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**CITY OF OREGON CITY, OREGON  
SANITARY SEWER EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, THAT **Lowell Gene Wittke and Judith Ann Wittke** hereinafter called the GRANTOR, does 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 sewer line, mains, and conduits over across and through the following described land:

A tract of land situated in the N.E. 1/4 of Section 28, T.2S., R.2E., W.M., in the George Abernathy D.L.C. No. 58, Clackamas County, Oregon, also being a portion of that tract of land conveyed by deed to Lowell Gene Wittke and Judith Ann Wittke recorded in Fee No. 78-45809, October 24, 1978 and Fee No. 77-43587 recorded on October 25, 1977, Clackamas County Deed Records, being more particularly described as follows:

A 20.00 foot wide strip of land lying 10.0 feet on each side of the following described centerline:

Commencing at the southwest corner of said Wittke tract (Fee No. 78-45809);

thence, along the west line of said Wittke tract, North 2°07'05" East, 282.87 feet to the True Point of Beginning of said centerline;

thence, South 87°32'00" East, 109.69 feet;

thence, North 60°22'58" East, 298.18 feet to Point "A";

thence, South 77°10'14" East, 327.37 feet;

thence, North 26°15'12" East, 153.79 feet to a point on the South right-of-way line of Oak Tree Terrace, as shown on the plat of "HOLCOMB HILL NO. 2", being the termination point of said centerline, said point being North 80°22'20" East, 25.80 feet from the Southwest corner of said Oak Tree Terrace;

ALSO AND TOGETHER WITH a 20.0 foot wide strip of land lying 10.0 feet on each side of the following described centerline:

Beginning at the above described Point "A";

thence, North 15°55'15" East, 127.37 feet to a point on the north line of said Fee No. 77-43587, being the termination point of said centerline, also being North 88°13'37" West, 48.47 feet from the northwest corner of Lot 8, HOLCOMB HILL NO. 2.

The area of the permanent easement is 20,143 square feet. (0.462 acres).

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

The GRANTOR does 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

92 38575

RETURN TO: City Recorder, 320 Warner Milne Road, Oregon City OR 97045

as:

Being a 50.0 foot wide strip of land lying 25.0 feet on each side of the above described centerline, except the last course of the first above described centerline, noted as North 26° 15' 12" East, 153.79 feet, the southeasterly side line being 15.0 feet from centerline.

Sidelines subject to lengthening and/or shortening so as to terminate upon the grantor's property line.

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 **TWO THOUSAND FIFTY and no/100 dollars (\$2,050.00)**, the receipt of which is hereby acknowledged by GRANTOR.

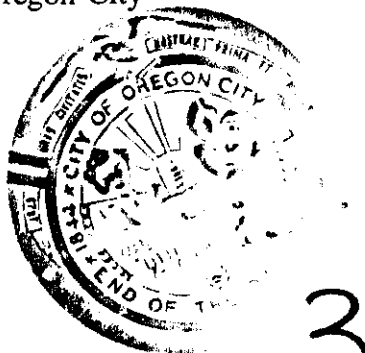
And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free of any encumbrance that would prevent or limit the use of the property for a sanitary sewer or result in such easement being subject to extinguishment, and from any encumbrance not of record as of July 31, 1991.

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 28<sup>th</sup> day of April, 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.

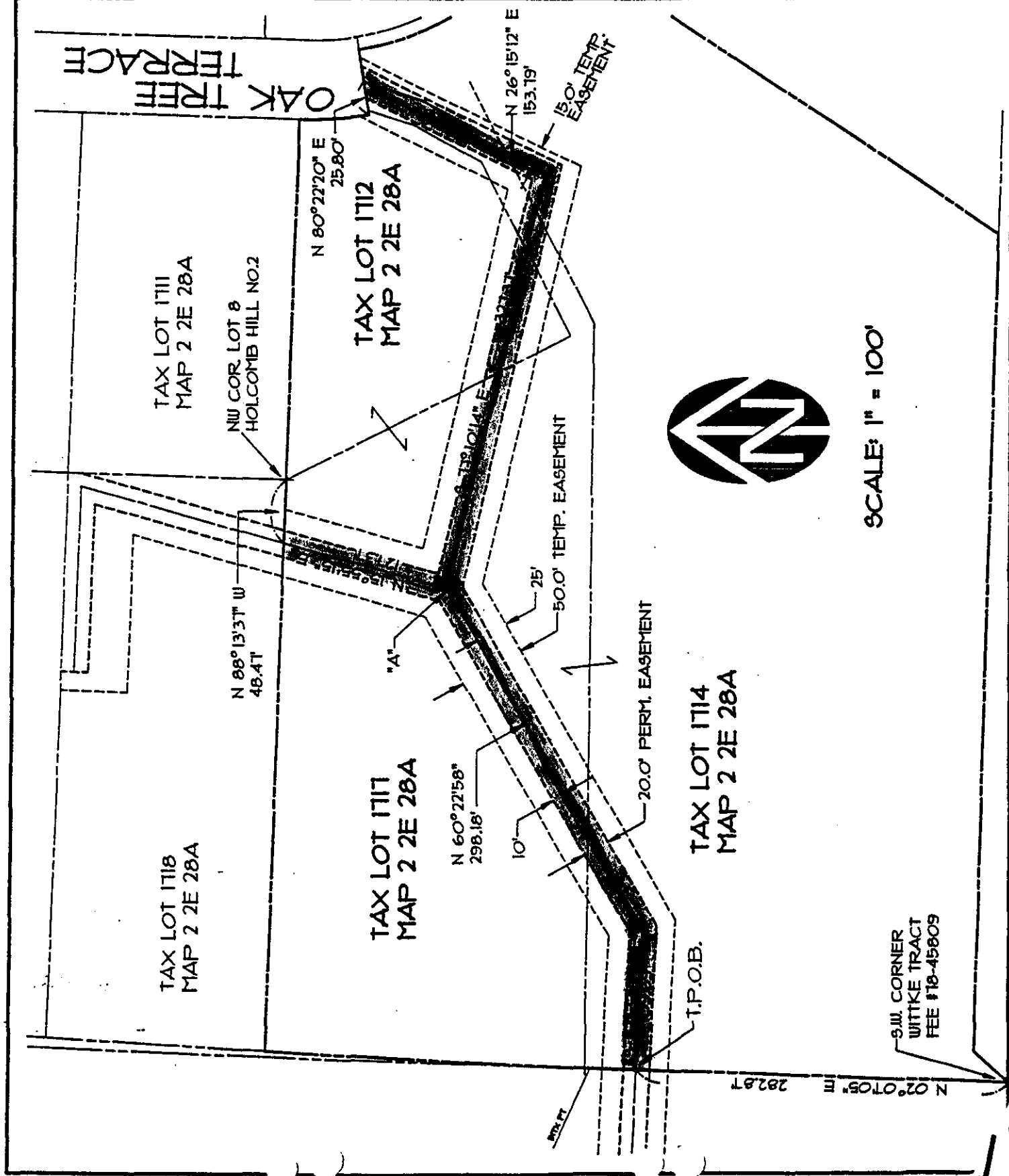
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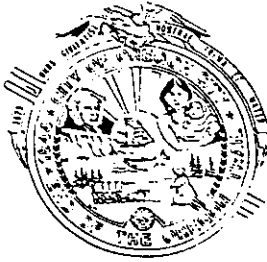


SANITARY SEWER EASEMENT  
EXHIBIT MAP  
HOLCOMB - PARK PLACE  
SANITARY SEWER COLLECTION SYSTEM  
OREGON CITY, CLACKAMAS COUNTY, OREGON

PREPARED BY:  
WESTLAKE CONSULTANTS, INC.  
1340 SE HUNZIKER RD., STE. 204  
TIGARD OREGON 97123  
PH (503) 684-0682

MAP NO: 2 2E 28A  
TAX LOT NO: 1712,  
1714, 1717  
DATE: 6-6-91  
DRAWN BY: KMR  
CHECKED BY: SPB





# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

FOR AGENDA

DATED

May 6, 1992

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Park Place Sewer Project Status  
and Sewer Easement Acceptance

Report No. 92-84

On the May 6, 1992 City Commission agenda is a status report on the Park Place Sewer Project and recommended acceptance of the final four (4) easements negotiated. Staff did a good job in securing the 82 different easements and the remaining four (4) in particular. Only one (1) easement had to be condemned.

Map	Tax Lot	OWNER	ADDRESS
20	503	Tri-City Serv. District	902 Abernethy Road, O.C.
21CC	100	Zinzer, Dan W. & Linda M.	14154 S. Forsythe, O.C.
21CC	200	Gibb, Edward A. & Terry L.	14110 S. Thurman, O.C.
21CC	500	Teel, Darrel E. & Shannon L.	14130 S. Thurman, O.C.
21CC	600	Teel, Darrel E. & Shannon L.	14130 S. Thurman, O. C.
28A	1712	Witke, Lowell Gene & Judy Ann	85 SW Wonderview Ct., Gresham, 97080
28A	1714	Witke, Lowell Gene & Judy Ann	85 SW Wonderview Ct., Gresham, 97080
28A	1717	Witke, Lowell Gene & Judy Ann	85 SW Wonderview Ct., Gresham, 97080
28BC	1500	Lumpkin, Lanny	16221 S.E. Royer Road, Clackamas, 97015

As the Commission is aware, the project has been waiting execution of the remaining easements and is now ready to go forward with construction once DEQ's authorization to bid is received. Attached is the revised schedule for Commission review.

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

CHARLES LEESON  
City Manager

JGB/im

attach.

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

# CITY OF OREGON CITY

## Development Services Department Engineering Division

### MEMORANDUM

DATE: April 30, 1992

TO: John Block, Development Services Director  
FROM: Neal Robinson, Project Manager  
RE: PARK PLACE SEWER PROJECT STATUS

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#### EASEMENTS

Easements have been secured through negotiations across 82 taxlots involving 64 property owners.

Negotiations were unsuccessful with only one owner and the circuit court gave the right of immediate possession to construct across the property on April 9, 1992. One final owner has given a right of entry to construct sewer on his property and has agreed to the compensation for the land value, but is unwilling to execute final easement documents until construction has been completed on his property because he is concerned about the extent to which his light industrial tenants will be effected by the construction.

#### D.E.Q. REVIEW

- A. Preliminary Plan of Operation -  
Approval received April 23, 1992. Final Plan of Operation will have to be submitted at the time of 50% construction completion.
- B. Sewer Regulations and User Charge System -  
Conditional approval of Sewer Regulations and full approval of User Charge System received April 23, 1992
- C. Project Plans and Specifications -  
Final approval received April 23, 1992

**REVISED SCHEDULE**

May 8, 1992	Anticipated final DEQ authorization to advertise for construction bids.
May 12	Advertise for bids.
June 8	Bid Opening.
June 17	Contract Award
June 29	Begin Construction
March 1, 1993	Complete Construction

**FINAL STATE REVOLVING FUND LOAN APPLICATION**

The basic application form has been completed. Some remaining financial information attachments and a Land Use Compatibility Statement attachment need to be completed for final submittal.

Park Place Sewer Project

2 2E 28A 1712, 1714, 1717

Lowell Gene Wittke 1992  
Judith Ann Wittke

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Clark Co. Doc # 92-38575

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RES. 04-12

DOC# 2004-030022

EV 04-002

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