

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT George W. Eby and Maxine L. Eby
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 sidewalk and 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. Such use 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 29th day of January, 1994.

Individuals,
general partnerships

George W. Eby
George W. Eby

Maxine L. Eby
Maxine L. Eby

Personal Acknowledgment
STATE OF OREGON

County of Multnomah)
) ss.

Personally appeared the above named George W. Eby and Maxine L. Eby and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Marilyn L. Larsen



George and Maxine Eby
19491 S. South End Road
Oregon City, Oregon 97045
(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.

Samuel W. Fowler

Mayor

Joan K. Elliott

City Recorder

3-16-94



LEGAL DESCRIPTION
EASEMENT ON HARRIS LANE
A PORTION OF TAX LOT 402 (MAP 3-2E-5BD)

#3256.2
12/28/93 MAR

EXHIBIT "A"

A parcel of land, located in the SE 1/4 of the NW 1/4 Section 5, T. 3 S., R. 2 E., W.M., City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Commencing at the southwest corner of that tract of land described in deed to George W. and Maxine Eby, recorded June 26, 1976, Fee No. 79-26909, said point being at the intersection northeasterly right-of-way of Molalla Avenue (State Highway No. 213, 30.00 feet from centerline) and the north right-of-way of Harris Lane (25.00 feet wide); thence along the northeasterly right-of-way of Molalla Avenue N. 28° 09' 00" W., 15.92 feet to a point of cusp; thence 38.02 feet along the arc of a 25.00 foot radius curve, concave to the north, through a central angle of 87° 07' 51" (the long chord bears S. 71° 42' 55" E., 34.46 feet); thence 8.93 feet along the arc of 120.00 foot radius curve, concave to the south, through a central angle of 4° 15' 42" (the long chord bears N. 66° 51' 01" E., 8.92 feet) and the true point of beginning of the parcel to be described; thence from said true point of beginning continuing 20.62 feet along the arc of 120.00 foot radius curve, concave to the south, through a central angle of 9° 50' 42" (the long chord bears N. 73° 54' 13" E., 20.59 feet); thence S. 63° 00' 40" W., 16.28 feet; thence N. 72° 21' 29" W., 5.54 feet to the true point-of-beginning, containing 38 square feet, more or less.

The bearings in this description are based upon the map of Private Survey No. 176 (by C. W. Chelquist) Clackamas County Survey Records, and said map by reference is made a part hereof.



SCALE 1" = 40'

"D"

TAX LOT 402

"C"

TAX LOT 403

"B"

TAX LOT 400

EXISTING BUILDING

EASEMENT

PROPOSED DEDICATION

15'

25'

40'

HARRIS LANE

EXISTING RIGHT-OF-WAY

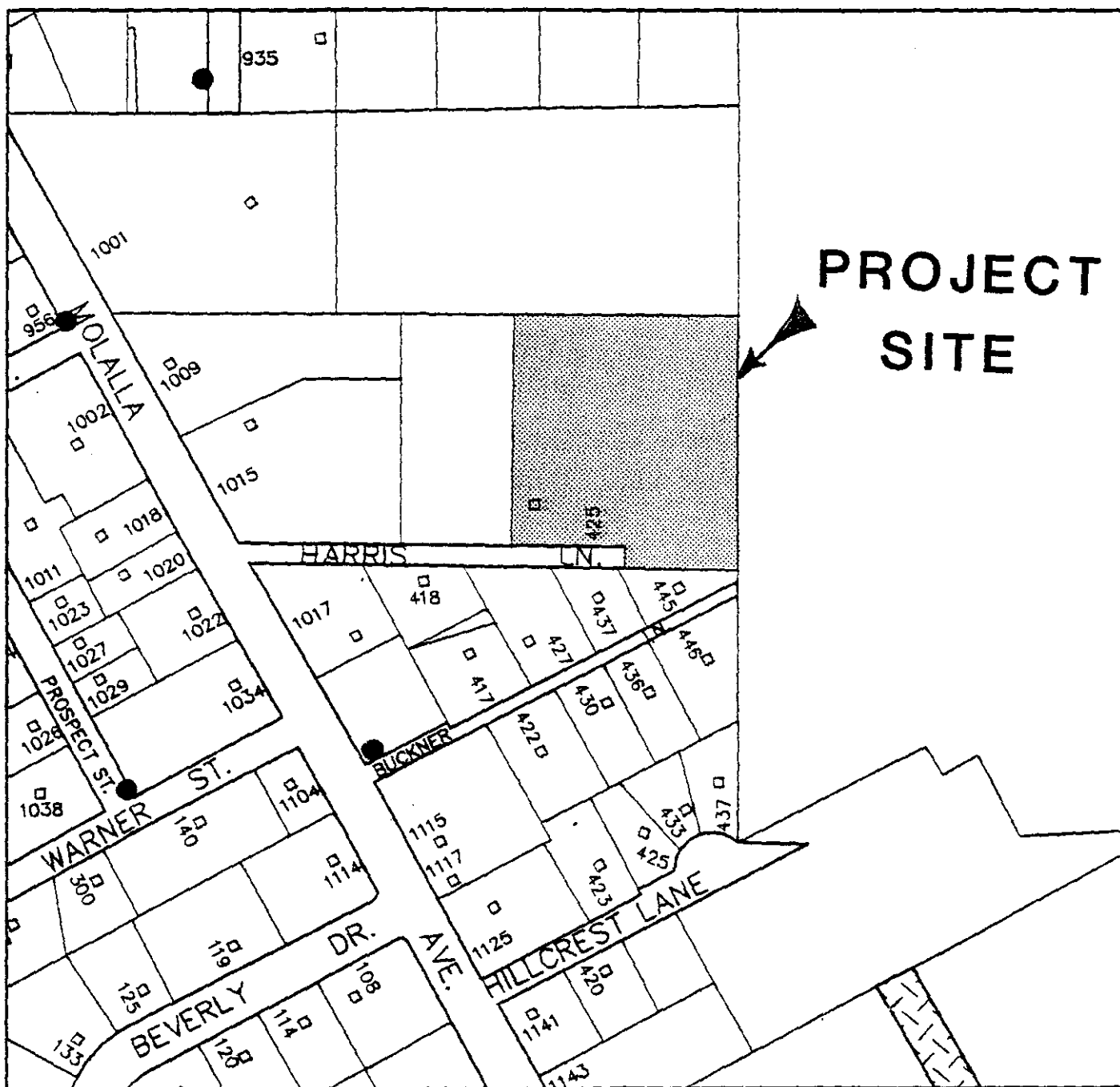
N. 89° 47' 30" W.

S. 28° 09' 00" E

MOLALLA AVE.

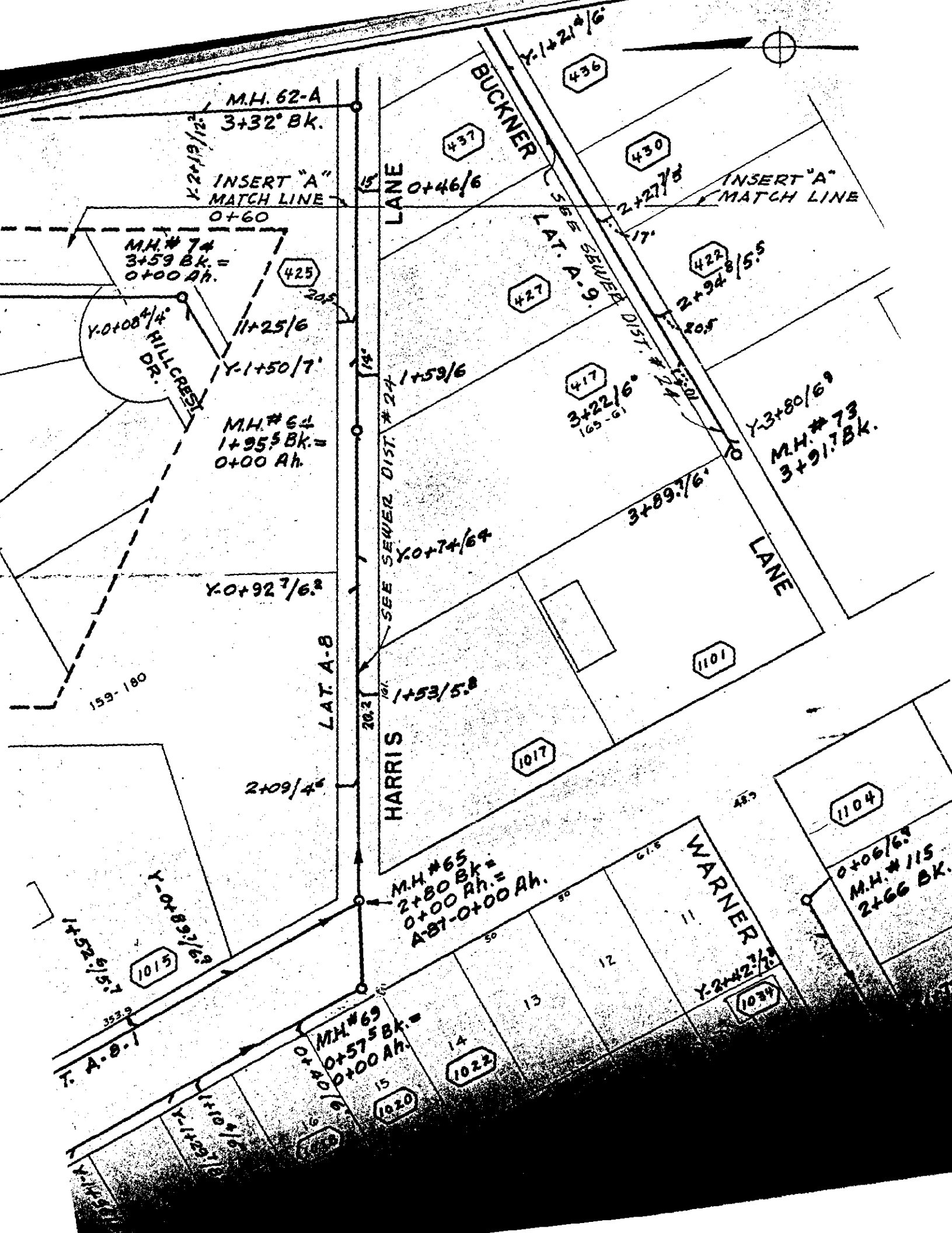
EXHIBIT "B"

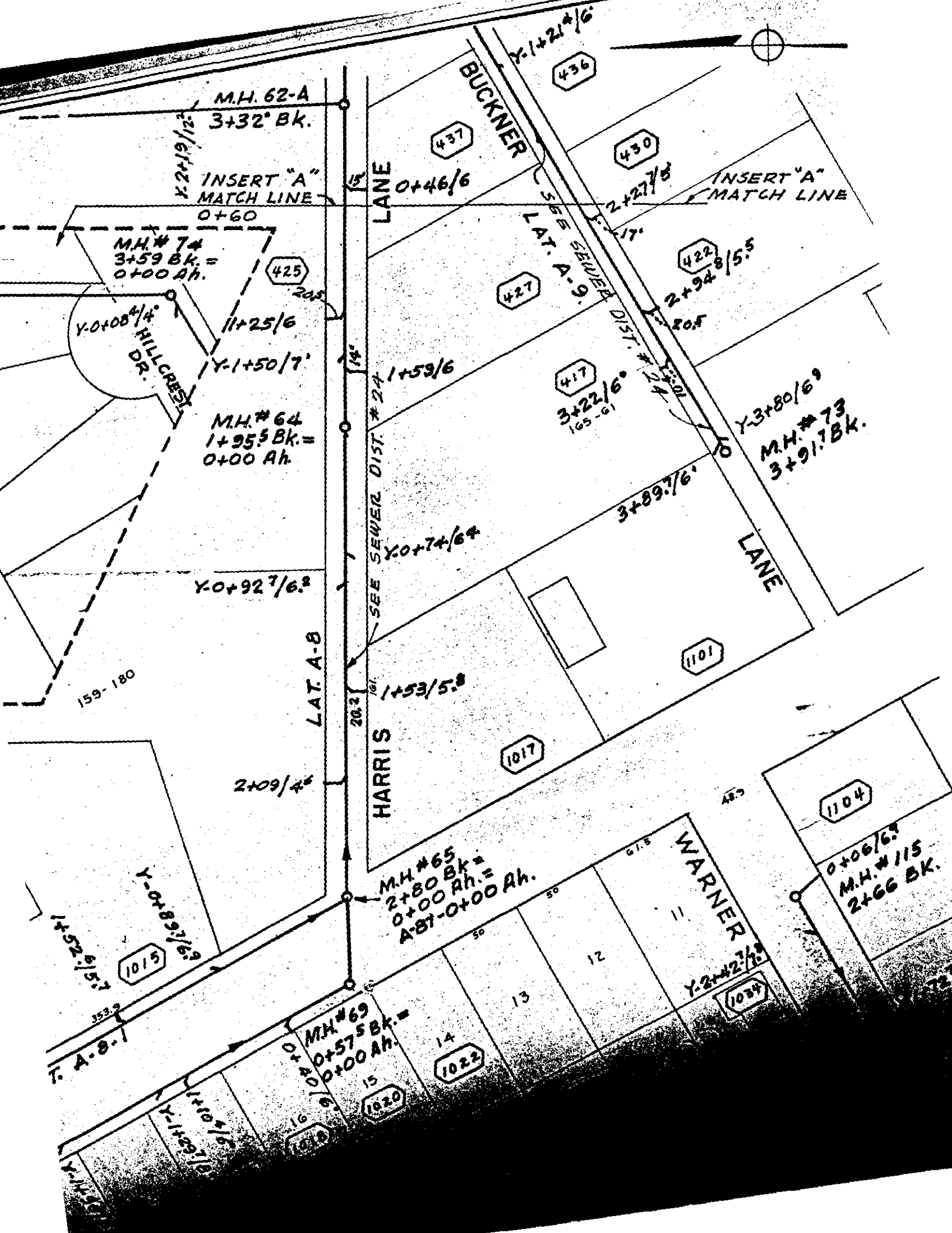
COMPASS CORPORATION
6564 S.E. LAKE ROAD
MILWAUKIE, OREGON 97222
PHONE: 653-9093
JOB NO. 93-3256



LOCATION MAP

TP93-03







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: Right-of-Way Dedication and
Easement Acceptance -
TP93-03 - Gabriel Heights Subdivision

Report No. 94-49

On the March 16, 1994 agenda is a Right-of-Way Dedication and Sidewalk and Utility Easement for the Gabriel Heights Subdivision. The subdivision was approved by the Planning Commission on September 28, 1993. A condition of approval required a 15-foot right-of-way dedication along the north side of Harris Lane between Molalla Avenue and this project. When the survey was completed, it was determined that the 15-foot dedication would encroach in the required setback on the south side of the existing building at the corner of Molalla Avenue and Harris Lane. Therefore, a portion of the dedication is a Sidewalk and Utility Easement. The Dedication and Easement documents are attached for review.

It is recommended that the Commission accept the Right-of-Way Dedication and Sidewalk and Utility Easement and authorize the Mayor and City Recorder to execute.

CHARLES LEESON
City Manager

LH:jke
Attach.

cc: Community Services Director
City Engineer
Plans Examiner
George and Maxine Eby, Owners
Jarvis Black

Public Utility
Easement

3-2E-SBD T.L. 402

(purple)

George W. Eby
Maxine L. Eby
January 1994

DOC# 94-28483

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1213	8

Env. 170