

CITY OF OREGON CITY, OREGON

PUBLIC UTILITY(S) EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT Lyle & Vickie Zirkle 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 \$2,100.00, 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

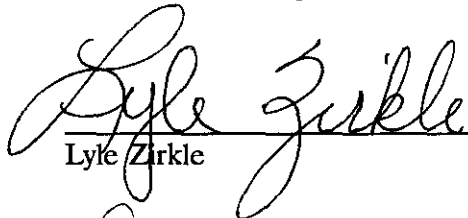
and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and

demands of all persons claiming by, through, or under the GRANTOR.

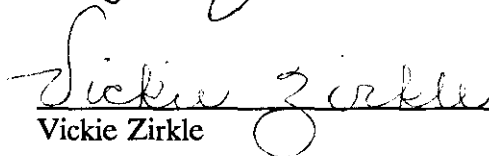
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this ____ day of _____, 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



Lyle Zirkle



Vickie Zirkle

(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 Lyle & Vickie Zirkle 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



(OFFICIAL SEAL)

Lyle & Vickie Zirkle
13696 S. Lazy Creek Lane
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 9-2-92

Stan F. Elliott
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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"C" Trunk Sanitary Sewer
3-2E-8A, Taxlot 1701

EASEMENT DESCRIPTION
"C" TRUNK SANITARY SEWER
TAX LOT 1701 (3-2E-8A)

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 Lyle Zirkle and Vickie Zirkle, husband and wife, recorded January 2, 1981, Clackamas County Deed Record Fee No. 81-00046 the centerline of which is described as follows:

Commencing at a point on the easterly line of Gaffney Lane Acres, said point being 70.44 feet S. 17° 04' 20" W., from the northeast corner of Lot 12, Gaffney Lane Acres; thence S. 10° 14' 48" W., 67.31 feet; thence N. 80° 49' 15" E., 50.97 feet, more or less, to the southerly line of said Zirkle tract, side lines of said easement to extend northerly and easterly to the intersections with the westerly and southerly boundaries of said tract.

Including a temporary easement for construction purposes lying 20 feet on the easterly side and 20 feet on the northerly side of the centerline described, said side lines to extend northerly and easterly to the intersections of the westerly and southerly boundaries of said tract, 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.

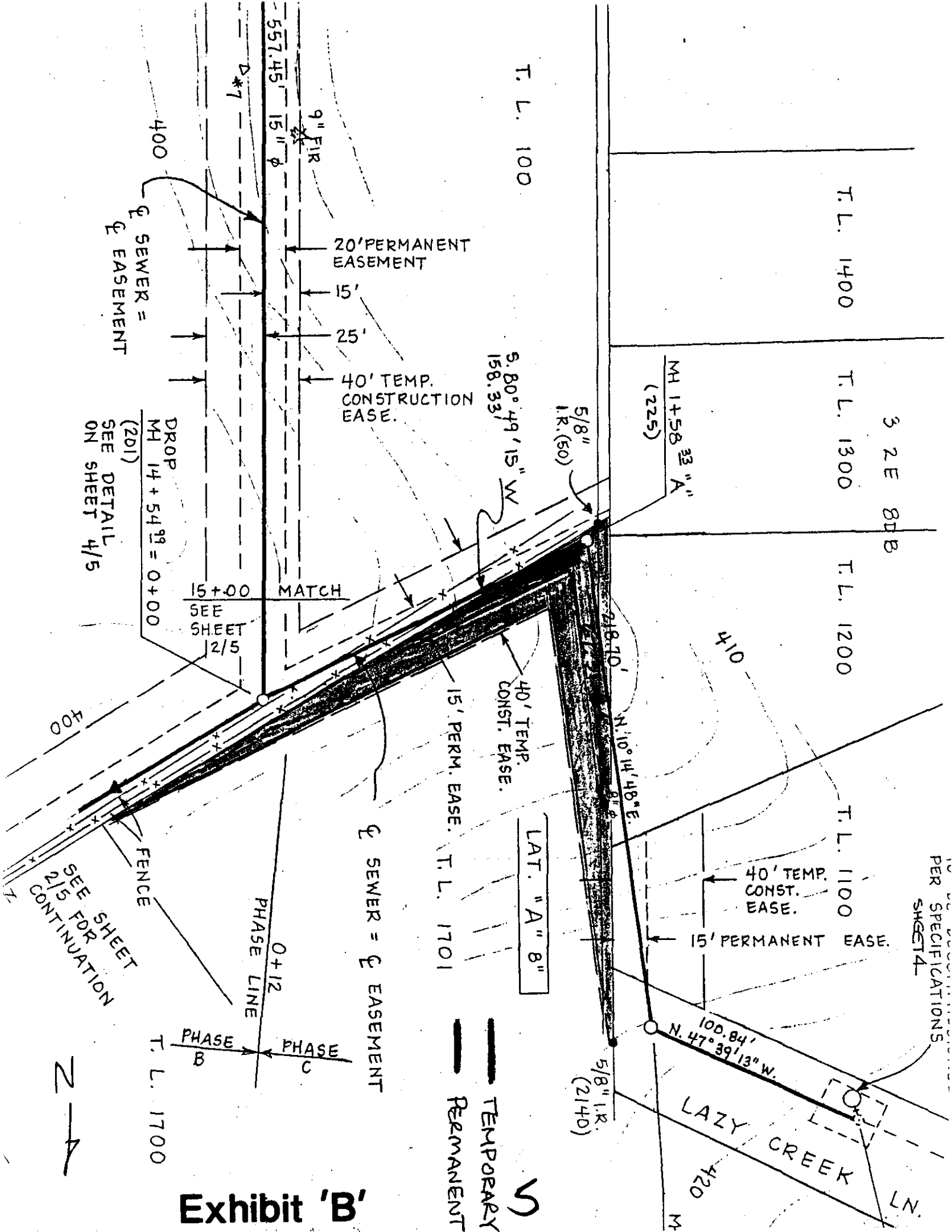


Exhibit 'B'

PER SPECIFICATIONS
SHEET 4



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

September 2, 1992

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Public Utility Easement Acceptance
"C" Trunk Sewer Line

Report No. 92-190

On the September 2, 1992 City Commission agenda is the final public utility easement for the "C" Trunk sewer line for Commission acceptance. The easement document is 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.

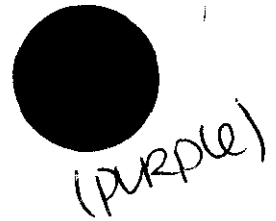
CHARLES LEESON
City Manager

attach.

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

'C' Trunk Sewer Line

3-2E-8A 1701



Lyle Zirkle 1992
Vickie Zirkle

DOC# 92-73649

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