

CITY OF OREGON CITY, OREGON

WATER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT S & V RENTALS, INC. hereinafter called the GRANTOR, do 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 15-Foot Wide Water Line Easement 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.

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 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 6 day of August, 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

Owner

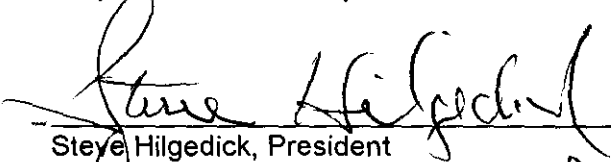
Owner

(if executed by a corporation
affix corporate seal)

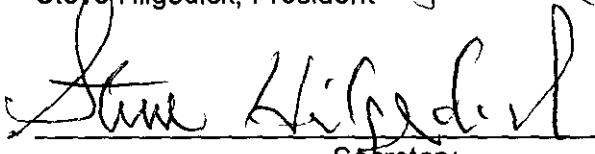
Corporation
limited partnership

S & V RENTALS, INC.

Corporation/Partnership Name



Steve Hilgedick, President



Secretary

Personal Acknowledgment
STATE OF OREGON)

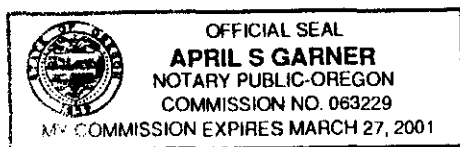
County of Clackamas) ss.

Personally appeared the above
named Steve Hilgendorf and acknowledged the
foregoing instrument to be _____ voluntary act and
deed.

Before me:

April Garner
NOTARY PUBLIC FOR OREGON

My Commission Expires: _____



(OFFICIAL SEAL)

S & V RENTALS, INC.
P.O. BOX 1153
LAKE OSWEGO, OR 97035
(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. Fowler
Mayor

8-20-97

Frank E. Elliott
City Recorder



Corporate Acknowledgment
STATE OF OREGON)

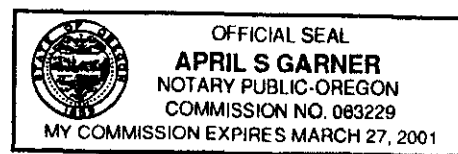
County of Clackamas) ss.

Personally appeared Steve Hilgendorf 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 S & V RENTALS 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:

April Garner
NOTARY PUBLIC FOR OREGON

My Commission Expires: _____



(OFFICIAL SEAL)

Space reserved for County
Record's Office

[WPFILES\NEAL_____.EAS]

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:

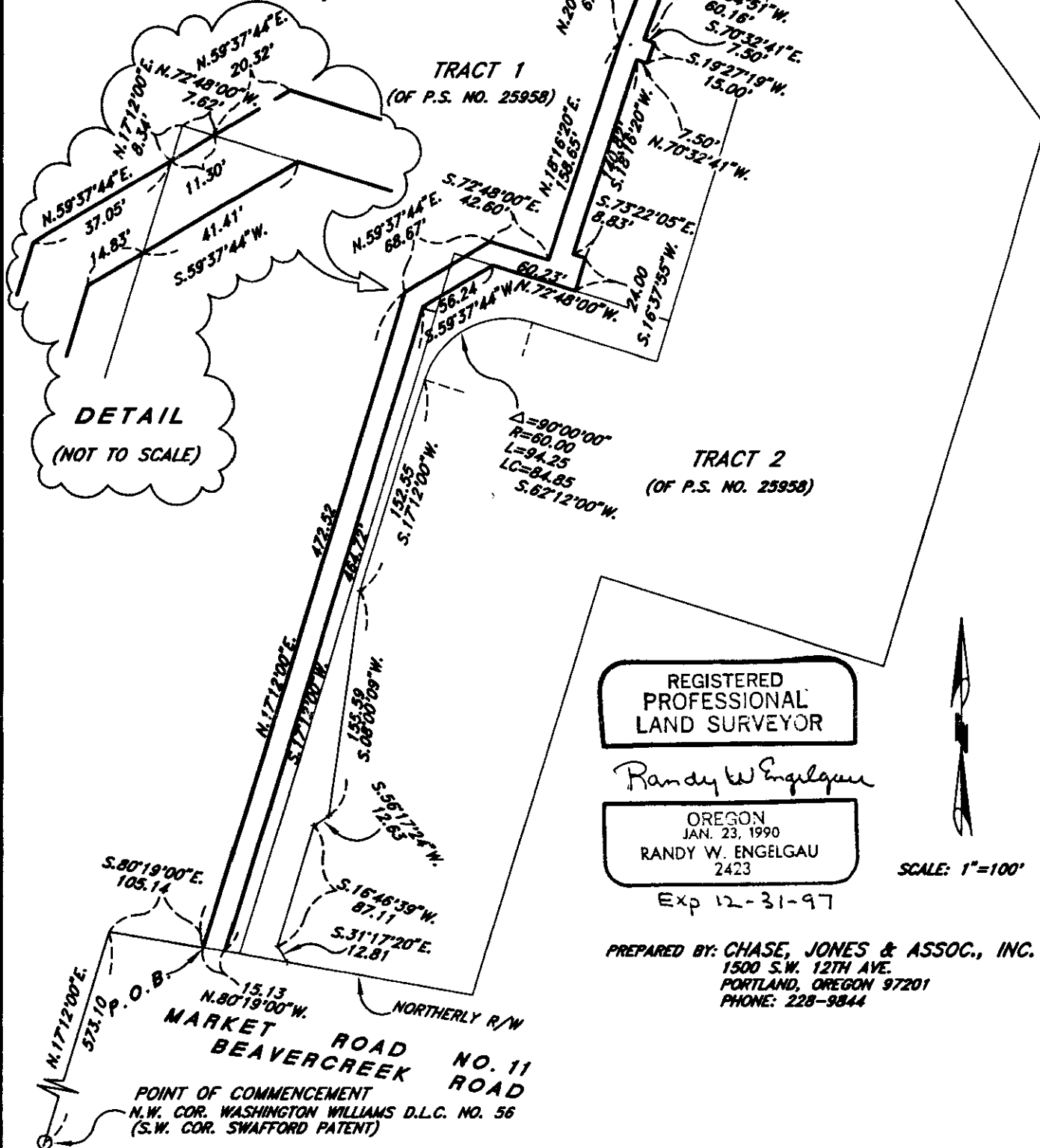
THENCE NORTH 17°12'00" EAST ALONG THE WESTERLY LINE OF TRACT 1 COMMON TO THE WAGNER TRACT RECORDED IN BOOK 251 PAGE 269 SHOWN ON THE RECORDED SURVEY NO. 25958 A DISTANCE OF 472.52 FEET; THENCE NORTH 59°37'44" EAST 37.05 FEET TO THE WESTERLY LINE OF TRACT 2 OF SAID SURVEY; THENCE CONTINUING NORTH 59°37'44" 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

8/20/1997

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

Report No. 97-117

Subject: Water Line Easement Dedication
Map No. 3S-2E-4C T.L. No. 802
City Planning File No. SP 96-39

BACKGROUND:

City has approved the construction of 32 unit Berry Hill Town Homes on October 8, 1996. Condition of approval number 21 requires the developer to install an 8" water line extending to the east property line for connection with neighboring development. Construction plans were approved on October 4, 1996. Construction of water line is nearly completed and the attached easement for this water line.

RATIONAL:

Easement is needed to construct, operate and maintain the water line.

RECOMMENDATION:

It is recommended that the City Commission accepts this water line easement.

Charles Leeson
City Manager

CC: Rich Carson, Community Development Director
Sami Ayoub, Engineering Associate
File

ISSUED BY THE CITY MANAGER
\\FS2\VOL2\WPFILES\SAM\PVT-DEV\SP\96-39.EAS

Waterline Easement 3-2E-4C
T.L. 802

S&V Rentals, Inc. 8/20/97
(Berryhill Condominiums) $\frac{1}{2}$
2/18/98

DOC# 97-087234
98-015050

Pg	Item
1415	8

Book Pg # 1415

Env. 93