

25
After Recording Return to: Oregon City Recorder, P.O. Box 351, Oregon City, OR 97045

CITY OF OREGON CITY, OREGON

PERMANENT SLOPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Lowell Gene and Judy Ann Wittke hereinafter called the GRANTOR being lawfully seized in fee simple of the following described premises, does 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, maintain and repair, with necessary access thereto, of a slope cut or fill, occasioned by the construction, operation and maintenance of a public road and appurtenances, over and within that certain real property described as follows, to wit:

See attached Exhibit "A" Legal Description and attached Exhibit "B" Sketch
for Legal Description

IT IS EXPRESSLY UNDERSTOOD that this easement does not convey any right, title or interest to the surface soil, nor any other rights except those expressly stated in this easement, and does not prevent Grantors from the full use and dominion thereover, provided, however, that such use shall not be permitted to damage or destroy lateral support to the highway, and provided further that nothing herein contained shall grant to said public and thereafter to any future agency created for the above stated purposes the right to excavate beneath existing buildings or deposit fill materials against existing buildings above the top of the foundations thereof, but is understood and agreed that the City of Oregon City shall never be required to remove the dirt or other materials placed by it upon said property nor shall said City be subject to any damages to the grantors, their heirs and assigns, by reason thereof, or by reason of the slopes constructed thereon, or by reason of change of grade at the street or highway abutting on said property.

IN CONSIDERATION of the premises, City of Oregon City agrees that if it or its successors or assigns should cause said road to be vacated, the rights of the public in the above described easement will be forfeited and shall immediately revert to the Grantors, their successors and assigns in the case of any such event.

And the Grantor does covenant that it is lawfully seized in fee simple of the above granted premises and have the right to grant the above described permanent slope easement.

The true and actual consideration paid for the easement is one dollar. However, the actual consideration consists of other value given which is the whole consideration; i.e., the survey and plan for the improvement of a portion of Meyers Road.

TO HAVE AND TO HOLD, the above described and granted premises for the purposes hereinbefore set forth unto the City forever.

In construing this easement 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 6th day of May, 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.

Individuals,
general partnerships

Corporation
limited partnership

Lowell Gene Wittke
Lowell Gene Wittke

Corporation/Partnership Name

Judy Ann Wittke
Judy Ann Wittke

by: _____
Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Personal Acknowledgment

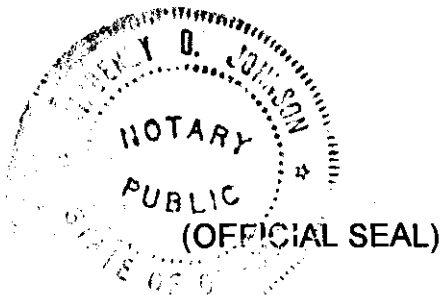
STATE OF OREGON)
County of CLACKAMAS) ss.

Personally appeared the above
named Lowell Gene and Judy Ann Wittke and
acknowledged the foregoing instrument to be
their voluntary act and deed.

Before me:

Kimberly D. Johnson
NOTARY PUBLIC FOR OREGON

My Commission Expires: 5-7-94



Lowell Gene and Judy Ann Wittke
16281 South Oak Tree Terrace
Oregon City, Oregon 97045

(Grantor's Name and Address)

City of Oregon City
P.O. Box 351
Oregon City, OR 97045-0021

(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.

Daniel W. Fowler
Mayor
Joan K. Elliott
City Recorder 6-1-94

Corporate Acknowledgment

STATE OF OREGON)
County of _____) ss.

Personally appeared _____ who
being duly sworn, did say that the former is the
_____ 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 above 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
Record's Office



[WPFILES\NEAL\94\R-WWITTKE.ESM]

WITTKE
2-2E-28, TAXLOTS 1712, 1714, 1717



WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

Fax: 503 624-0157

Oak Tree Terrace
Project No.: 748-01A-93
January 3, 1994

EASEMENT DESCRIPTION

A tract of land situated in the N.E. 1/4 of Section 28, T.2 S., R. 2 E., Willamette Meridian, being part of the George Abernethy D.L.C. No.58, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Lot 8, "HOLCOMB HILL NO. 2" a duly recorded subdivision plat in Book 67, Page 23, Plat Number 2086, Clackamas County Plat Records; thence, along the easterly line of said Lot 8, along the arc of a 260.00 foot radius curve to the left, through a central angle of 7°36'28" (chord bears South 4°00'57" East, 34.50 feet) a distance of 34.52 feet; thence, along the arc of a 75.00 foot radius curve to the right, through a central angle of 42°31'02" (chord bears South 13°26'20" West, 54.39 feet) a distance of 55.65 feet; thence, along the arc of a 100.00 foot radius curve to the right, through a central angle of 52°45'36" (chord bears South 61°04'39" West, 88.86 feet) a distance of 92.08 feet; thence, North 0°13'05" West, 14.26 feet; thence, South 84°35'08" East; thence, North 56°40'19" East, 72.19 feet; thence, North 3°18'37" East, 37.08 feet; thence, North 2°38'43" West, 41.02 feet to a point on the north line of said Lot 8; thence, along the north line of said Lot 8, North 89°48'39" East, 10.00 feet to the Point of Beginning.

ALSO AND TOGETHER WITH the following described tract of land:

Beginning at the most southerly point of the above described tract; thence, South 2°32'33" East, 50.00 feet to the True Point of Beginning; thence, along the arc of a 150.00 foot radius curve to the left, through a central angle of 79°56'54" (chord bears North 47°29'00" East, 192.73 feet) a distance of 209.30 feet to a point on the easterly line of that tract of land conveyed by deed to Lowell Gene Wittke and Judith Ann Wittke, recorded October 24, 1978 in Fee No. 78-45809, Clackamas County Deed Records; thence, along said easterly line, along the arc of a 210.00 foot radius curve to the left, through a central angle of 10°37'50" (chord bears South 19°21'24" East, 38.91 feet) a distance of 38.96 feet; thence, South 26°39'34" West, 32.38 feet; thence, South 50°03'26" West, 66.29 feet; thence, South 69°53'13" West, 94.92 feet; thence, North 2°32'33" West, 10.60 feet to the True Point of Beginning.

The bearings and dimensions within the above descriptions are based upon Record of Survey, P.S. (See Note 'A'), filed in Clackamas County Survey Records, which by mention herein is made a part hereof.

74801A10.M

EXHIBIT A

III Hilltop Business Center, 7340 S.W. Hunziker, Suite 204, Tigard, Oregon 97223

Note A Said survey was prepared by Leonard Schelsky, dated April 26, 1994, titled "Property Line Adjustment, Record of Survey"

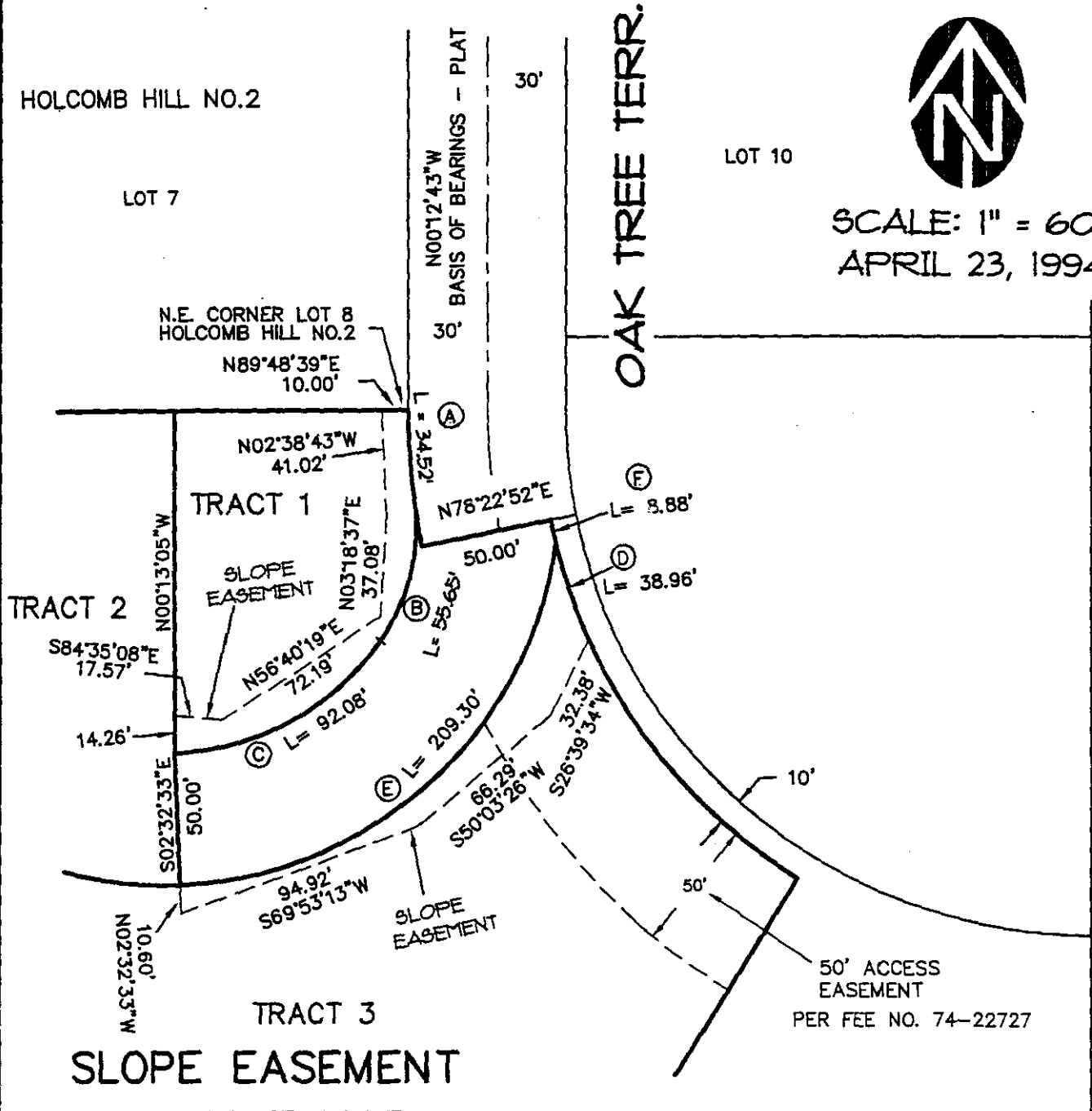
HOLCOMB HILL NO.2

LOT 7

LOT 10



SCALE: 1" = 60'
APRIL 23, 1994



TRACT 3 SLOPE EASEMENT EXHIBIT MAP

FOR: LOWELL WITKE

N.E. 1/4 OF SECTION 28, T. 2S., R. 2E., W.M.
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
IN THE GEORGE ABERNATHY D.L.C. NO. 58
CITY OF OREGON CITY PLANNING FILE NO. LL94-02

EXHIBIT B

PREPARED BY:
WESTLAKE CONSULTANTS, INC
7340 S.W. HUNZIKER ST., STE. 204
TIGARD OR 97223
684-0652

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
A	260.00'	34.52'	34.50'	S04°00'57"E	07°36'28"
B	75.00'	55.65'	54.39'	N13°26'20"E	42°31'02"
C	100.00'	92.08'	88.86'	S61°04'39"W	52°45'36"
D	210.00'	38.96'	38.91'	S19°21'24"E	10°37'50"
E	150.00'	209.30'	192.73'	S47°29'00"W	79°56'54"
F	210.00'	8.88'	8.88'	N12°49'48"W	02°25'21"

74801EX.DWG



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
June 1, 1994

1 of 1

Page

Subject: Right-of-Way Dedication and
Slope Easement for Commission
Acceptance

Report No. 94-102

On the June 1, 1994 agenda is a street dedication and a slope easement from Lowell Gene and Judy Ann Wittke that are being presented for Commission acceptance. These were conditions of their lot line adjustment (LL94-02).

It is recommended that the Commission accept the Right-of-Way Dedication and the Slope Easement (copies attached) and authorize the Mayor and City Recorder to execute.

CHARLES LEESON
City Manager

NR:jke
Attach.
cc:

Community Services Director
Planning Division
Neal Robinson, Project Engineer

CITY OF OREGON CITY, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Lowell Gene and Judy Ann Wittke hereinafter called the GRANTOR, do(es) hereby grant unto the City of Oregon City, hereinafter called the CITY, its successors in interest and assigns, all the following real property with the tenements, hereditaments and appurtenances, situated in the County of Clackamas, State of Oregon, to be used and held by the CITY for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

See attached Exhibit "A" Legal Description and attached Exhibit "B" Sketch
for Legal Description

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is one dollar, 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 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 6th day of May, 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.

Individuals,
general partnerships

Corporation
limited partnership

Lowell Gene Wittke
Lowell Gene Wittke

Corporation/Partnership Name

Judy Ann Wittke
Judy Ann Wittke

by: _____
Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Personal Acknowledgment

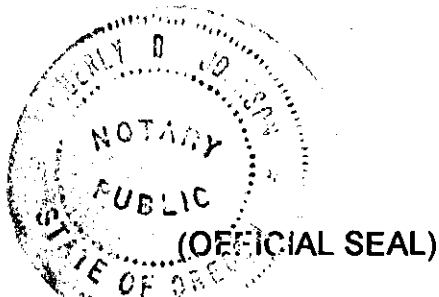
STATE OF OREGON)
) ss.
County of Clackamas)

Personally appeared the above
named Lowell Gene & Judy Ann Wittke and
acknowledged the foregoing instrument to be
their voluntary act and deed.

Before me:

Kimberly D. Johnson
NOTARY PUBLIC FOR OREGON

My Commission Expires: 5-7-94



Lowell Gene & Judy Ann Wittke
16281 South Oak Tree Terrace
Oregon City, Oregon 97045

(Grantor's Name and Address)

City of Oregon City
P.O. Box 351
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.

Samuel W. Fowler
Mayor

Jean K. Elliott
City Recorder
6-1-94



Corporate Acknowledgment

STATE OF OREGON)
) ss.
County of _____)

Personally appeared _____ who
being duly sworn, did say that the former is the
_____ 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 above 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
Record's Office

[WPFILES\NEAL\94\1R-WWITTKE.DED]

WITTKE DEDICATION
2-2E-28, TAXLOTS 1712, 1714, 1717



WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

Fax: 503 624-0157

Oak Tree Terrace
Street Dedication
Project No.: 748-01A-93
December 22, 1993
Revised February 14, 1994
Revised March 19, 1994

STREET DEDICATION PROPERTY DESCRIPTION

A tract of land situated in the N.E. 1/4 of Section 28, T. 2 S., R. 2 E., Willamette Meridian, being part of the George Abernethy D.L.C. No. 58, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Commencing at the northeast corner of Lot 8, "HOLCOMB HILL NO. 2" a duly recorded subdivision plat in Book 67, Page 23, Plat Number 2086, Clackamas County Plat Records; thence, along the easterly line of said Lot 8, along the arc of a 260.00 foot radius curve to the left, through a central angle of 11°24'25" (chord bears South 5°54'55" East, 51.68 feet) a distance of 51.76 feet to the True Point of Beginning, said point being an angle point on the southerly boundary of said "HOLCOMB HILL NO. 2"; thence, along said southerly boundary line, North 78°22'52" East, 50.00 feet to the most northerly northeast corner of that tract of land conveyed by deed to Lowell Gene Wittke and Judith Ann Wittke, recorded October 24, 1978 in Fee No. 78-45809, Clackamas County Deed Records; thence, along the easterly line of said Wittke tract, along the arc of a 210.00 foot radius curve to the left, through a central angle of 2°25'21" (chord bears South 12°49'48" East, 8.88 feet) a distance of 8.88 feet; thence, along the arc of a 150.00 foot radius curve to the right, through a central angle of 79°56'54" (chord bears South 47°29'00" West, 192.73 feet) a distance of 209.30 feet; thence, North 2°32'33" West, 50.00 feet; thence, along the arc of a 100.00 foot radius curve to the left through a central angle of 52°45'36" (chord bears North 61°04'39" East, 88.86 feet) a distance of 92.08 feet; thence, along the arc of a 75.00 foot radius curve to the left, through a central angle of 42°31'02" (chord bears North 13°26'20" East, 54.39 feet) a distance of 55.65 feet to a point on the easterly line of said Lot 8; thence, along said easterly line, along the arc of a 260.00 foot radius curve to the left, through a central angle of 3°47'57" (chord bears South 9°43'09" East, 17.24 feet) a distance of 17.24 feet to the True Point of Beginning.

EXHIBIT A

Page 2 of 2
Oak Tree Terrace
Project No. 748-01A-93

The bearings and dimensions within the above description are based upon Record of Survey, P.S. (see note 'A'), filed in Clackamas County Survey records, which by mention herein is made a part hereof.

Contains 8,788 square feet (0.202 acres).

74801a-2.lid

Note A Said survey was prepared by Leonard Schelsky, dated April 26, 1994, titled "Property Line Adjustment, Record of Survey"



HOLCOMB HILL NO.2

LOT 7

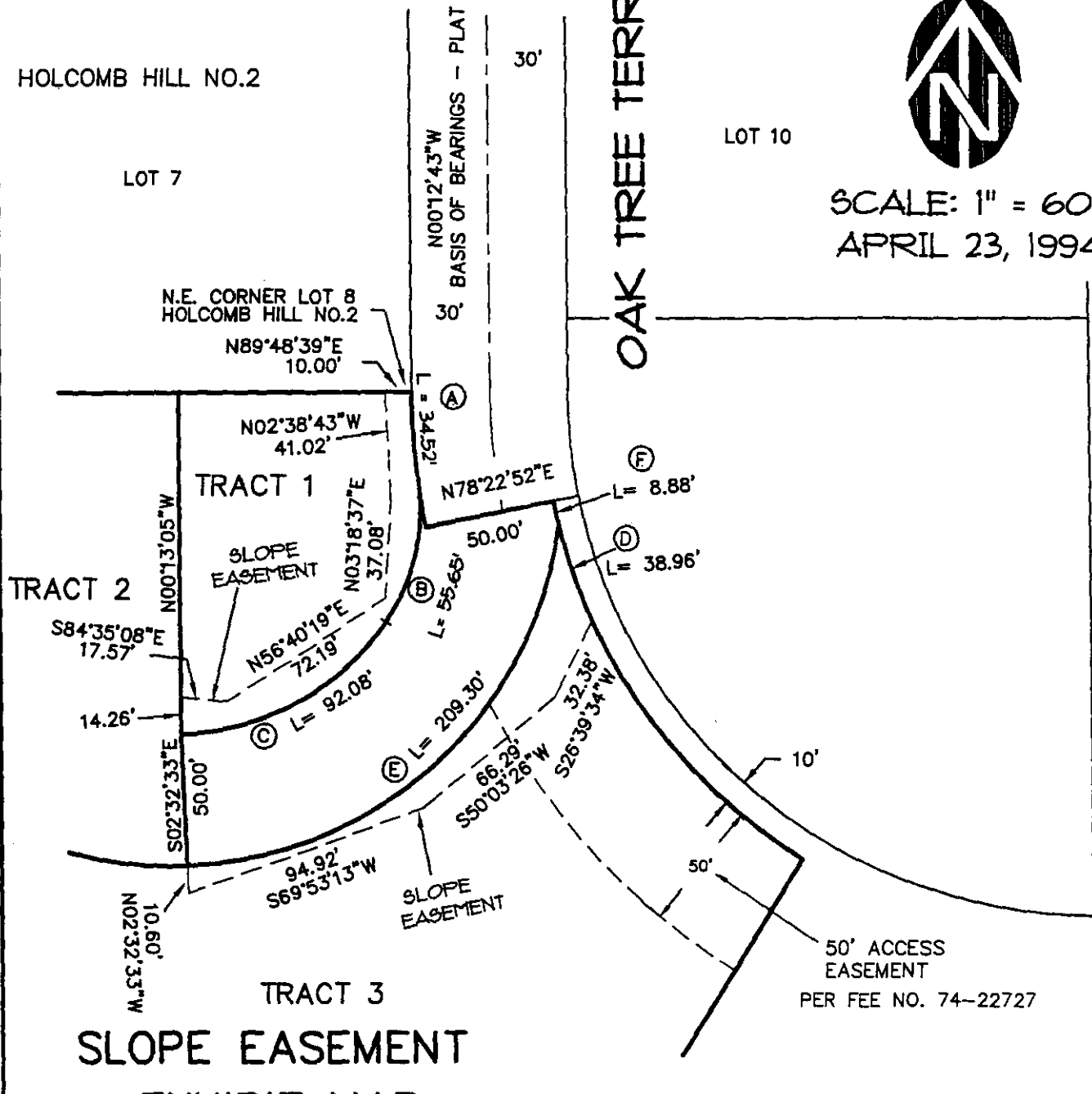
LOT 10



SCALE: 1" = 60'

APRIL 23, 1994

OAK TREE TERR.



SLOPE EASEMENT EXHIBIT MAP

FOR: LOWELL WITKE

N.E. 1/4 OF SECTION 28, T. 2S., R. 2E., W.M.

CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
IN THE GEORGE ABERNATHY D.L.C. NO. 58

CITY OF OREGON CITY PLANNING FILE NO. LL94-02

EXHIBIT B

PREPARED BY:
WESTLAKE CONSULTANTS, INC
7340 S.W. HUNZIKER ST., STE. 204
TIGARD OR 97223
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74801EX.DWG

JOB NO. 748-01A



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
June 1, 1994

1 of 1
Page

Subject: Right-of-Way Dedication and
Slope Easement for Commission
Acceptance

Report No. 94-102

On the June 1, 1994 agenda is a street dedication and a slope easement from Lowell Gene and Judy Ann Wittke that are being presented for Commission acceptance. These were conditions of their lot line adjustment (LL94-02).

It is recommended that the Commission accept the Right-of-Way Dedication and the Slope Easement (copies attached) and authorize the Mayor and City Recorder to execute.

CHARLES LEESON
City Manager

NR:jke
Attach.

cc: Community Services Director
Planning Division
Neal Robinson, Project Engineer

Deed of Dedication
Slope Easement +
Right of way

9/94

2-2E-28A

T.L. 1712, 1714, 1717

Lowell Gene
Gudy Ann Wittke

DOC# 94-068154

94-068155

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