

CITY OF OREGON CITY, OREGON

STORM DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Southridge Properties hereinafter called the GRANTOR, do(es) hereby grant unto 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, and maintain a storm drain 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 interest and assigns forever.

GRANTOR reserves the right to use the surface of the land walkways, plantings and related uses. CITY acknowledges that two structures are presently built within or immediately adjacent to the sewer easement described and depicted in Exhibits A and B. Those structures are presently a Burger King restaurant and a tire store. The Burger King restaurant presently has a drive through window and driveway on a portion of the site of the easement described herein. CITY hereby consents to those existing uses and agrees not to disturb such uses. Any additional uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. Except for the above allowed uses, and any disclosed in the Preliminary Title Report as set forth below, no building or utility shall be placed upon, under or within the property subject to the foregoing easement during the term thereof.

Upon completion of any construction by CITY, the CITY shall restore the surface of the property to a neat and orderly condition and shall indemnify and hold the GRANTOR, or GRANTOR'S assigns, harmless against any and all loss, cost or damage arising out of the exercise of the rights granted therein.

The true consideration of this conveyance is \$1.00, the receipt of which is hereby acknowledged by GRANTOR.

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 set forth in the First American



STATE OF CALIFORNIA        }  
  }ss.  
COUNTY OF CONTRA COSTA    }

On August 9, 1994, before me, Kathy Iguchi, personally appeared Wanda J. Chihak, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature

*Kathy Iguchi*

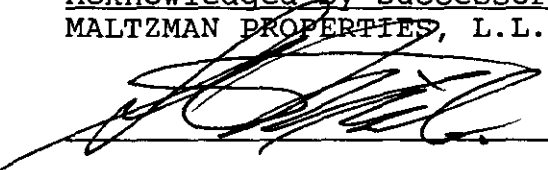


My Commission Expires:   September 16, 1996

Before:

My commission expires \_\_\_\_\_

Acknowledged By Successor In Interest To GRANTOR:  
MALTZMAN PROPERTIES, L.L.C.

  
By: Steven Wiesberg, Manager

Corporate Acknowledgement:

STATE OF OREGON )

) ss.

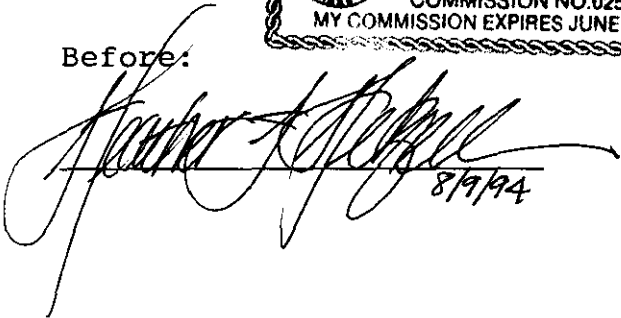
County of Multnomah )

Personally appeared Steve Wiesberg  
as a Manager of Maltzman Properties L.L.C.  
and he acknowledges he is authorized to  
execute this document on behalf  
of the limited liability company and that such  
execution is its voluntary act and deed.

(OFFICIAL SEAL)



Before:

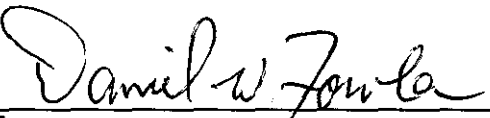
  
My commission expires June 13, 1997

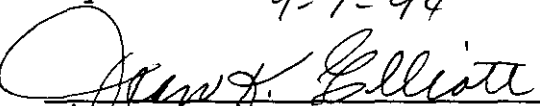
ACCEPTED BY:

CITY OF OREGON CITY

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

Accepted on behalf of the City of Oregon City on the condition that  
the property is free and clear from any taxes.

  
\_\_\_\_\_  
Mayor 9-7-94

  
\_\_\_\_\_  
City Recorder



(OFFICIAL SEAL)

**June 27, 1994**

**Project No. 1352.50**

**Re: Oregon City Urban Renewal Agency  
Beavercreek Road Realignment Project  
Southridge Properties to City of Oregon City**

**BOUNDARY DESCRIPTION  
STORM SEWER EASEMENT  
3 2E 5D TL 1200, 1203 and 1209**

**A portion of that real property in the Samuel N. Vance D.L.C. No. 51 in the SE 1/4 of Section 5, T3S, R2E, W.M., City of Oregon City, Clackamas County, Oregon, conveyed to Southridge Properties as described and recorded in Fee No. 93-24557, deed records of Clackamas County, Oregon, more particularly described as follows:**

**All of said southridge Properties real property lying northerly of the line which is parallel with and 24.00 feet southerly from, when measured at right angles, the most northerly northerly line of said Southridge Properties real property.**

**Containing 9,198 square feet, more or less.**

**case-2352**

**EXHIBIT "A"**

SOUTHRIDGE PROPERTIES  
FEE NO. 93-24557

3 ZE 5C  
TAX LOT 1203

BEAVERCREEK ROAD

24' STORM  
SEWER  
EASEMENT

EXISTING DRAINAGE LANE  
(SEWER AND WATER MAIN)

3 ZE 5C  
TAX LOT 1209

3 ZE 5C  
TAX LOT 1205

3 ZE 5C  
TAX LOT 1209

MOLALLA AVENUE

3 ZE 5C  
TAX LOT 1000

N.L.R. City Cor. Fee  
No. 93-24557

EXISTING DRAINAGE LANE  
(SEWER AND WATER MAIN)

3 ZE 5C  
TAX LOT 1200

ROAD

BEAVERCREEK

STATE OF OREGON 94-091445  
CLACKAMAS COUNTY

Received and placed in the public  
records of Clackamas County

RECEIPT# AND FEE: 10685 \$35.00

DATE AND TIME: 11/28/94 08:49 AM  
JOHN KAUFFMAN, COUNTY CLERK



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

September 7, 1994

Page

1 of 1

Subject: Request for Storm Drainage  
Easement Acceptance -  
North End of South Ridge Shopping Center

Report No. 94-160

On the September 7, 1994 City Commission agenda is an easement for an existing storm drainage installation built across the North end of the South Ridge Shopping Center. This installation has been conveying off-site water and storm water across the site from Molalla Avenue to Beavercreek Road since its construction in the early 1970's. There was no easement to protect this installation; therefore, two buildings are now in close proximity to this line.

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

CHARLES LEESON  
City Manager

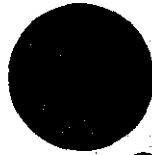
attach.

- cc
- Rich Carson, Director, Community Development
  - Rick McClung, Public Works Director
  - Henry Mackenroth, City Engineer



STORM DRAINAGE EASEMENT  
1994

3-2E-5C TL1200,1209



(purple)

MAP 1414 # 15  
C. Co. 94-091445

Env. 213