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

**CITY OF OREGON CITY, OREGON**

**PUBLIC SIDEWALK EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, THAT Leonard F. Wallachy and Vivian A. Wallachy Owner of said property recorded as File No. 76-5175 Clackamas County Deed Records 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 sidewalk 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.

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

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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 Feb, 1994 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.

T.L. 510  
MAP 3-2E-17A

95-009998

Individuals

General Partnerships

Leonard Wallachy  
Owner

Vivian Wallachy  
Owner

**Personal Acknowledgment**

STATE OF OREGON )

County of Clackamas ) ss.

Personally appeared the above named Leonard Wallachy  
and Vivian Wallachy and acknowledged the foregoing  
instrument to be a voluntary act and deed.

Before me: Shirley A. Nixon  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 04-08-98



(Grantor's Name and Address)

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

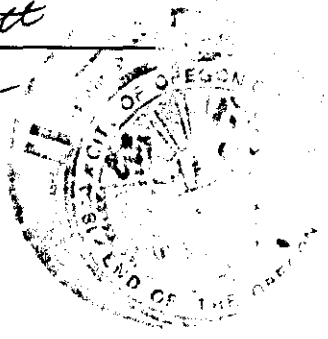
(Grantor's Name and Address)

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

Kenn K. Elliott  
City Recorder

2-1-95



(OFFICIAL SEAL)

Corporation

Limited Partnership

Corporation/Partnership Name

Signer's Name, Title

Signer's Name, Title

(if executed by a corporation affix  
corporate seal)

**Corporate Acknowledgement**

STATE OF OREGON )

County of \_\_\_\_\_ ) ss.

Personally appeared \_\_\_\_\_ 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 later is the \_\_\_\_\_ secretary of \_\_\_\_\_  
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:

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

(OFFICIAL SEAL)

Space reserved for County  
Recorder's Office

T.L. 510  
MAP 3-2E-17A

## **EXHIBIT "A"**

### **Legal Description for Brendon Estates, Phase 2, Sidewalk Easement**

**Being a tract of land for sidewalk easement purposes in the N.E. 1/4 of Section 17, Township 3 South, Range 2 East, Willamette Meridian, more particularly described as follows:**

**Beginning at a 5/8" iron rod with yellow plastic cap marked "Compass Corp." said iron rod also being the northwest corner of that portion of lot 6 as conveyed in deed recorded February 18, 1976, as Recorder's Fee No. 76-5175, said iron rod also being shown as set per Survey No. 25219 as filed with the Clackamas County Surveyor; thence N 74° 40' 29" E, along southerly right-of-way line of S. Caufield Road, 11.17 feet; thence S 29° 40' 17" W, 15.80 feet; thence N 15° 19' 43" W, 11.17 feet to the point of beginning.**

**Containing sixty two (62) square feet, more or less.**

S CAUFIELD ROAD

EDGE OF PAVEMENT

EXISTING DRIVEWAY

N74°40'29"E

CONWAY DRIVE  
FUTURE DRIVE

FUTURE CURB LINE

11.17'

N151°19'43"W

15.88'

S29°40'17"W

SIDEWALK EASEMENT  
APPROXIMATELY 62SF

FUTURE  
SIDEWALK

PROPERTY LINE

TAX LOT  
# 510  
GUNTHER  
FARM



SCALE  
1" = 10'

BRENDON ESTATES PHASE II, III  
CURB RETURN EASEMENT DETAIL

BRENDON ESTATES LIMITED PARTNERSHIP  
OREGON CITY, OREGON

MITCHELL | NELSON | WELBORN | REIMANN | PARTNERSHIP



PLANNERS ENGINEERS LANDSCAPE ARCHITECTS

233 S.W. FRONT AVE. PORTLAND, OR 97204  
TEL 503/225-0822 FAX 503/273-8353

EXHIBIT

B



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED  
February 1, 1995

1 of 1

Page

Subject: Miscellaneous Easement Acceptance

Report No. 95-~~5~~  
13

On the February 1, 1995 Commission agenda are several easements for construction of public works improvements required for the completion of various private development projects. They are as follows:

### STORM DRAIN:

- A. Castleberry Park/Gerber Woods offsite, TP92-08.
  - Townsend 3-2E-8DC Taxlot 100
  - Wiser 3-2E-8DC Taxlot 200
- B. Fairway Downs, TP92-09
  - Ratigan 3-2E-16A Taxlot 101

### SIDEWALK:

- C. Brendon Estates, TP91-05
  - Wallachy 3-2E-17A Taxlot 510
- D. Newell Crest, TP92-01
  - Driver 3-2E-5AB Taxlot 3500

Vicinity maps A - D and the easement documents are attached for Commission review.

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

NR/

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

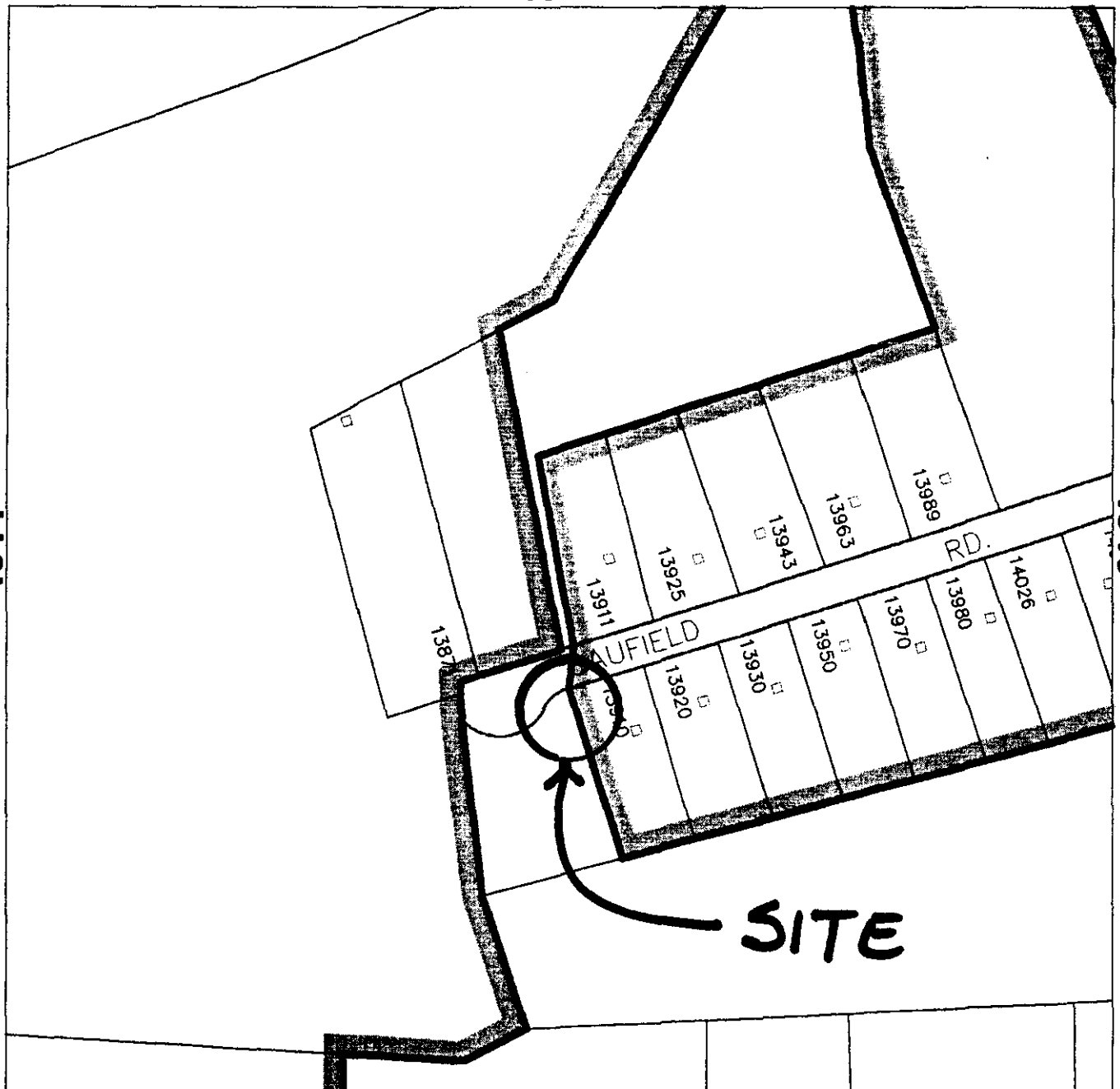
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1815

1914

1916



2015

NOTES: Last update: January 18, 1994

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**MAP 'C'**

SIDEWALK EASEMENT 1995

3-2E-17A TL 510

BRENDON ESTATES

DOC#95-009998

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Env. 331