

Lot 39, "Fairway Downs"
3-2E-15BB

After Recording Return to: Oregon City Recorder, 320 Warner Milne Road, Oregon City, OR 97045

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

TP92-09
FAIRWAY DOWNS

CSL Properties, Inc. and Ken Randall Homes, L.L.C.

KNOW ALL MEN BY THESE PRESENTS, THAT CSL Properties 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 A STORM DRAINAGE 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.

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 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.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 20 day of April, 1995, and corporate grantor has caused its name to be signed by its officers, duly authorized thereto by order of its board of directors.

KEN RANDALL HOMES, L.L.C.

STATE OF OREGON

County of Multnomah

April 20, 1995

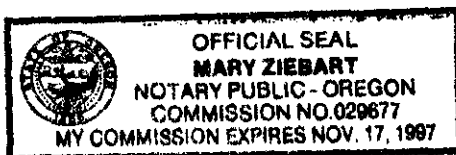
96-0780

Kenneth A. Randall
By Kenneth A. Randall, Member

Personally appeared Kenneth A. Randall, who be duly sworn did say that he is the Member and authorized signator for Ken Randall Homes, L.L.C. an Oregon limited liability company, and that foregoing instrument was signed on behalf of the limited liability company.

1

Mary Ziebart
Notary Public for Oregon



Corporation
limited partnership

CSL Properties, Inc.
Corporation/Partnership Name

By Steven P. Mozinski, Vice President

Signer's Name, Title

Signer's Name, Title

CSL Properties
9500 S.W. Barbur Blvd., Suite 300
Portland, Oregon 97219

(Grantors Name and Address)

Corporate Acknowledgment
STATE OF OREGON

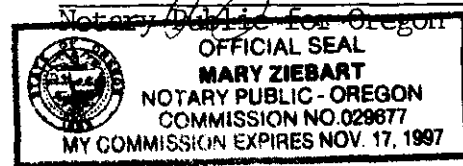
County of Multnomah

On April 20, 1995,

Personally appeared Steven P. Mozinski
and n/a who being duly sworn, each
for himself and not one for the other did say that the former is
the Vice president and that the latter is the
secretary of CSL Properties, Inc.

CSL Properties, Inc. a corporation, and that the foregoing
instrument was signed 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:



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

(Grantees 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.

Samuel W. Fowler

Mayor

Alan K. Elliott
City Recorder

10-16-96



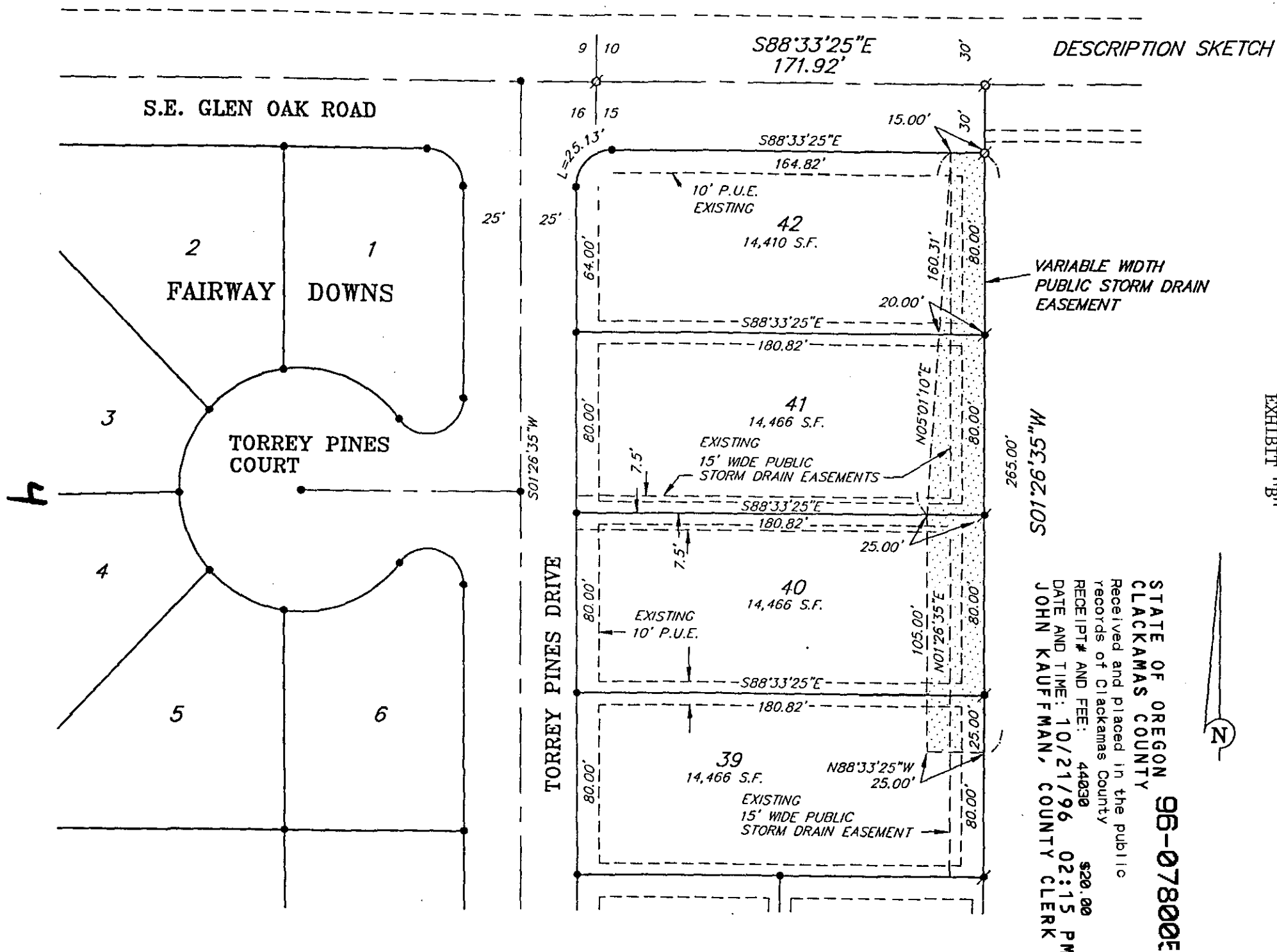
EXHIBIT "A"

DESCRIPTION OF PUBLIC STORM DRAIN EASEMENT OVER LOT 39, "FAIRWAY DOWNS".

THAT PORTION OF THE NW 1/4 OF SECTION 15, T.3 S., R. 2 E., CLACKAMAS COUNTY,
OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 39, "FAIRWAY DOWNS", PLAT NO. 3161
AS RECORDED IN PLAT BOOK 103 AT PAGE 13 OF THE PLAT RECORDS OF SAID COUNTY:
THENCE S01°26'35" W, 25.00 FEET ALONG THE EAST LINE OF SAID LOT 39 TO A POINT;
THENCE N88°33'25" W, 25.00 FEET; THENCE N01°26'35" E, 25.00' TO A POINT ON THE NORTH
LINE OF SAID LOT 39, THENCE S88°33'25" E, 25.00 FEET ALONG THE NORTH LINE OF SAID
LOT 39 TO THE POINT OF BEGINNING.

EXHIBIT 'B'





CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
October 16, 1996

1 of 2

Page

Subject: Miscellaneous Easement Acceptance

Report No. 96-118

On the October 16, 1996 Commission agenda are several easements for various private development projects required for the completion of public works improvements. They are as follows:

Storm drain:

Noblecrest Subdivision, TP95-04.
Golding/Hathaway
Fairway Downs, Phase I Subdivision, TP92-09
CSL Properties & Ken Randall Homes, LLC
Lots 39, 40, 41, 42
Cokeron Subdivision, TP94-08
Dunlap/Morris/Curl

Storm Drain & Sanitary Sewer:

Osprey Glen, Phase I, TP95-06
Tharp

Sidewalk:

Forest Heights Apartments, PD90-01 (formerly Barclay Village II)
Davis 3-2E-5BA Taxlot 800
Wilco relocation, SP95-49
Lizer

Water line:

McLoughlin Square Assisted Living Center, SP94-14
McLoughlin Square LP
Skyles
Holmes Meadows Subdivision, TP94-05
Oregon City School District



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
October 16, 1996

2 of 2

Page

Subject: Miscellaneous Easement Acceptance

Report No. 96-118

Fire Department Turnaround:
Cokeron Subdivision, TP94-08
Dunlap/Morris/Curl

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

CHARLES LEESON
City Manager

cc: Rich Carson, Community Development Director
Henry Mackenroth, City Engineer

[H:\WPFILES\NEAL\9606-EASE.RPT]

Public ~~Utility~~ Easement
STORM
3-2E-15BB
Tax Lot ~~39~~ 16439

Grantor



"FAIRWAY DOWNS"
No. 1

Lot No. 39

page 1920

Item # 4

Records D_x # 96-078005

Env. 305