintain the property not used as a driveway and include it in the landscaping of my property.

The benefits to the City are that I would maintain the publicly owned property until such time as the property on Gaffney Lane develops and I would provide a sidewalk and curb for this property.

Thank you for your consideration in this matter.

Respectfully submitted,



Clark Poulton  
19559 Toni Court  
Oregon City OR 97045  
Home ph: 656-7838  
Work ph: 657-1365



## CITY OF OREGON CITY

INCORPORATED 1844

# COMMISSION REPORT

FOR AGENDA

DATED  
November 5, 1997

TO THE HONORABLE MAYOR AND COMMISSIONERS

**Subject:** Non Exclusive Access Easement  
Map 3-2E-8D Tract "A", Anderwood Subdivision

**Report No. 97-155**

On the November 5, 1997 Commission agenda, a Non Exclusive Access Easement by the City of Oregon City extended to Clark and Carol Poulton, 19559 Toni Court, Oregon City, OR of a Tract of property in the Anderwood subdivision as described in the attached Exhibits "A" and "B". The non exclusive access easement provides additional access to the Poulton garage in exchange for their maintenance of the property. This non exclusive access easement will be in effect until such time as the City withdraws the easement or the Poultons request vacation of the easement.

It is recommended that the City Commission adopt a motion to accept the non exclusive access easement and authorize the Mayor and the City Recorder to execute respectively.

CHARLES LEESON  
City Manager

**cc:** Rich Carson, Community Development Director  
Jay Toll, Engineering Associate  
File

Access Easement 3-2E-8D

T.L. 1003

(Anderwood Lot 3)

19559 TONI CT.



Clark Poulton 11/97

DOC# 98-000461

1713 # 7

Env. 66