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CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT HINTON HOMES
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 general utilities 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 (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

(no exceptions) 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 26th day of MAY, 1997; 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


Signer's Name

HINTON HOMES INC
Corporation/Partnership Name

Signer's Name

MARK HINTON PRES.
Signer's Name, Title

(if executed by a corporation
affix corporate seal)


Signer's Name, Title

Signer's Name, Title

Personal Acknowledgment

STATE OF OREGON)

) ss.

County of _____)

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

Before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

(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.

Daniel W. Fowler

Mayor

6-15-94

Ann K. Elliott

City Recorder

After Recording Return to:

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



Corporate Acknowledgment

STATE OF OREGON)

) ss.

County of CLACKAMAS)

Personally appeared MARK HINTON
and _____ who being duly
sworn, each for himself and not one for the other
with did say that the former is the _____ president
and that the latter is the _____ secretary of

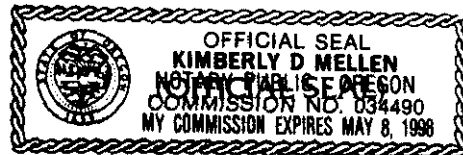
_____ a corporation, and that the seal affixed to the
foregoing instrument was signed and sealed in
behalf of said corporation by authority of its board
of directors; and each of them acknowledged said
instrument to be its voluntary act and deed.

Before me:

Kimberly D. Mellen

NOTARY PUBLIC FOR OREGON

My Commission Expires: May 8, 1998



Space reserved for County
Record's Office

Exhibit "A"STATE OF OREGON
CLACKAMAS COUNTYReceived and placed in the public
records of Clackamas County

RECEIPT# AND FEE: 5414 \$20.00

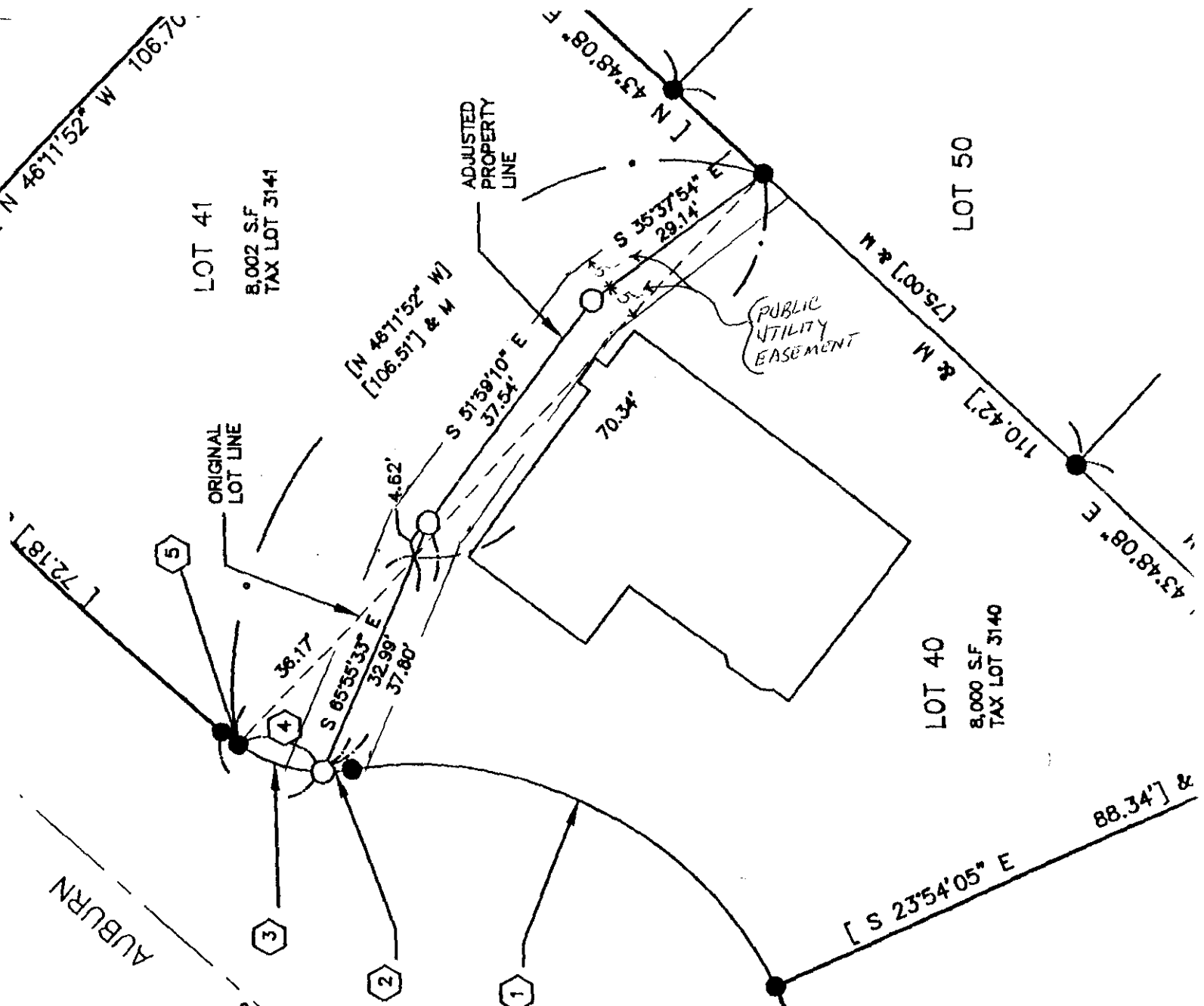
DATE AND TIME: 08/26/94 08:50 AM

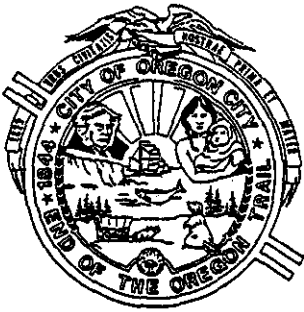
JOHN KAUFFMAN, COUNTY CLERK

Legal Description

A tract of land in Section 12, Township 3 South, Range 1 East, more particularly described as follows:

A 5 foot wide strip located on either side of the following described center line (total width of 10 feet); COMMENCING at the southern corner of Lot 41, Country Oaks Estates, a duly recorded subdivision in Clackamas County (County Surveyor's Number 3046), said point being the TRUE POINT OF BEGINNING; THENCE North $35^{\circ}37'54''$ West a distance of 29.14 feet to $5/8$ " iron rod and cap; THENCE North $51^{\circ}59'10''$ West a distance of 37.54 feet to a $5/8$ " iron rod and cap; THENCE North $65^{\circ}55'33''$ East a distance of 37.60 feet to a $5/8$ " iron rod and cap on the arc of a 21 foot radius curve.

Exhibit "B"



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
June 15, 1994

Page 1 of 1

Subject: Utility Easement for Commission
Acceptance - Country Oaks Estates

Report No. 94-106

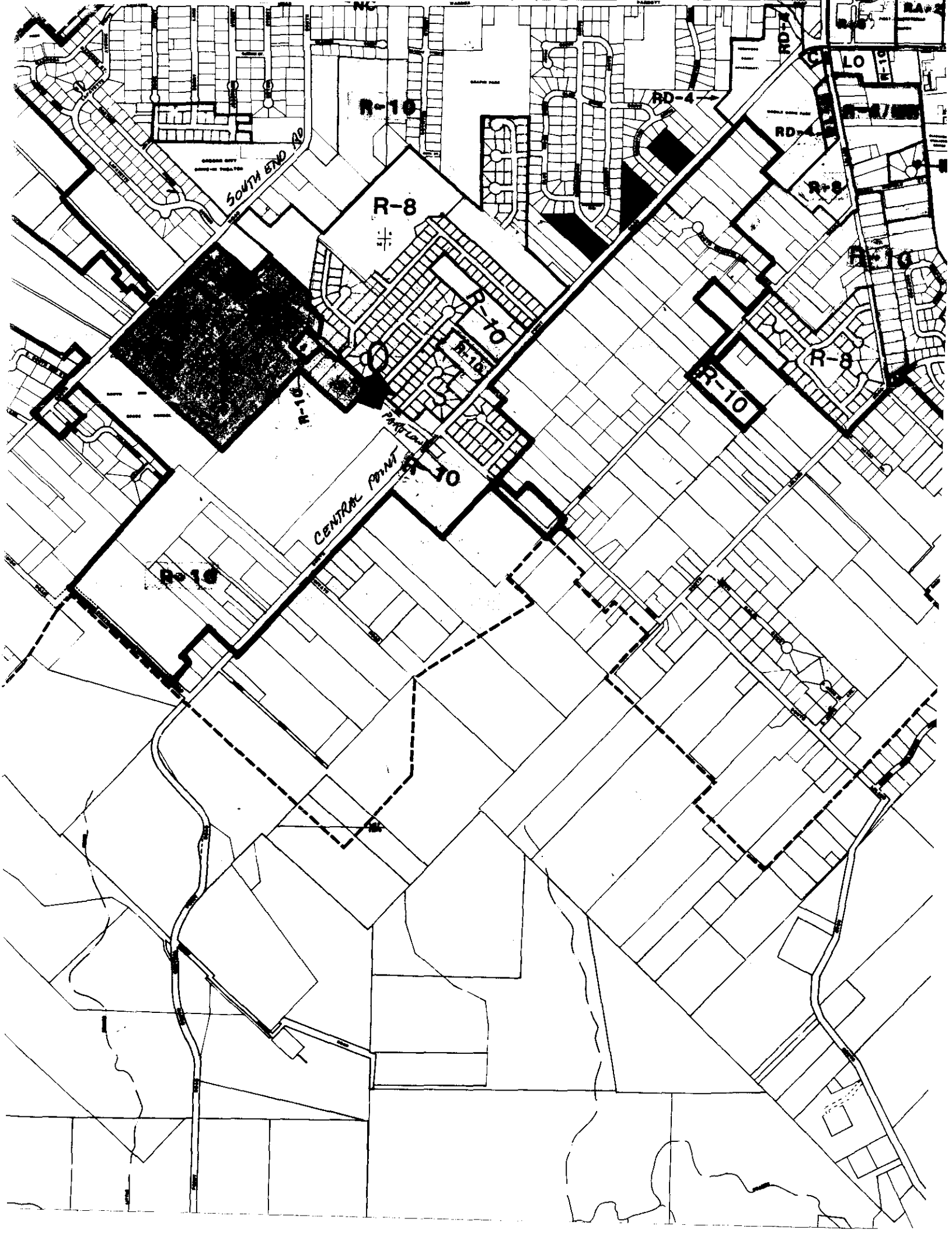
At its June 1, 1994 meeting, the City Commission adopted Resolution No. 94-23 which relinquished an easement adjacent to the property line separating Lots 40 and 41 of Country Oaks Estates. On the June 15, 1994 agenda is a Utility Easement for Lots 40 and 41 which replaces and relocates the original easement to follow a relocated property line.

It is recommended that the Utility Easement for Lots 40 and 41 of Country Oaks Estates be accepted and the Mayor and City Recorder authorized to execute.

CHARLES LEESON
City Manager

jke
Attach.

cc: Community Development Director
Henry Mackenroth, City Engineer
Assistance Planner



RESOLUTION NO. 94-23

A RESOLUTION RELINQUISHING A UTILITY EASEMENT SITUATED ADJACENT TO THE LOT LINE SEPARATING LOTS 40 AND 41 OF COUNTRY OAKS ESTATES SUBDIVISION IN OREGON CITY, OREGON

WHEREAS, a utility easement located between Lots 40 and 41 was conveyed to the City of Oregon City as shown on Subdivision Plat No. 3046; and

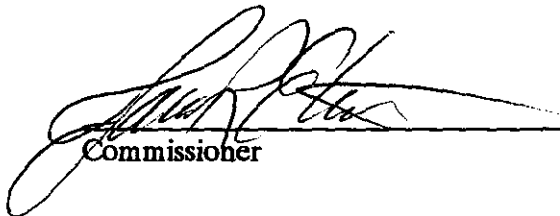
WHEREAS, it was determined through engineering review that this utility easement was no longer needed.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that the easement as identified in Exhibit "A", attached hereto and made a part hereof, is hereby relinquished.

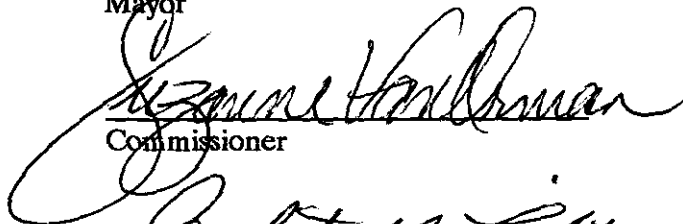
Adopted, signed and approved this 1st day of June, 1994.



Mayor

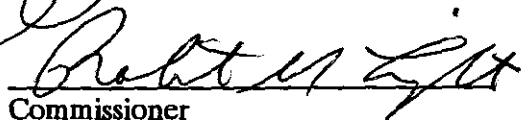


Commissioner



Commissioner

Commissioner



Commissioner

Comprising the City Commission
of Oregon City, Oregon



RESOLUTION NO. 94-23

94-068156



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: Relinquishment of Easement
Country Oaks Estates
Resolution No. 94-23

Report No. 94-097

On the June 1, 1994 City Commission agenda is proposed Resolution No. 94-23, copy attached, which will relinquish an easement situated adjacent to the property line separating Lots 40 and 41 of Country Oaks Estates subdivision.

The reason for this request resulted when the foundation was poured on Lot 40. The error resulted in the foundation being poured within the easement and the required setback of seven feet (7').

Staff has approved a lot line adjustment and the establishment of a new utility easement along the new property line. After review, staff has determined that the existing easement is not necessary.

It is recommended that Resolution No. 94-23 be adopted by motion, and that the City Recorder be authorized to execute the relinquishment.

CHARLES LEESON
City Manager

attach.

cc - Max Talbot, Director, Community Development
- Henry Mackenroth, City Engineer
- Paul Espe, Assistant Planner

Public Utility
Easement &
RESOLUTION NO. 94-23

3-2E-7BB
T.L. 3140 +
3141

May 1994

Hinton
Homes

DOC# 94-068150

94-068156

(purple)

| pg | item |
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| 1507 | 11 (PUE) |
| | 12 (RES 94-23) |

Env #

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