

**CITY OF OREGON CITY, OREGON**

**PUBLIC UTILITY(S) EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS, THAT Virginia J. Miller, as trustee, u/a** 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 waterlines on the following described land:

Part of Lot 4, Clairmont Acreage Tracts No.3, a subdivision plat of record (plat book 9, page 24) in the northeast quarter of Section 8, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows and further shown on the attached drawing labeled "EXHIBIT A".

**BEGINNING** at the northwest corner of said Lot 4; **THENCE** South along the west line thereof, a distance of 347.5 feet to a point; **THENCE** East parallel with the north line of Fir Street (50 foot width), a distance of 17.5 feet to a point; **THENCE** South parallel with the west line of said Lot 4, a distance of 350.2 feet to the north line of said Fir Street; **THENCE** East along the said north line, a distance of 20.0 feet to a point; **THENCE** North parallel with the west line of said Lot 4, a distance of 5.0 feet to a point; **THENCE** West parallel with the north line of said Fir Street, a distance of 5.0 feet to a point; **THENCE** North parallel with the west line of said Lot 4, a distance of 362.7 feet to a point; **THENCE** West parallel with the north line of said Fir Street, a distance of 7.5 feet to a point; **THENCE** North parallel to the west line of said Lot 4, a distance of 195.0 feet to a point; **THENCE** West parallel to the north line of Fir Street, a distance of 5.0 feet to a point; **THENCE** North parallel with the west line of said Lot 4, a distance of 135.0 feet to a point on the north line of said Lot 4; **THENCE** West along said north line, a distance of 20.0 feet to the **POINT OF BEGINNING**.

**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 12<sup>th</sup> day of Aug, 1992

Individuals,  
general partnerships

Virginia J. Miller  
Signer's Name

Signer's Name

Personal Acknowledgment

STATE OF OREGON

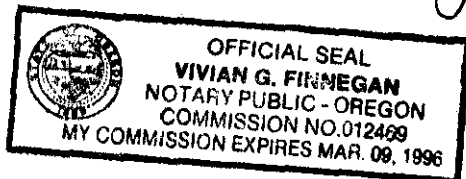
)  
) ss.

County of Clackamas

Personally appeared the above named

Virginia J. Miller and acknowledged the foregoing  
instrument to be her voluntary act and deed.

Before me: Vivian G. Finnegan



Virginia J. Miller  
13923 Fir Street  
Oregon City, OR 97045  
(Grantor's Name and Address)

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

(Grantee's Name and Address)

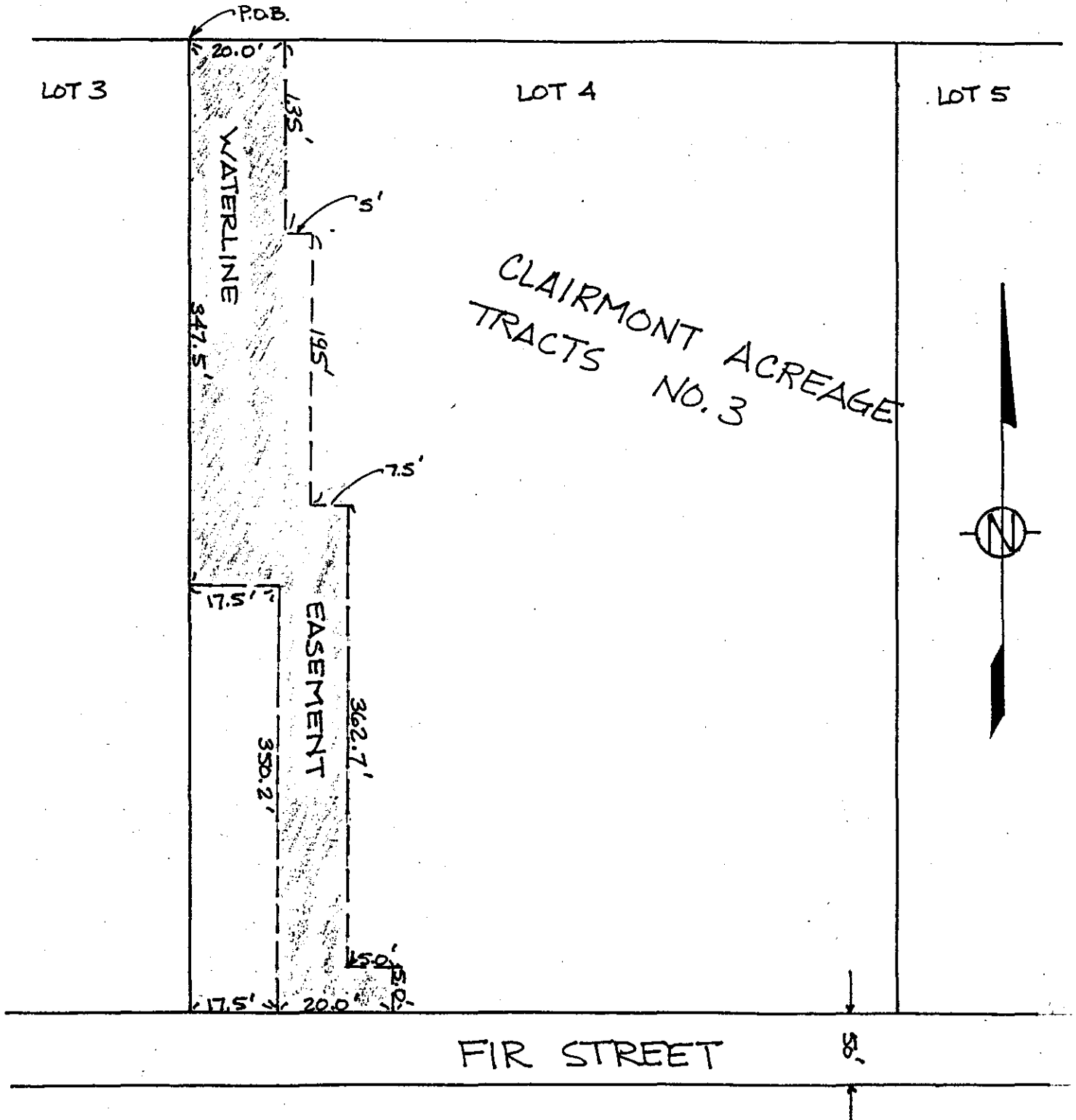
Accepted on behalf of the City of Oregon City on the  
condition that the easement granted is free and clear from  
taxes, liens and encumbrances.

Daniel W. Fowler  
Mayor  
John K. Elliott  
City Recorder



# EXHIBIT "A"

SCALE = NTS





# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

FOR AGENDA 12

DATED

August 19, 1992

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Public Utility Easement Acceptance  
Fir Street Local Improvement District

Report No. 92-172

On the August 19, 1992 City Commission agenda is a public utility easement necessary for construction of the Fir Street Local Improvement District for City Commission acceptance. Attached are two easements for Commission 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  
- John Hawthorne, Civil Engineer