

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Marvin L. & Donna M. Caldwell 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 sanitary sewer 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.

The GRANTORS bargain, sell, convey, transfer and deliver unto CITY a temporary easement and right-of-way upon, across and under so much of the aforesaid land as described as:

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

It being understood that said temporary easement is only for the original excavation and construction of said utility line and upon the completion of the construction thereof shall utterly cease and desist, save and except for that portion hereinbefore described as being a permanent easement.

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 \$ 200.00, 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

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 12th day of March, 1992; 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

Marvin L. Caldwell
Marvin L. Caldwell

Corporation/Partnership Name

Donna M. Caldwell
Donna M. Caldwell

Signer's Name, Title

(if executed by a corporation
affix corporate seal)

Signer's Name, Title

Signer's Name, Title

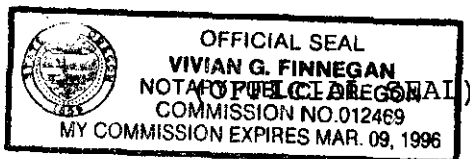
Personal Acknowledgment
STATE OF OREGON)
County of Clackamas) ss.

Personally appeared the above
named Marvin L. & Donna M.
Caldwell and acknowledged the
foregoing instrument to be their
voluntary act and deed.

Before me:

Vivian G. Finnegan
NOTARY PUBLIC FOR OREGON

My Commission Expires: 3-09-96



Marvin L. & Donna M. Caldwell
19562 S. Falcon Drive
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.

Daniel W. Fawcett
Mayor

Joan K. Elliott
City Recorder 3-18-92

After Recording Return to:

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



Corporate Acknowledgment
STATE OF OREGON)
County of _____) ss.

Personally appeared _____
and _____
who being duly sworn, each for
himself and not one for the other
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:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

(OFFICIAL SEAL)

Space reserved for County
Record's Office

Job No. 2756
10/18/90 NH
Revised 4/03/92 MAR
Revised 4/14/92 MAR

EASEMENT DESCRIPTION
"C" TRUNK SANITARY SEWER
TAX LOT 1200 (3-2E-8D)

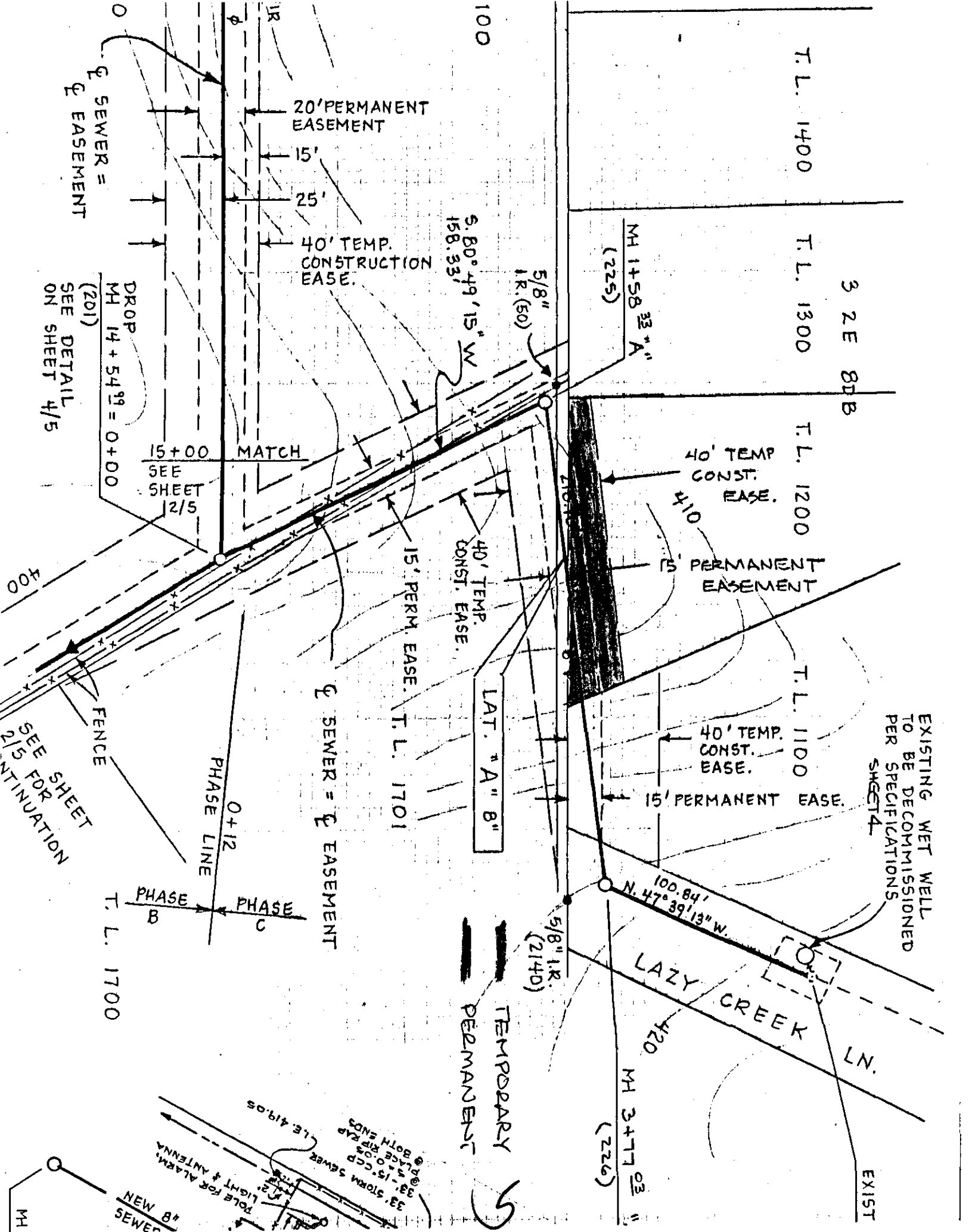
EXHIBIT "A"

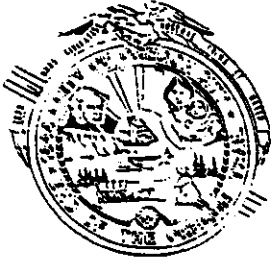
A strip of land, fifteen feet wide, in the Southeast-quarter of Section 8, T. 3 S., R. 2 E., W.M., Clackamas County, Oregon, crossing that tract of land described in deed to Marvin L. Caldwell and Donna M. Caldwell, recorded April 20, 1971, Clackamas County Deed Record Fee No. 71-08127, the centerline of which is described as follows:

Beginning on the easterly line of Lot 12, "Gaffney Lane Acres", a subdivision plat of record (Book 47, Page 28) in said Clackamas County at a point which lies 66.84 feet from the Southeast corner thereof; thence N. 10° 14' 48" E., 68.10 feet, more or less, to the terminus of said centerline at a point on the northerly line of said Lot 12, said point being S. 87° 51' 18" W., 8.57 feet from the northeast corner of said Lot 12, side lines of said easement to extend northerly and southerly to the northerly and easterly boundaries of said Lot 12.

Including a temporary easement for construction purposes, 20 feet wide, lying on the westerly side of said centerline, the westerly edge of which shall extend north and south to the intersection with the northerly and southerly lines of said Lot 12; said temporary easement to automatically terminate upon completion of the sewer installation.

The bearings in this description are based on the map of survey number 20410 on file in the Clackamas County Surveyor's Office, and said map by reference is made a part hereof.





CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

March 18, 1992

Page 1 of 1

Subject: Public Utility Easement Acceptance -
'C' Trunk Sewer Line

Report No. 92-55

On the March 18, 1992 City Commission agenda are four public utility easements for the 'C' Trunk sewer line for Commission acceptance. The easement documents are attached for Commission review.

It is recommended that the City Commission adopt a motion accepting the easement documents and authorize the Mayor and City Recorder to execute respectively.

CHARLES LEESON
City Manager

JGB/im

attach.

cc - Development Services Director
- Neal Robinson, Project Engineer

3-2-6BB-2600
3000

WAIVER OF REMONSTRANCE
ARLAND BRAUNER



(purple)

Page 1108 #8b
1207 #10
1208 #12

CLACKAMAS COUNTY
INSTRUMENT NO. 93-68673