

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Skyline Development, Inc. 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 waterline 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 (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 15 day of March, 1994, and corporate grantor has caused its name to be signed by its officers, duly authorized thereto by order of its board of directors.

Corporation
limited partnership

Skyline Development, Inc.
Corporation/Partnership Name

Timothy A. Wegand
Timothy A. Wegand, Vice-President

David W. Huttula
David W. Huttula, Secretary/Treasurer

Signer's Name, Title

Skyline Development, Inc.
3325 Barrington Drive
West Linn, Oregon 97068

(Grantors Name and Address)

Corporate Acknowledgment
STATE OF OREGON

County of _____

Personally appeared Timothy A. Wegand
and David W. Huttula who being duly sworn, each
for himself and not one for the other did say that the former is
the vice - president and that the latter is the
secretary/treasurer of Skyline Development, Inc.
a corporation, and that the foregoing
instrument was signed 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. Johnson
My Commission Expires May 7, 1994

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. Faulk
Mayor

Jan F. Elliott
City Recorder



ALPHA ENGINEERING INC.
ENGINEERING ▲ DEVELOPMENT SERVICES ▲ SURVEYING

**LEGAL DESCRIPTION
OFFSITE WATERLINE EASEMENT**

JOB NO. 313-001

A PARCEL OF LAND LOCATED WITHIN THE M.M. MCCARVER D.L.C. NO. 40 IN THE SOUTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF PARCEL 2 OF PARTITION PLAT NO. 1993-57 FROM WHICH THE MOST NORTHERLY CORNER OF SAID PARCEL BEARS NORTH 43° 58' 24" EAST 131.49 FEET; THENCE ALONG SAID LINE SOUTH 43° 58' 24" WEST 15.00 FEET; THENCE LEAVING SAID LINE SOUTH 46° 56' 53" EAST 241.61 FEET; THENCE NORTH 43° 58' 30" EAST 15.00 FEET; THENCE NORTH 43° 56' 53" WEST 241.61 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 3,624 SQUARE FEET.



EXHIBIT "A"

3

HIGHLAND MEADOWS

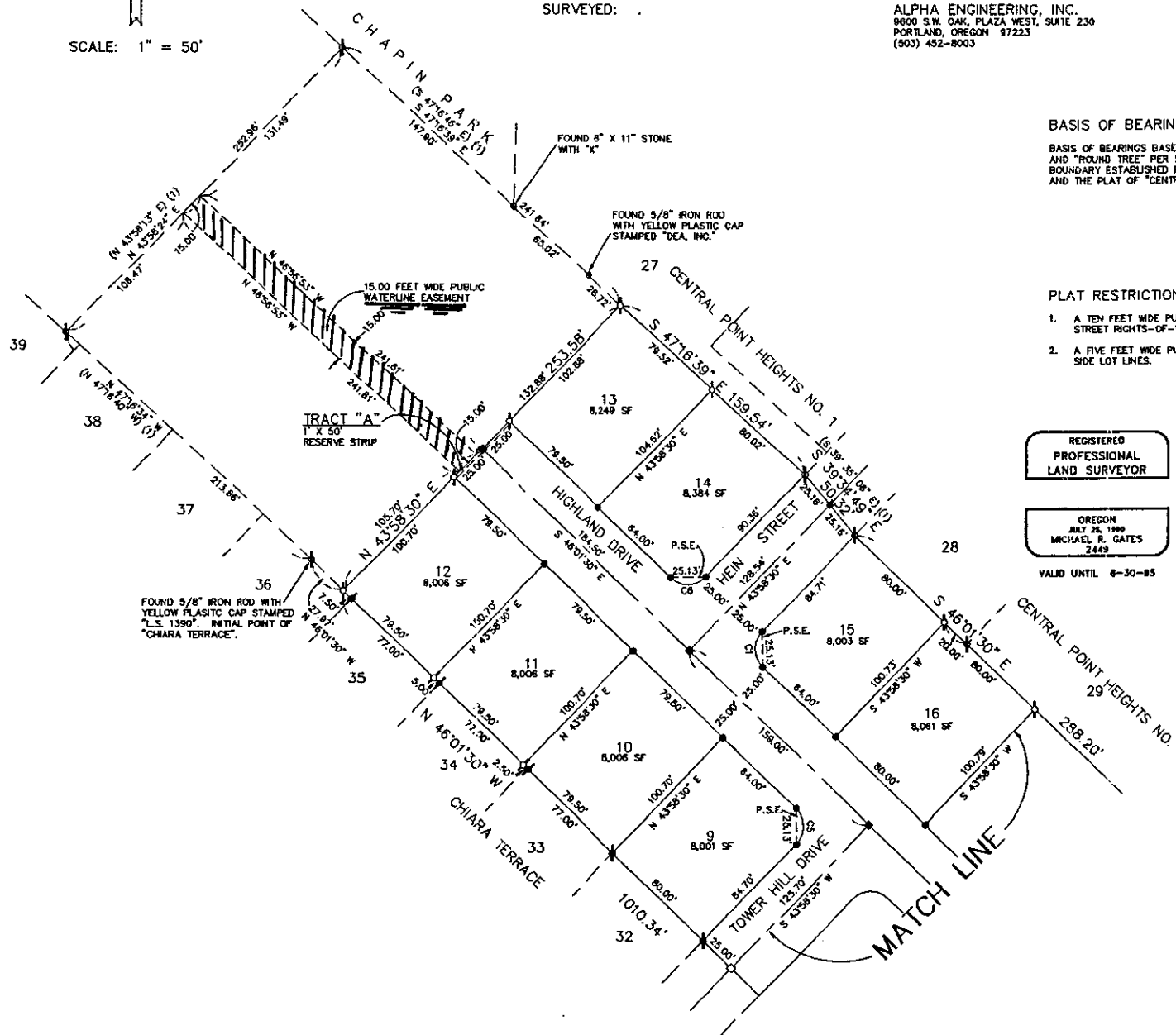
A DIVISION OF A PORTION OF PARCEL 2 OF PARTITION PLAT NO. 1993-57
WITHIN THE M. M. McCARVER D.L.C. NO. 40,
IN THE S.W. 1/4 OF SECTION 6 AND THE N.W. 1/4 OF SECTION 7,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

CITY OF OREGON CITY PLANNING FILE NO. TP93-01

SURVEYED:

ALPHA ENGINEERING, INC.
9600 S.W. OAK, PLAZA WEST, SUITE 230
PORTLAND, OREGON 97223
(503) 452-8903

SCALE: 1" = 50'



BASIS OF BEARINGS AND BOUNDARY DETERMINATION

BASIS OF BEARINGS BASED ON GRID BEARING BETWEEN FOUND MONUMENTS "CENTRAL 3" AND "ROUND TREE" PER SURVEY NO. PS-24286. BOUNDARY ESTABLISHED PER THE PLAT OF "CHIARA TERRACE", PARTITION PLAT NO. 1993-57, AND THE PLAT OF "CENTRAL POINT HEIGHTS".

PLAT RESTRICTIONS

1. A TEN FEET WIDE PUBLIC UTILITY EASEMENT SHALL EXIST CONTIGUOUS TO ALL STREET RIGHTS-OF-WAY, AND REAR LOT LINES.
2. A FIVE FEET WIDE PUBLIC UTILITY EASEMENT SHALL EXIST CONTIGUOUS TO ALL SIDE LOT LINES.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1999
MICHAEL R. GATES
2449

VALID UNTIL 8-30-05

EXHIBIT "B"



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED
March 16, 1994

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Page

Subject: Waterline Easement Acceptance -
TP93-01, Highland Meadows, Phase I

Report No. 94-54

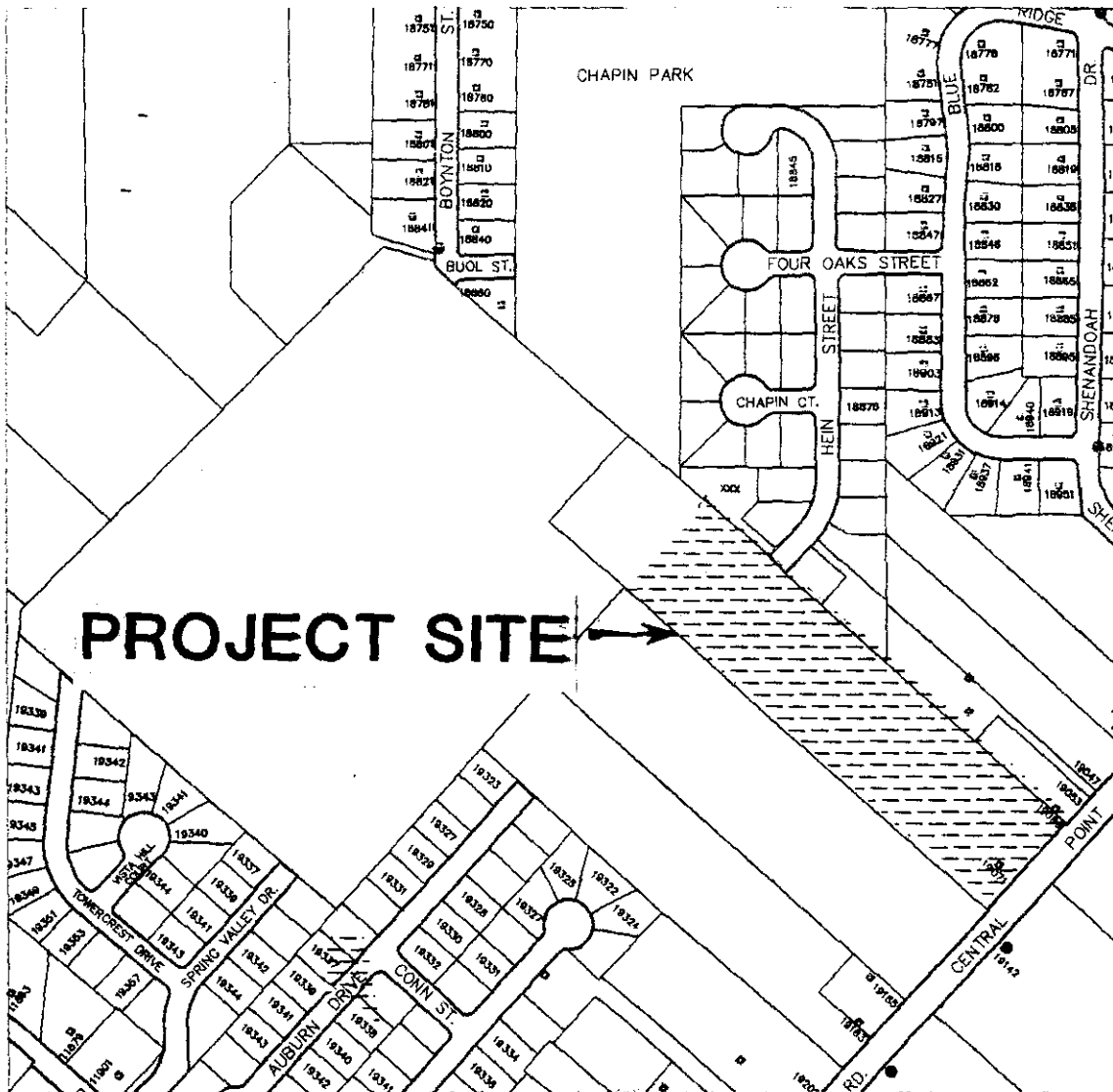
On the March 16, 1994 agenda is a Waterline Easement Agreement for the Highland Meadows Subdivision. Since the subdivision is going to be completed in two phases, an easement is required for the portion of the waterline in Phase II in order to accept the waterline in Phase I. The easement document is attached for review.

It is recommended that the Commission accept the Waterline Easement for the Highland Meadows Subdivision and authorize the Mayor and City Recorder to execute.

CHARLES LEESON
City Manager

LH:jke
Attach.

cc: Community Services Director
City Engineer
Plan Examiner
Tim Wegand, Skyline Development



LOCATION MAP

TP 93-01

Public Utility
Easement

3-2E-6 T.L. 200

Skyline Development
March 1994

DOC# 94-28490

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Env. 338