

**CITY OF OREGON CITY, OREGON**

**PUBLIC UTILITY(S) EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS, THAT** Donald L. Cleland, and Cleland Building Association 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

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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 20<sup>th</sup> 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

  
Owner KARL WUSTRACK *mg pto*

\_\_\_\_\_  
Owner

(if executed by a corporation  
affix corporate seal)

Corporation  
limited partnership

\_\_\_\_\_  
Corporation/Partnership Name

\_\_\_\_\_  
Signer's Name, Title

\_\_\_\_\_  
Signer's Name, Title

\_\_\_\_\_  
Signer's Name, Title

**Personal Acknowledgment**

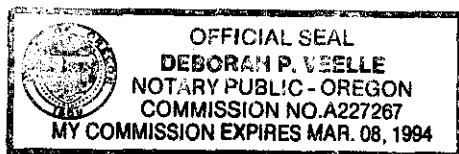
STATE OF OREGON )  
 ) ss.  
County of Clackamas )

Personally appeared the above  
named KARL WUSTRAK and acknowledged the  
foregoing instrument to be HIS voluntary act and  
deed.

Before me:

Deborah P. Veelle  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 3-8-94



(OFFICIAL SEAL)

Donald L. Cleland &  
Cleland Building Association  
605 High Street  
Oregon City, Oregon 97045

(Grantor's Name and Address)

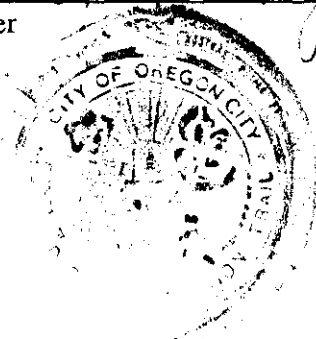
City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

(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 D. Fowler  
Mayor

William B. Finnegan  
Deputy City Recorder



**Corporate Acknowledgment**

STATE OF OREGON )  
 ) ss.  
County of \_\_\_\_\_ )

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

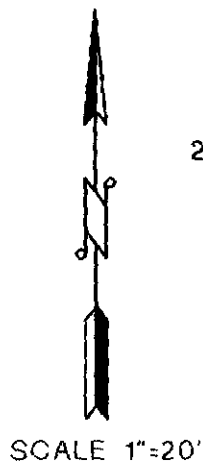
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Phase 6 Sewer Separation  
2 2E 31AB, 300

LEGAL DESCRIPTION OF  
PERMANENT EASEMENT FOR  
SEWER FORCE MAIN  
TAX LOT 2 2E 31AB 300  
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 54°30' W, 100.75 feet to the True Point of Beginning; thence N 35°36' E, 12.45 feet along the Southeasterly line of a tract owned by Oregon City, a municipal corporation, described in Book 189, Page 276 Deed Records; thence 41.65 feet along the arc of a 132.34 foot radius curve to the left (long chord bears N 26°35' E, 41.48 feet); thence N 17°34' E, 13.03 feet; thence N 25°05' E, 3.89 feet; thence 15.13 feet along the arc of a 29.23 foot radius curve to the right (long chord bears N 39°54'30" E, 14.96 feet); thence N 54°44' E, 4.67 feet; thence S 54°16'55" E, 12.60 feet along the Southwesterly line 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 S 35°43'5" W, 2.77 feet; thence N 54°16'55" W, 3.01 feet; thence S 35°29' W, 27.13 feet; thence S 54°17'34" E, 8.78 feet; thence S 35°39'25" W, 59.01 feet; thence N 54°30' W, 9.78 feet to the True Point of Beginning.



TAX LOT  
200 & 201

CONSTRUCTION  
EASEMENT

TAX LOT 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, 201 AND 300**

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# 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  
Combined Sewer Separation -  
Phase 6

22E 31AB 300,200,+201

Donald L. Cleland  
Cleland Building  
Karl Wustrack

1993

DOC# 93-26151

pg 710 # 13

ENV#  
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