

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT B.H.L.P. 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 waterline 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 "C" Legal Description and attached Exhibit "D" Sketch for Legal Description.~~

~~It being understood that said temporary easement is only for the original excavation and construction of said utility 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 (except those of record)

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 1 day of March, 1996.

Individuals,
general partnerships

[Signature]
Signer's Name, Paul W. Ables, General
Partner, BHP

Signer's Name,

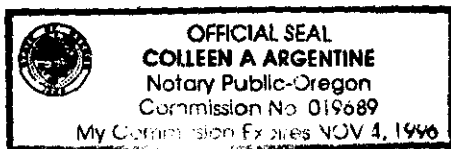
Personal Acknowledgment
STATE OF OREGON)

County of Clackamas) ss.

Personally appeared the above named _____
Paul W. ABLES and
acknowledged the foregoing instrument to be _____
_____ voluntary act and deed.

Before me:

Colleen A. Argentine
3/1/96



Berry Heights Limited Partnership
7831 S.E. Lake Rd. Suite 201
Portland, OR 97267
(Grantor's Name and Address)

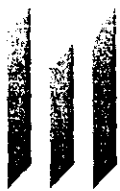
City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045

(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.

[Signature]
Mayor
[Signature]
City Recorder





WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

Fax: 503 624-0157

Waterline Easement
Berry Heights - Phase I
Project No.: 531-03A1-94
March 1, 1996

EASEMENT DESCRIPTION

An easement for purposes of installing and maintaining a waterline and any and all appurtenances thereto, over under and across a strip of real property having a width of 15.00 feet, measured at right angles to, and being 7.50 feet each side of the following described centerline:

Being a portion of the Washington Williams Donation Land Claim Number 56, in the northwest one-quarter of Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas, State of Oregon, also being a portion of that real property granted to Berry Heights Partnership, an Oregon Limited Partnership, in that document recorded as Fee Number 93-98858 deed records of said Clackamas County, said centerline being more particularly described as follows:

Commencing at the northeasterly corner of said Berry Heights tract (Fee Number 93-98858); thence, southerly along the easterly line of said tract South $0^{\circ}04'45''$ West, 11.94 feet; thence, South $89^{\circ}02'04''$ West, 96.67 feet to the True Point of Beginning of the subject centerline; thence, South $89^{\circ}02'04''$ West, 52.60 feet; thence, South $0^{\circ}01'08''$ West, 10.60 feet to the beginning point of a curve to the left tangent at said point to the last said course; thence, along the arc of said curve having a radius of 222.50 feet, a central angle of $4^{\circ}51'46''$, a chord of South $2^{\circ}24'45''$ East, 18.88 feet, an arc length of 18.88 feet; thence, South $4^{\circ}50'38''$ East, 98.41 feet to a point hereinafter called Point "A"; thence, from said Point "A" South $85^{\circ}09'22''$ West, 52.06 feet to a point hereinafter called Point "B"; thence, South $85^{\circ}09'22''$ West, 38.71 feet to a point hereinafter called Point "C"; thence, South $85^{\circ}09'22''$ West, 140.01 feet to the beginning point of a curve to the right, tangent at said point to the last said course; thence, along the arc of said curve having a radius of 222.50 feet, a central angle of $3^{\circ}06'51''$, a chord of South $86^{\circ}42'47''$ West, 12.09 feet, an arc length of 12.09 feet to a point

hereinafter called Point "D" said Point "D" being a point of curvature; thence, along the last named curve extended, with the same radius of 222.50 feet, a central angle of $6^{\circ}34'26''$, a chord of North $88^{\circ}26'34''$ West, 25.51 feet, an arc length of 25.53 feet; thence, North $85^{\circ}09'22''$ West, 122.39 feet to a point hereinafter called Point "E"; thence, continuing North $85^{\circ}09'22''$ West, 34.56 feet to a point hereinafter called Point "F"; thence, continuing North $85^{\circ}09'22''$ West, 55.10 feet to a point hereinafter called Point "G"; thence, North $85^{\circ}09'22''$ West, 5.94 feet; thence, South $85^{\circ}09'22''$ West, 236.85 feet; thence, North $85^{\circ}09'22''$ West, 52.93 feet; thence, North $67^{\circ}30'00''$ West, 20.24 feet; thence, North $25^{\circ}11'00''$ East, 165.10 feet to the northerly line of the aforesaid real property and the point of termination of this particular portion of said centerline.

Also included herewith a centerline beginning at the certain point previously identified as Point "A"; thence, from said Point "A" South $4^{\circ}50'38''$ East, 12.71 feet; thence, South $4^{\circ}50'38''$ West, 81.11 feet to a point hereinafter called Point "H"; thence, continuing South $4^{\circ}50'38''$ West, 79.42 feet to a point hereinafter called Point "I"; thence, continuing South $4^{\circ}50'38''$ West, 83.17 feet to a point hereinafter called Point "K"; thence, continuing South $4^{\circ}50'38''$ West, 3.53 feet to a point hereinafter called Point "L"; thence, South $4^{\circ}50'38''$ East, 86.26; thence, North $90^{\circ}00'00''$ West, 10.69 feet to a point hereinafter called Point "M"; thence, North $90^{\circ}00'00''$ West, 13.48 feet to a point hereinafter called Point "N"; thence, North $90^{\circ}00'00''$ West, 209.86 feet to a point hereinafter called Point "O"; thence, North $90^{\circ}00'00''$ West, 2.38 feet; thence, South $85^{\circ}09'22''$ West, 10.67 feet to a point hereinafter called Point "P"; thence, continuing South $85^{\circ}09'22''$ West, 129.84 feet to a point hereinafter called Point "R"; thence, South $85^{\circ}09'22''$ West, 10.00 feet to a point hereinafter called Point "S"; thence, continuing South $85^{\circ}09'22''$ West, 25.27 feet to a point hereinafter called Point "T"; thence, North $4^{\circ}50'38''$ West, 157.57 feet to the beginning point of a curve to the right, tangent at said point to the last said course; thence, along the arc of said curve, having a radius of 222.50 feet, a central angle of $4^{\circ}45'35''$, a chord of North $2^{\circ}27'51''$ West, 18.48 feet, an arc length of 18.48 feet to a point hereinafter called Point "V"; thence, continuing along the arc of the last said curve extended holding the radius of 222.50, a central angle of $1^{\circ}20'01''$, a chord of North $0^{\circ}34'57''$ East, 5.18 feet, an arc length of 5.18 feet to a point hereinafter called Point "W"; thence, continuing along the arc of the last said curve extended, holding the radius of 222.50 feet, a central angle of $3^{\circ}35'41''$, a chord of North $3^{\circ}02'48''$ East, 13.96 feet, an arc length of 13.96 feet; thence, North $4^{\circ}50'38''$ East, 159.56 feet to a point hereinbefore called Point "F" and the point of termination of this particular portion of said centerline.

Also included herewith a centerline beginning at aforementioned Point "A" and running thence, South $88^{\circ}16'55''$ East, 27.00 feet.

Also included herewith a centerline beginning at aforementioned Point "B" and running thence North $4^{\circ}34'29''$ West, 31.07 feet.

Also included herewith a centerline beginning at aforementioned Point "C" and running thence South $4^{\circ}50'38''$ East, 16.89 feet.

Also included herewith a centerline beginning at aforementioned Point "D" and running thence North $1^{\circ}43'47''$ West, 26.55 feet;

Also included herewith a centerline beginning at aforementioned Point "E" and running thence South $4^{\circ}50'38''$ West, 15.00 feet.

Also included herewith a centerline beginning at aforementioned Point "G" and running thence North $4^{\circ}50'38''$ East, 11.03 feet; thence, North $40^{\circ}09'22''$ West, 15.56 feet.

Also included herewith a centerline beginning at aforementioned Point "H" and running thence North $85^{\circ}09'22''$ West, 16.69 feet.

Also included herewith a centerline beginning at aforementioned Point "I" and running thence North $84^{\circ}11'12''$ West, 14.73 feet.

Also included herewith a centerline beginning at aforementioned Point "K" and running thence South $85^{\circ}09'22''$ East, 29.42 feet.

Also included herewith a centerline beginning at aforementioned Point "L" and running thence South $85^{\circ}09'22''$ West, 15.32 feet.

Also included herewith a centerline beginning at aforementioned Point "M" and running thence South $0^{\circ}00'00''$ East, 24.56 feet.

Also included herewith a centerline beginning at aforementioned Point "N" and running thence North $0^{\circ}00'00''$ East, 15.97 feet.

Also included herewith a centerline beginning at aforementioned Point "O" and running thence North $0^{\circ}00'00''$ East, 12.75 feet; thence, North $57^{\circ}59'13''$ West, 10.90 feet.

Also included herewith a centerline beginning at aforementioned Point "P" and running thence South $0^{\circ}00'00''$ East, 21.99 feet to a point hereinafter called Point "Q"; thence, continuing South $0^{\circ}00'00''$ East, 144.40 feet to the southerly line of said Berry Heights tract (Fee Number 93-98858).

Also included herewith a centerline beginning at aforementioned Point "Q" and running thence North $90^{\circ}00'00''$ East, 17.82 feet.

Page 4 of 4
Waterline Easement
Berry Heights
Project No.: 531-03A1-94

Also included herewith a centerline beginning at aforementioned Point "R" and running thence North 4°50'38" West, 22.59 feet.

Also included herewith a centerline beginning at aforementioned Point "S" and running thence North 4°50'38" West, 22.59 feet.

Also included herewith a centerline beginning at aforementioned Point "T" and running thence South 85°09'22" West, 43.05 feet to a point hereinafter called Point "U"; thence, continuing South 85°09'22" West, 14.45 feet.

Also included herewith a centerline beginning at aforementioned Point "U" and running thence South 4°50'38" East, 11.45 feet; thence, South 40°09'22" West, 15.67 feet.

Also included herewith a centerline beginning at aforementioned Point "V" and running thence South 89°54'56" West, 18.51 feet.

Also included herewith a centerline beginning at aforementioned Point "W" and running thence South 88°45'03" East, 27.02 feet.

Sidelines subject to lengthening and/or shortening so as to terminate upon the grantors property line.

53103a1.LD

STATE OF OREGON 96-021848
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 33780 \$30.00
DATE AND TIME: 03/28/96 02:41 PM
JOHN KAUFFMAN, COUNTY CLERK

111
6



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
March 6, 1996

1 of 1

Page

Subject: Kingsbury Heights, SP93-34 - Waterline Easements

Report No. 96-25

On the March 6, 1996 Commission agenda are waterline easements for the Kingsbury Heights Apartment project, SP93-34. The easement documents are attached for Commission review.

It is recommended the City Commission adopt a motion accepting the easement(s) and authorize the Mayor and City Recorder to execute respectively.

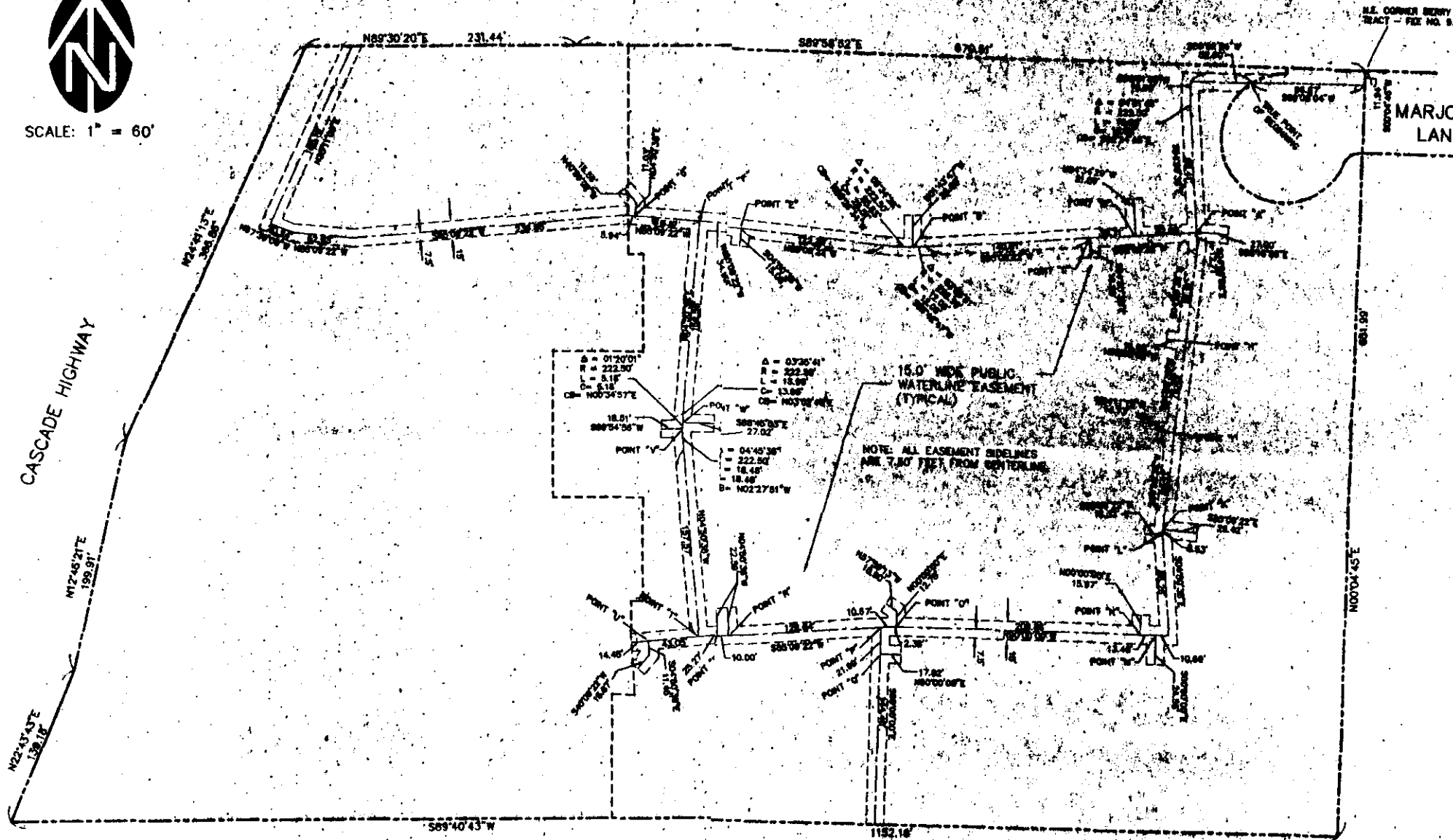
CHARLES LEESON
City Manager

cc: Rich Carson, Community Development Director
Neal Robinson, Senior Engineer

[H:\WPFILES\NEAL\93\SP93-34A.RPT]



SCALE: 1" = 60'



**BERRY HEIGHTS PHASE I
WATERLINE EASEMENT
EXHIBIT MAP**

SITUATED IN THE NW 1/4 OF SECTION 9, T. 3S., R. 2E., W.M.
IN THE WASHINGTON WILLIAMS D.L.C. NO. 56
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

PRINTED BY

MAR 01 1996

Westlake Consultants, Inc.

DATE 6-18-95

DRAWN BY JPS

CHECKED BY JPS

REVISIONS

WESTLAKE
CONSULTANTS INC.

ENGINEERING • SURVEYING • PLANNING
PACIFIC CORPORATE CENTER

3310451.DWG

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT B.H.L.P. 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 waterline 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 "C" Legal Description and attached Exhibit "D" Sketch for Legal Description.~~

~~It being understood that said temporary easement is only for the original excavation and construction of said utility 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 (except those of record)

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 1 day of March, 1996.

Individuals
general partnerships

Paul W. Ables
Signer's Name, Paul W. Ables, General Partner, BHP

Signer's Name,

Personal Acknowledgment

STATE OF OREGON)

County of Clackamas) ss.

Personally appeared the above named Paul W. ABLES and

acknowledged the foregoing instrument to be voluntary act and deed.

Before me:

Colleen A. Argentine
31.1.96



Berry Heights Limited Partnership

7831 S.E. Lake Rd. Suite 201
Portland, OR 97267

(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.

Mayor

City Recorder

3-6-96



WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652
Fax: 503 624-0157

Waterline Easement
Berry Heights - Phase II
Project No: 531-04C-94
March 1, 1996

EASEMENT DESCRIPTION

An easement for purposes of installing and maintaining a waterline and any and all appurtenances thereto, over under and across a strip of real property having a width of 15.00 feet, measured at right angles to, and being 7.50 feet each side of the following described centerline:

Being a portion of Washington Williams Donation Land Claim Number 56, in the northwest one-quarter of Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas, State of Oregon, also being a portion of that real property granted to Berry Heights Partnership, an Oregon Limited Partnership, in that document recorded as Fee Number 93-98858, Clackamas County Deed Records, said centerline being more particularly described as follows:

Commencing at the northeast corner of said document Fee Number 93-98858; thence, along the easterly line of said document Fee Number 93-98858, South $00^{\circ}04'45''$ West, 144.41 feet; thence leaving said easterly line, North $89^{\circ}55'15''$ West, 618.78 feet to the True Point of Beginning hereinafter called Point "A"; thence, North $85^{\circ}09'22''$ West, 5.94 feet; thence, South $85^{\circ}09'22''$ West, 2.50 feet to a point hereinafter called Point "B"; thence, South $85^{\circ}09'22''$ West, 134.00 feet to a point hereinafter called Point "C"; thence, South $85^{\circ}09'22''$ West, 100.34 feet to a point hereinafter called Point "D"; thence, North $85^{\circ}09'22''$ West, 52.93 feet; thence, North $67^{\circ}30'00''$ West, 17.37 feet; thence, South $24^{\circ}41'13''$ West, 19.71 feet to a point hereinafter called Point "E"; thence, South $24^{\circ}41'13''$ West, 187.21 feet to a point hereinafter called Point "F"; thence, South $24^{\circ}41'13''$ West, 13.68 feet; thence, South $04^{\circ}51'46''$ East, 10.17 feet to a point hereinafter called Point "G"; thence, South $04^{\circ}51'46''$ East, 137.48 feet; thence, North $85^{\circ}08'14''$ East, 34.54 feet to a point hereinafter called Point "H"; thence, North $85^{\circ}08'14''$ East, 16.27 feet to a point hereinafter called Point "J"; thence, North $85^{\circ}08'14''$ East, 91.07 feet to a point hereinafter called Point "K"; thence, North $85^{\circ}08'14''$ East, 8.14 feet to a point hereinafter called Point "L"; thence, South $85^{\circ}10'30''$ East, 99.72 feet to a point hereinafter called Point "M"; thence, South $85^{\circ}10'30''$ East, 134.24 feet to a point hereinafter called Point "N"; thence, South $85^{\circ}10'30''$ East, 3.56 feet to a point hereinafter called Point "P" to the point of termination of this centerline.

Also included herewith a centerline beginning at aforementioned Point "B" and running thence, South $04^{\circ}50'38''$ East, 21.58 feet.

Also included herewith a centerline beginning at aforementioned Point "C" and running thence, North $04^{\circ}50'38''$ West, 33.06 feet.

Page 2 of 2
Waterline Easement
Berry Heights
Project No: 531-04C-94

Also included herewith a centerline beginning at aforementioned Point "D" and running thence, North 02°05'06" West, 28.40 feet.

Also included herewith a centerline beginning at aforementioned Point "D" and running thence, South 03°00'5" West, 20.33 feet.

Also included herewith a centerline beginning at aforementioned Point "E" and running thence, South 65°18'47" East, 22.07 feet.

Also included herewith a centerline beginning at aforementioned Point "F" and running thence, South 65°18'47" East, 20.09 feet; thence, South 08°01'24" West, 12.53 feet; thence, South 85°08'14" West, 21.32 feet to aforementioned Point "G".

Also included herewith a centerline beginning at aforementioned Point "H" and running thence, North 04°51'46" West, 23.50 feet.

Also included herewith a centerline beginning at aforementioned Point "J" and running thence, South 04°51'46" West, 44.00 feet.

Also included herewith a centerline beginning at aforementioned Point "K" and running thence, South 04°51'46" East, 22.50 feet; thence, South 43°17'14" East, 16.00 feet.

Also included herewith a centerline beginning at aforementioned Point "L" and running thence, North 04°51'46" West, 12.00 feet; thence, North 47°22'51" East, 10.50 feet.

Also included herewith a centerline beginning at aforementioned Point "M" and running thence, South 04°49'30" West, 19.50 feet, thence, South 85°10'30" East, 14.00 feet.

Also included herewith a centerline beginning at aforementioned Point "N" and running thence, North 10°15'49" East, 21.60 feet.

Also included herewith a centerline beginning at aforementioned Point "P" and running thence, South 05°29'48" East, 30.80 feet.

53104C.ld

STATE OF OREGON 96-021849
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 33780 \$20.00
DATE AND TIME: 03/28/96 02:41 PM
JOHN KAUFFMAN, COUNTY CLERK

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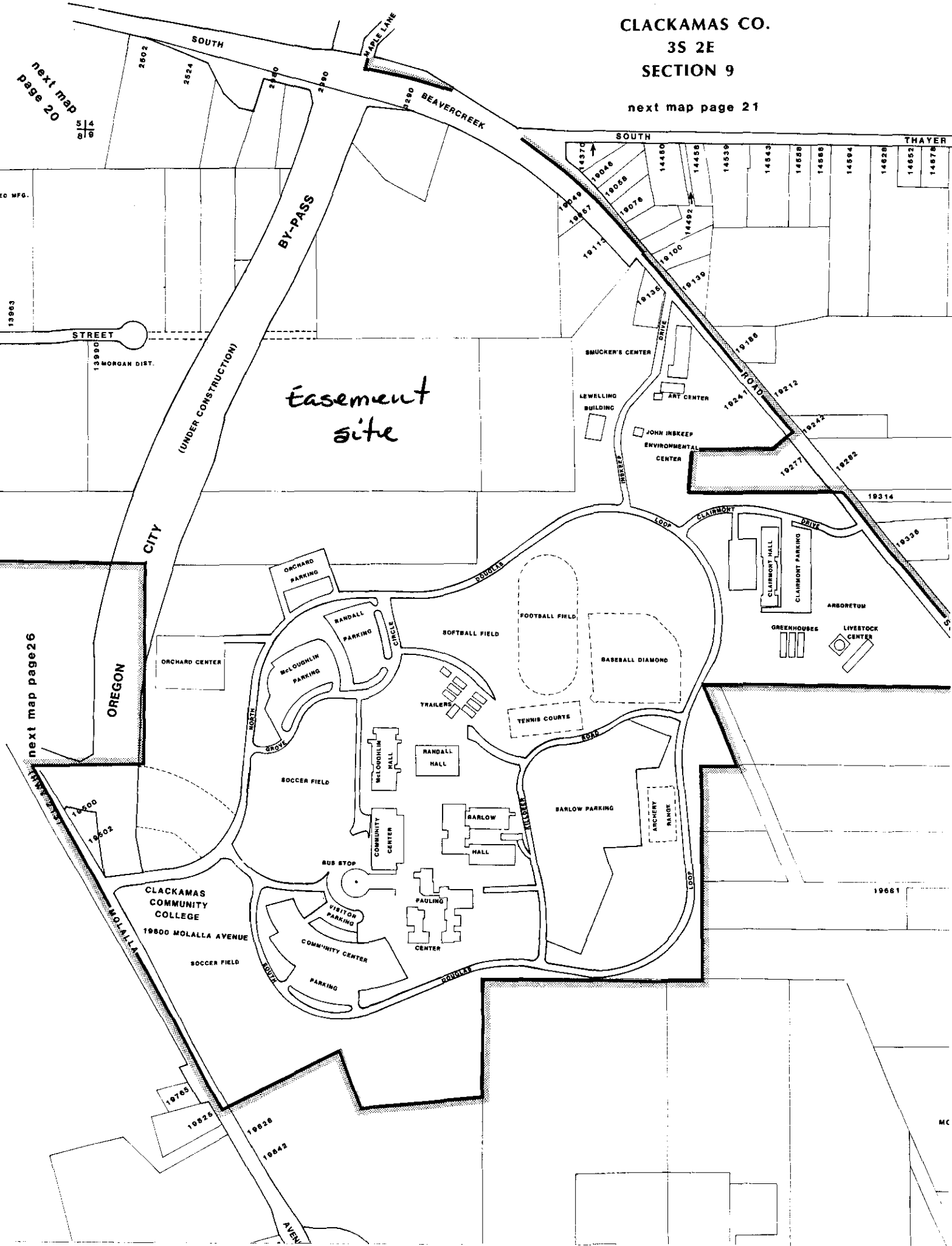
CLACKAMAS CO.

3S 2E

SECTION 9

next map page 21

next map
page 20
5/4
8/8



next map page 26

Public Utility Easement

3-2E-9B

TL 1506



(purple)

B.H.L.P

Berry Heights
ph I + II

DOG# 96-021848

96-021849

Pg	Item
1514	4

Env. 48