

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Trace Development Corporation 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 \$1.00, (one), 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 27 day of January, 1993; 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 Trace Development Corporation
~~limited partnership~~

Owner

Trace Development Corporation
Corporation/~~Partnership Name~~

Owner

by Mark E. Foley v.p.
Signer's Name, Title
Mark E. Foley Vice President

(if executed by a corporation
affix corporate seal)

~~Signer's Name, Title~~

~~Signer's Name, Title~~



Personal Acknowledgment

STATE OF OREGON)
) ss.
County of Clackamas)

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)

Trace Development Corporation
500 Abernethy Rd., #3
Oregon City, Oregon 97045

(Grantor's Name and Address)

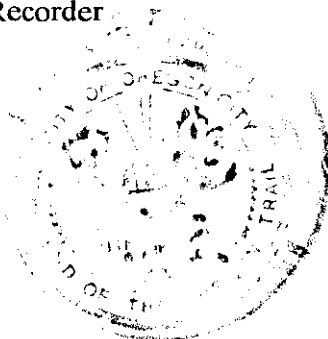
City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045

(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. Fowler
Mayor

Deanne B. Linnegan
City Recorder
Deputy



Corporate Acknowledgment

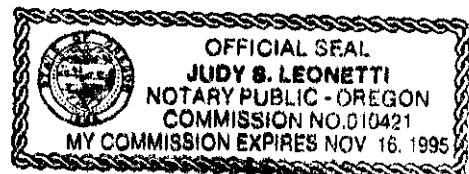
STATE OF OREGON)
) ss.
County of CLACKAMAS)

Personally appeared MARK E. Foley and _____
_____ 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 of TRACE DEVELOPMENT CORP 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:

Judy S. Leonetti
NOTARY PUBLIC FOR OREGON

My Commission Expires: Nov 16, 1995



(OFFICIAL SEAL)

Space reserved for County
Record's Office

[W:\FILES\WEAL\SEPARATE\TRACE.EAS]

Phase 6 Sewer Separation
2 2E 31AB, 200 and 201

LEGAL DESCRIPTION OF
PERMANENT EASEMENT FOR
SEWER FORCE MAIN
TAX LOTS 2 2E 31AB 200 and 201
October 1, 1992

A portion of Block 34, of the plat of OREGON CITY, in the northeast quarter of Section 31, T2S, R2E, W.M. in the City of Oregon City, County of Clackamas, and State of Oregon, described as follows:

Beginning at the most Southerly corner of said Block 34; thence N 35°30' E along the Southeasterly line thereof 88.56 feet to the most Southerly corner of that tract conveyed to Beverly A. Cleland, et al., by deed recorded October 7, 1981, as Recorder's Fee No. 81-34830, Clackamas County Records; thence N 54°16'55" W along the Southwesterly line of said Cleland tract 109.18 feet to the Southeasterly line of a tract owned by Oregon City, a municipal corporation described in Book 189, Page 276 Deed Records, being the True Point of Beginning; thence N 54°44' E, 6.04 along the Southeasterly line of said Oregon City tract; thence 14.03 feet along the arc of 7.50 foot radius curve to the right (long chord bears S 26°2'27" E, 12.07 feet) to the Southwesterly line of said Cleland tract; thence N 54°16'55" W, 12.60 feet to the Southeasterly line of said Oregon City tract, the True Point of Beginning.

LEGAL DESCRIPTION OF
CONSTRUCTION EASEMENT FOR
SEWER FORCE MAIN
TAX LOT 2 2E 31AB 200 and 201
October 1, 1992

A portion of Block 34, of the plat of OREGON CITY, in the northeast quarter of Section 31, T2S, R2E, W.M. in the City of Oregon City, County of Clackamas, and State of Oregon, described as follows:

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PERMANENT
EASEMENT

CONSTRUCTION
EASEMENT

T.L.200

T.L.201

T.L.300

CLELAND
BUILDING

6TH ST.

HIGH ST.

Exhibit 'B'



**CITY OF
OREGON CITY**

320 WARNER MILNE ROAD
OREGON CITY, OREGON 97045
PHONE (503) 657-0891

**OREGON CITY SEWER SEPARATION
PHASE 6**

TAX LOTS 2 2E 31AB 200 AND 201



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

February 17, 1993

Page 1 of 1

Subject: Public Utility Easement Acceptance
Combined Sewer Separation - Phase 6

Report No. 93-31

On the February 17, 1993 City Commission agenda are two public utility easements for Commission acceptance. One from Donald Cleland and the Cleland Building Association and the other from Trace Development Corporation. Copies of the easement documents are attached for review.

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

CHARLES LEESON
City Manager

attach.

cc - John Block, Development Services Director
- Neal Robinson, Project Manager

Public Utility Easement
Acceptance - Combined
Sewer Separation -
Phase 1e

22E 31AB 200+201

TRACE Development 1993
Corporation

DOCH# 93-26152

PS 716 #14

ENV#
765