

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Harry G. Pointer and R. Sally Pointer, husband and wife, and James R. Stevens and Dee A. Stevens, husband and wife, 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 waterline 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, 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 14 day of August, 1992

Individuals.

general partnerships

Harry G. Pointer

Harry G. Pointer

R. Sally Pointer

R. Sally Pointer

James R. Stevens

James R. Stevens

Dee A. Stevens

Dee A. Stevens

Personal Acknowledgment

STATE OF OREGON

)

) ss.

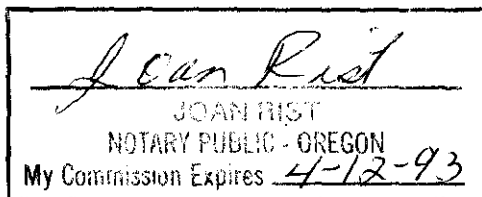
County of Clackamas

)

Personally appeared the above named

Harry G. Pointer and R. Sally Pointer, husband and wife,
and acknowledged the foregoing instrument to be
their voluntary act and deed.

Before me:

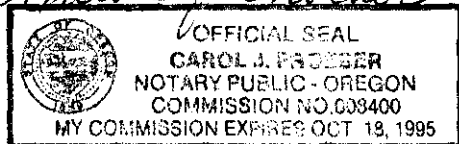


Personally appeared the above named

James R. Stevens and Dee A. Stevens, husband and wife,
and acknowledged the foregoing instrument to be
their voluntary act and deed.

Before me:

Carol J. Prosser



Harry G. and R. Sally Pointer
15995 South Sandalwood Road
Oregon City, OR 97045

James R. and Dee A. Stevens
18950 Pease Road
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

Alan K. Elliott

City Recorder

8-19-92



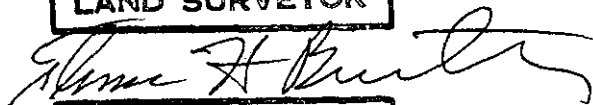
July 30, 19929

DESCRIPTION FOR WATER LINE EASEMENT FROM PEASE ROAD TO LELAND ROAD.

Part of the S.S. White D.L.C. in Section 7, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon Described as follows:

Commencing at a stone in the road leading from John Howland's D.L.C. to Oregon City, Oregon, said stone being North $11^{\circ} 30'$ West 24.50 chains distant from the most Easterly corner of S.S. White D.L.C. in Section 7, Township 3 South, Range 2 East, of the Willamette Meridian, running thence South $42^{\circ} 15'$ West 140.00 feet; thence Northeasterly 113 feet more or less to a point that lies South $11^{\circ} 30'$ East 68.00 feet from the point of commencement; thence North $11^{\circ} 30'$ West 68.00 feet to the point of commencement. Except the rights of the public in and to that portion lying within the boundaries of roads. Basis of bearings and this description is the deed from Ethel McLean Johnston to Louania Ellis recorded July 16, 1973, fee no. 7322340, Clackamas County deed records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



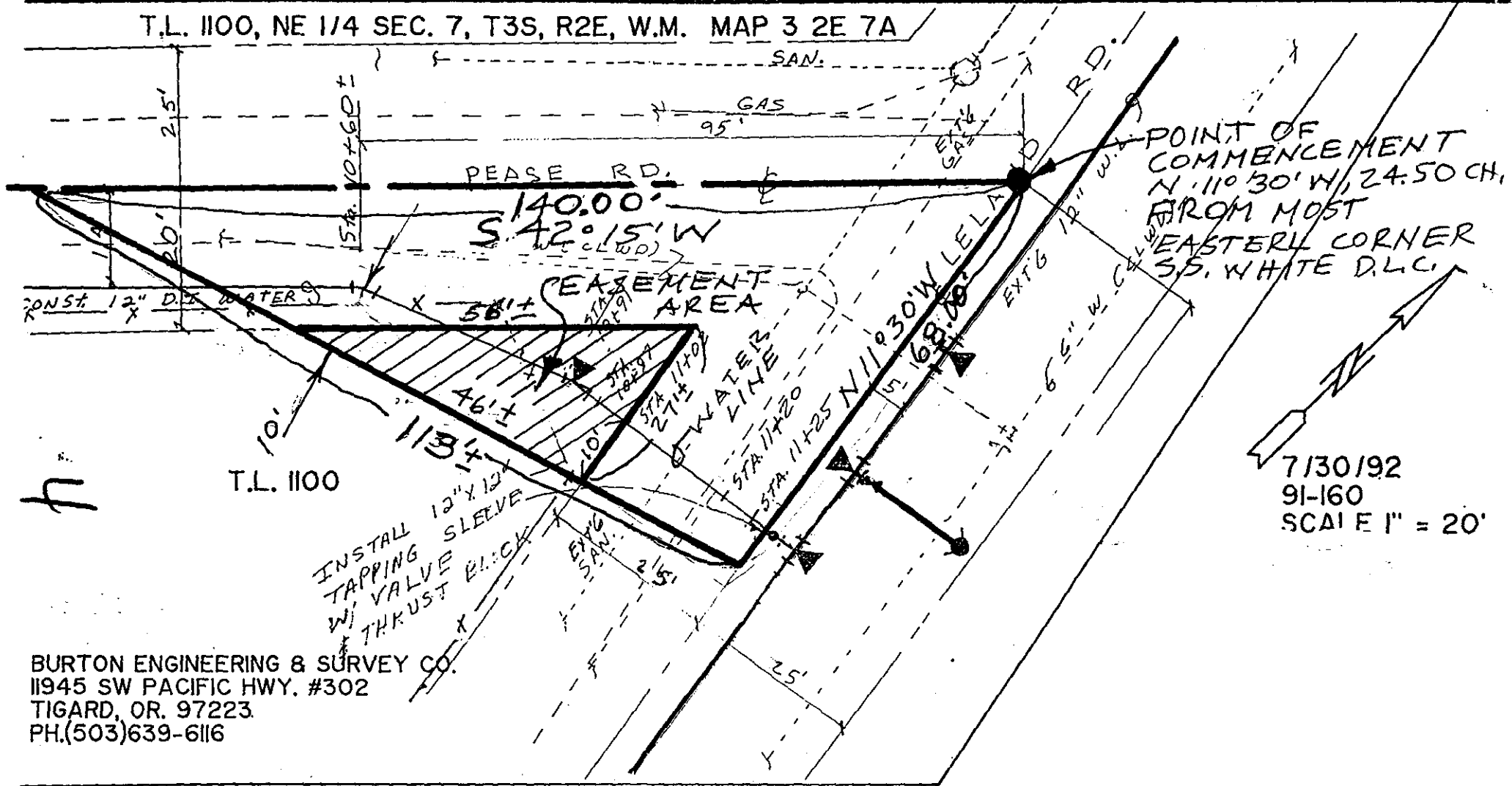
OREGON
JAN. 18, 1963
THOMAS H. BURTON
#590

EXHIBIT "A"

3

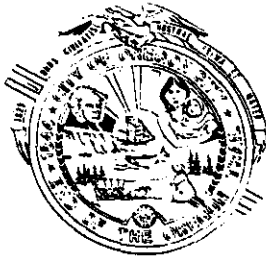
SKETCH MAP FOR WATERLINE EASEMENT

T.L. 1100, NE 1/4 SEC. 7, T3S, R2E, W.M. MAP 3 2E 7A



BURTON ENGINEERING & SURVEY CO.
11945 SW PACIFIC HWY. #302
TIGARD, OR. 97223
PH.(503)639-6116

EXHIBIT "B"



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

13
FOR AGENDA

DATED

August 19, 1992

Page 1 of 1

Subject: Public Utility Easement Acceptance
Ainsworth Off-Site Waterline

Report No. 92-174

Being added to the August 19, 1992 City Commission agenda is a public utility easement necessary for construction of an off-site waterline in Pease Road for Ainsworth Phase 2 for Commission acceptance. Attached is the easement for Commission review.

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

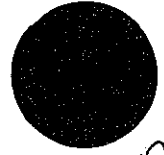
CHARLES LEESON
City Manager

attach.

cc - John Block, Development Services Director
- John Hawthorne, Civil Engineer

Ainsworth Off-site
waterline

3-2E-7A 1100



(purple)

Harry G. Pointer
R. Sally Pointer

1992

DOG# 92-73651

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Env. 438