

25  
After recording return to:

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

## CITY OF OREGON CITY, OREGON

### SANITARY SEWER AND STORM DRAINAGE EASEMENT

In consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, The Archdiocese of Portland in Oregon ("Grantor") conveys to the City of Oregon City, Oregon ("City"), a perpetual, nonexclusive easement (the "Easement") over and across the real property described in Exhibit "A" hereto upon the terms and conditions contained herein. The location of the Easement is shown (not to scale) in Exhibit "B" hereto.

### AGREEMENT

1. City's Use. The City shall use the Easement to construct and maintain sanitary sewer and storm drainage systems.
2. Grantor's Use. Grantor reserves the right to use the surface of the Easement for walkways, plantings and related uses. However, such uses by Grantor shall not interfere with the use or the operation of the Easement by the City for the purposes specified in Section 1 above. Grantor shall not construct any permanent improvements over the Easement which interferes with or obstructs the City's use of the Easement.
3. Access. Grantor grants to City the reasonable right to cross Grantor's remaining property which adjoins the Easements for City to access the Easement.
4. Restoration. The City shall after any construction or maintenance activity restore the surface of the Easement to its condition before the construction of the sewer and storm drainage system.
5. Indemnification. The City agrees to defend, indemnify, and hold Grantor harmless from any loss, claim or liability to Grantor arising out of the City's use of the Easement.
6. Covenant Running With the Land. This Easement and all covenants contained herein, touch and concern the land, run with the land and bind and affect the land. The City and Grantor agree that this Easement shall be binding upon their transferees, successors, heirs and assigns and all covenants contained therein shall be similarly binding upon them.

94-091450

IN WITNESS WHEREOF, Grantor and City have each executed this Easement effective the 15th day of August, 1994.

**ARCHDIOCESE OF PORTLAND IN  
OREGON, GRANTOR**

By: *Paul Peri*  
Its: Vicar General

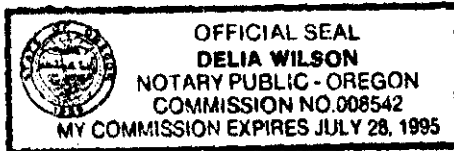
**Accepted And Agreed To**

**CITY OF OREGON CITY, GRANTEE**

*Daniel W. Fowler*  
Mayor  
*Jean H. Elliott* 10-19-94  
City Recorder

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The foregoing instrument was acknowledged before me this 28 day of September 1994, by Paul Peri, on behalf of the Archdiocese of Portland in Oregon.



*Delia Wilson*  
Notary Public for Oregon  
My Commission Expires: 7/28/95

STATE OF OREGON )  
 ) ss.  
County of Clackamas )

The foregoing instrument was acknowledged before me this 19 day of Oct. 1994, by Daniel W. Fowler, Mayor of the City of Oregon City, Oregon.

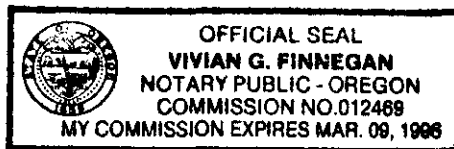
*Vivian G. Finnegan*  
Notary Public for Oregon  
My Commission Expires: 3-09-96



STATE OF OREGON                    )  
  ) ss.  
County of Clackamas )

The foregoing instrument was acknowledged before me this 19 day of Oct,  
1994, by Janet Elliott, City Recorder of the City of Oregon City, Oregon.

Vivian D. Finnegan  
Notary Public for Oregon  
My Commission Expires: 3-09-96



# Exhibit A

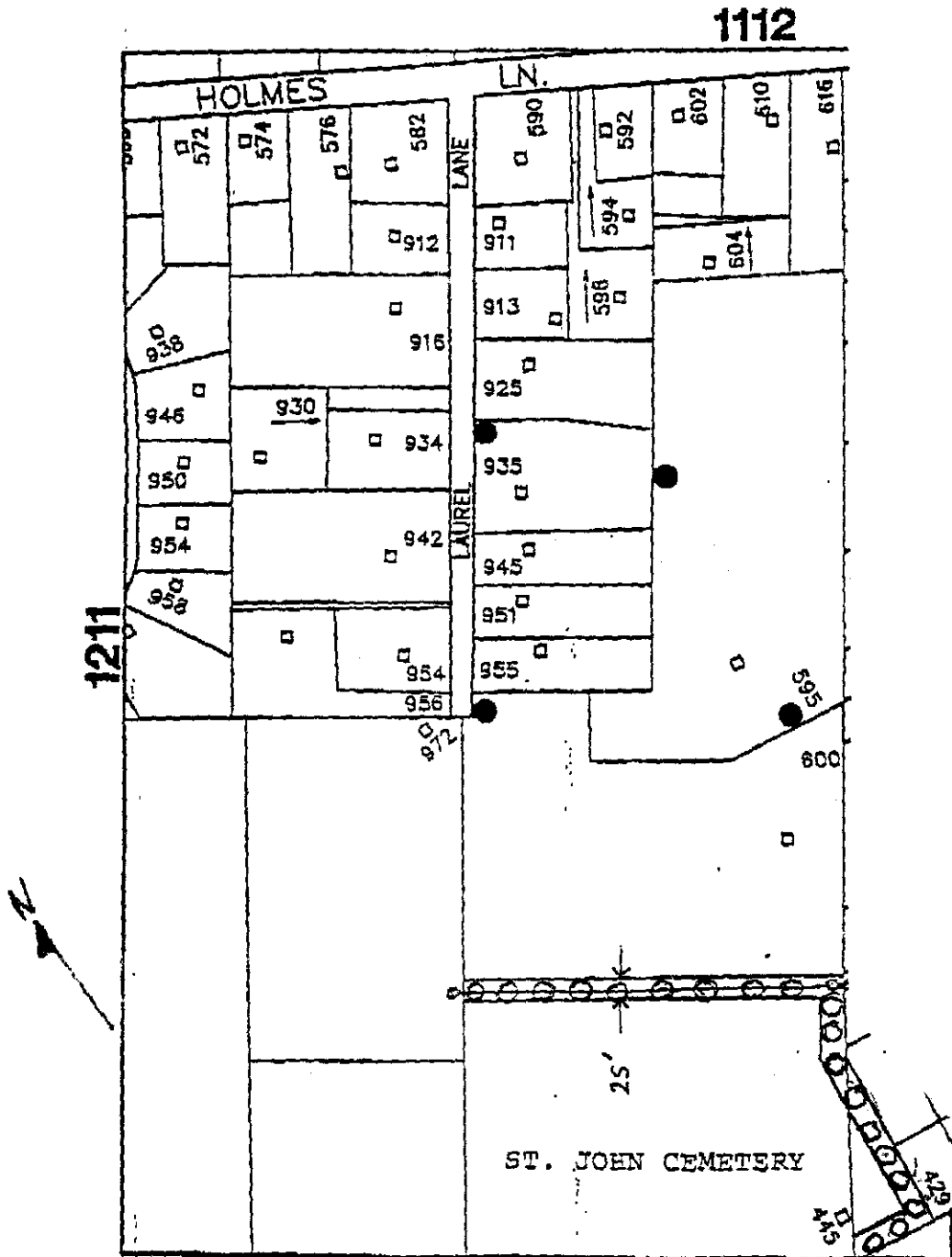
## Cemetery Easement

### Description:

Part of the William Holmes Donation Land Claim No. 38 in Section 5, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at the Northeast corner of the "Cemetery" tract of land described in that certain conveyance from Archbishop W.H. Gross to James Rauw and recorded April 28, 1887, in Book 29, Page 103, Clackamas County Deed Records, being also the Southerly corner of that tract of land conveyed to the Archdiocese of Portland by Deed recorded in Book 669, Page 752, Clackamas County Records; thence Northeasterly along the Southeasterly line or said Archdiocese of Portland Tract 119.8 feet, more or less, to the Southerly East corner of said tract; thence North 28°15' West along the Northeasterly line of said tract and its extension 207 feet, more or less, to a point on the East line of that tract of land conveyed to the Archdiocese of Portland, by Deed recorded May 4, 1948 in Book 406, Page 99, Clackamas County Deed Records; thence North along said East line 90 feet, more or less, to the Northeast corner of said tract; thence West along the North line of said tract 409.86 feet to the Northwest corner of said tract; thence South along the West line of said tract 25 feet to a point; thence East and parallel with said North line 384.86 feet to a point that is 25 feet West of the East line of said tract; thence South and parallel with said East line 65 feet to a point that is 25 feet West of Northwesternly extension of the East line of said Archdiocese of Portland Tract 669/752); thence South 18°15' East and parallel with said East line and Northwesternly extension 190 feet, more or less, to a point that is North 18°15' West, 25 feet from the Southeasterly line of said tract; thence Southwesterly and parallel with said Southeasterly line 65 feet, more or less, to a point on the East line of said Archdiocese Tract (406/99); thence South along said East line 28 feet, more or less, to the point of beginning.

Cemetery Easement  
Exhibit "B"



STATE OF OREGON 94-091450  
 CLACKAMAS COUNTY  
 Received and placed in the public  
 records of Clackamas County  
 RECEIPT# AND FEE: 10885 \$25.00  
 DATE AND TIME: 11/28/94 08:49 AM  
 JOHN KAUFFMAN, COUNTY CLERK

5



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA <sup>12</sup>

DATED

Oct 19, 1994

Page

1 of 1

Subject: Sanitary Sewer and Storm Drainage Easement

Report No. 94-189

On the October 19th agenda is an easement from the Archdiocese of Portland in Oregon to the City of Oregon City, to cover the installation of a Sanitary Sewer and Storm Drainage facility on Archdiocese property in Oregon City. It appears that this installation happened inadvertently in the 1970's. During the last year this matter came to the attention of the City and Archdiocese. It is the desire of both parties to establish the easement to clarify the maintenance responsibilities.

It is recommended that the City Commission accept the easement, authorize the Mayor and City Recorder to execute and record the same.

CHARLES LEESON  
City Manager

attach.

- cc
- Rich Carson, Director, Community Development
  - Rick McLung, Public Works Director
  - Henry Mackenroth, City Engineer
  - Joe McKinney, Sanitary Sewer/Storm Crew Chief