

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT William E. Baker and Digna C. Baker, husband and wife 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 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.

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 \$-0-, 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

NONE

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.

97-099073

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 24th day of October, 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.

Individuals
general partnerships

Digna C Baker
Owner

W E Baker
Owner

Ernest + Digna Baker
13702 S Lacey Lane
Oregon City Or 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.

Daniel W. Fawcett
Mayor

Frank K. Elliott
City Recorder

Personal Acknowledgment
STATE OF OREGON)

) ss.
County of Clackamas)

Personally appeared the above named William E. Baker and Digna C. Baker and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Christina M Hammack
NOTARY PUBLIC FOR OREGON

My Commission Expires: 5/7/99



(OFFICIAL SEAL)

Space reserved for County
Record's Office

STORM DRAINAGE EASEMENT
TAX LOT 1900 (MAP 3-2E-8A)
SOUTHEAST LAZY CREEK LANE

EXHIBIT "A"

A STRIP OF LAND IN THE SOUTHEAST-QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO WILLIAM E. BAKER AND DIGNA C. BAKER, HUSBAND AND WIFE RECORDED MARCH 2, 1992, CLACKAMAS COUNTY RECORDER'S FEE NO. 92-11515 DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE AT THE NORTHWEST CORNER CAUFIELD D.L.C. NO. 53; THENCE, ALONG THE WEST LINE OF SAID CAUFIELD D.L.C., S.18°45'09"W., 1168.37 FEET TO A 5/8-INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COMPASS CORP." ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHEAST LAZY CREEK LANE (PRIVATE DRIVE) AS DESCRIBED IN SAID BAKER TRACT; THENCE, ALONG SAID NORTH LINE, N.76°51'52"E., 435.59 FEET TO THE TRUE POINT-OF-BEGINNING; THENCE, CONTINUING ALONG SAID NORTH LINE, N.76°51'52"E., 25.00 FEET; THENCE, DEPARTING SAID NORTH LINE, S.13°08'08"E., 75.00 FEET; THENCE S.76°51'52"W., 25.00 FEET; THENCE N.13°08'08"W., 75.00 FEET TO THE POINT-OF-BEGINNING.

TOGETHER WITH A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES TWENTY (20.00) FEET WIDE, ADJOINING THE NORTHEASTERLY SIDE OF THE ABOVE DESCRIBED PERMANENT EASEMENT; SAID TEMPORARY EASEMENT TO AUTOMATICALLY TERMINATE UPON COMPLETION OF THE STORM DRAINAGE SEWER INSTALLATION.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE MAP OF PRIVATE SURVEY NO. 27322, CLACKAMAS COUNTY SURVEY RECORDS AND SAID MAP BY REFERENCE IS MADE A PART HEREOF.

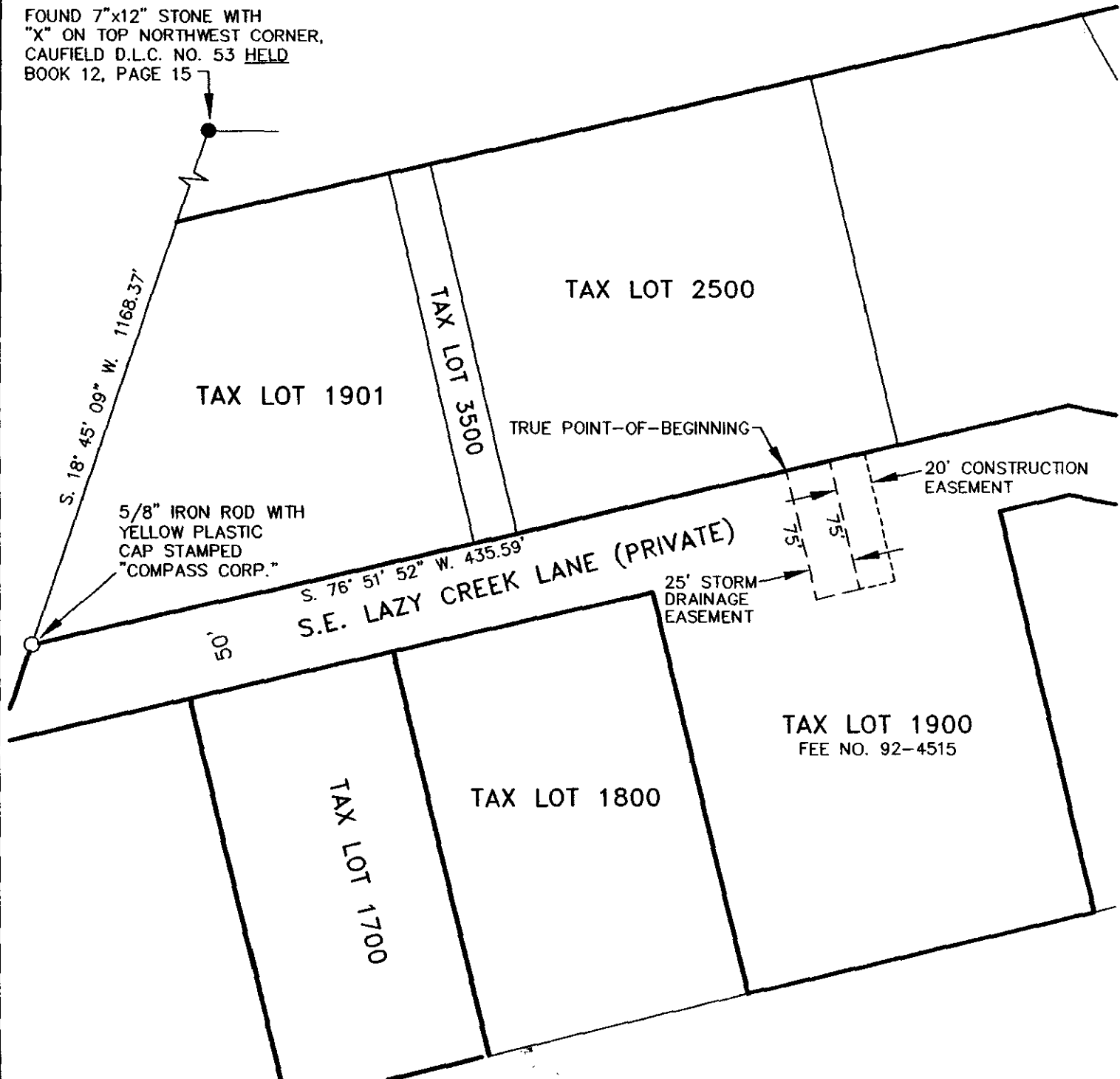
SITUATED IN THE ROBERT CAUFIELD D.L.C. NO. 53
IN THE SOUTHEAST 1/4 SECTION 8, T. 3 S., R. 2 E., W.M.
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

OCTOBER 20, 1997

SCALE: 1" = 80'



FOUND 7"x12" STONE WITH
"X" ON TOP NORTHWEST CORNER,
CAUFIELD D.L.C. NO. 53 HELD
BOOK 12, PAGE 15



STORM DRAINAGE
EXHIBIT MAP

COMPASS CORPORATION
6564 S.E. LAKE ROAD
MILWAUKIE, OREGON 97222
PHONE: (503) 653-9093
JOB NO. EXHIB



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

November 5, 1997

Page 1 of 1

Subject: Public Utility Easement and
Construction Easement Acceptance -
Lazy Creek Lane

Report No. 97-154

On the November 5, 1997 agenda is a Public Utility Easement for the construction, reconstruction and maintenance of the Storm Drainage for the Char Diaz Estates, Map 3-2E-8A, TL 1900, located on Lazy Creek Lane. This easement has been required as a condition of approval of the development (Planning File TP96-05). Attached is the Easement and Exhibit A which is the legal description of the property and Exhibit B which is a map of the location.

Included with the Public Utility Easement for storm drainage is a temporary construction easement for the construction of the storm drainage project. This temporary construction easement has also been required as a condition of approval of the development.

Based upon the requirement of the conditions of approval, it is recommended that the combination Public Utility Easement and temporary construction easement be accepted and the Mayor and City Recorder authorized to execute.

CHARLES LEESON
City Manager

JT:jke
Attach.

cc: Community Development Director
Jay Toll, Engineering Associate
City Engineer1

PUBLIC UTILITY EASEMENT 3-2E-8A
T.L. 1900

DOC# 97-099073

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