

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

30
KNOW ALL MEN BY THESE PRESENTS, THAT **Dan W. Zinzer and Linda M. Zinzer** 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:

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 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 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 ^{SIX} ~~Two Thousand One~~ **Two Thousand** and no/100 dollars ^{M601} ~~(\$2,100.00)~~ ^{Da 2-} ~~2,100.00~~ ^{22.} **2,600.00**, 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 April 14, 1992.

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 WITNESS WHEREOF, the GRANTOR has executed this instrument this 28 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.


Dan W. Zinzer

Linda M. Zinzer



SS.

Before me,

A circular notary seal for Marvin S. McElweeney, Public, State of Oregon. The seal features the text "MARVIN S. McELWENEY" around the top inner edge, "PUBLIC" in the center, and "STATE OF OREGON" around the bottom inner edge. The words "Before me," are written across the top of the seal.

SS.

My Commission Expires: 3-17-93

Before me:

My Commission Expires: 3-17-93

2

GRANTEE

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

GRANTOR

Dan W. Zinzer and Linda M. Zinzer
14145 S. Forsythe Road
Oregon City, OR 97045

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.


Mayor


City Recorder

After recording return to:
City Engineer, City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045





WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

Fax: 503 624-0157

HOPP Sewer
20.0 Foot Permanent
50.0 Foot Wide Temporary Construction
Sanitary Sewer Easement
Tax Lot 100 2 2E 21 CC
Project No. 361-04-90
April 17, 1992

EASEMENT DESCRIPTION

A tract of land situated in the S.W. 1/4 of Section 21, 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 Dan W. Zinzer and Linda M. Zinzer, recorded in Fee No. 89-18127 on April 28, 1989, Clackamas County Deed Records, being more particularly described as follows:

Beginning at the northeast corner of Tract 69, "CLACKAMAS HEIGHTS", a duly recorded subdivision;

thence, along the north line of said Tract 69, North 65°21'29" West, 264.90 feet;

thence, North 16°56'59" East, 20.18 feet;

thence, parallel with the north line of said Tract 69, South 65°21'29" East, 319.45 feet;

thence, South 24°38'31" West, 20.0 feet to a point on the north right-of-way line of Thurman Street;

thence, along said north right-of-way line North 65°21'29" West, 51.85 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within the right-of-way of Forsythe Road.

The area of the permanent easement is 6,362 square feet (0.15 acres);

ALSO AND TOGETHER WITH a temporary construction easement;

Sanitary Sewer Easement
Tax Lot 100 2 2E 21 CC

Beginning at the northeast corner of said Tract 69;

thence, along the North line of said Tract 69, North 65°21'29" West, 280.03 feet;

thence, North 16°56'59" East, 50.45 feet;

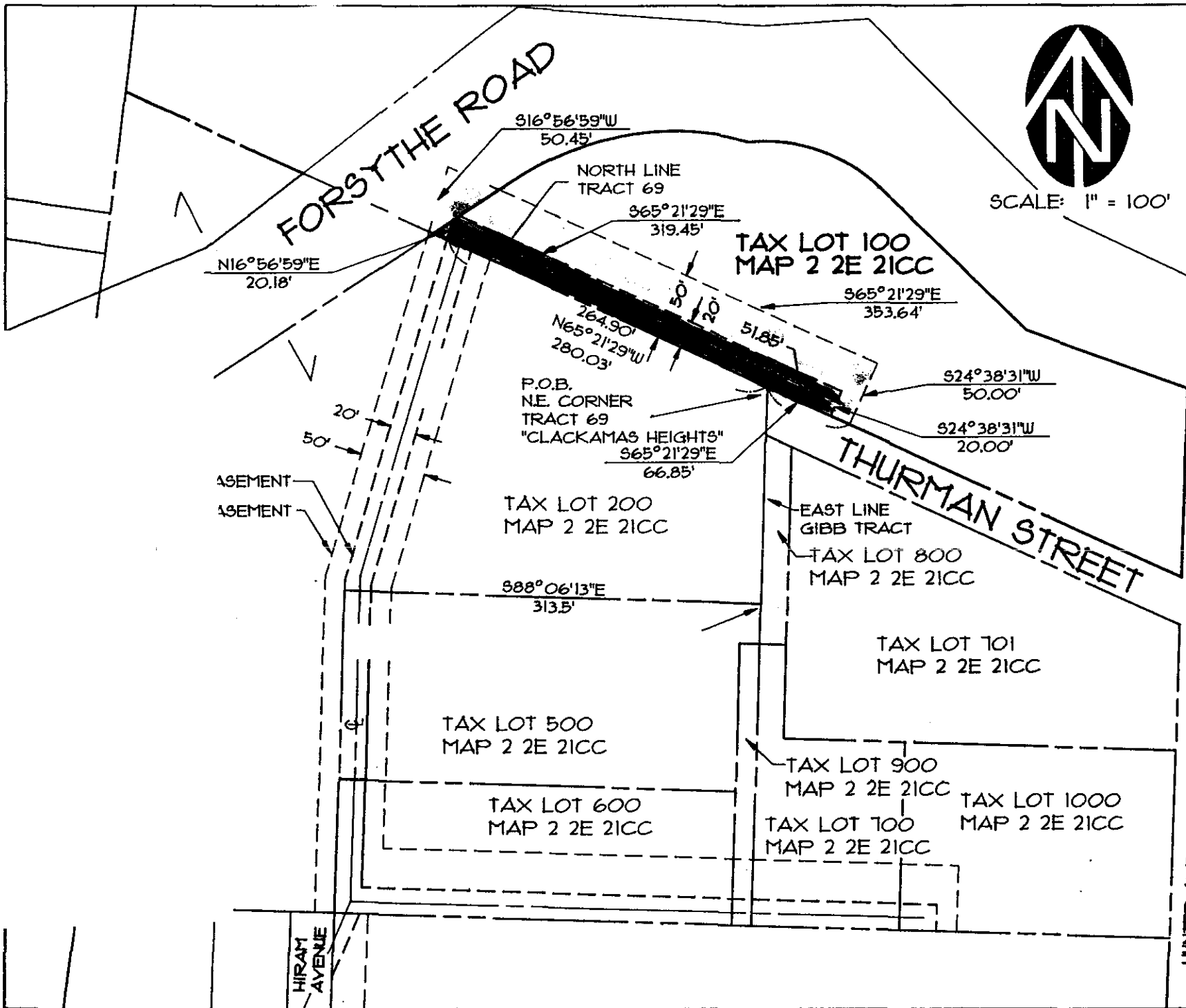
thence, parallel with the north line of said Tract 69, South 65°21'29" East, 353.64 feet;

thence, South 24°38'31" West, 50.0 feet to a point on the north right-of-way line of Thruman Street;

thence, along said north right-of-way line North 65°21'29" West, 66.85 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within the right-of-way of Forsythe Road.

36104E5.



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

PREPARED BY:
WESTLAKE CONSULTANTS, INC.
1340 SW HUNZIKER RD., STE. 204
TIGARD OREGON 97123
PH. (503) 684-0652

MAP NO: 2 2E 21CC
TAX LOT NO: 100

DATE: 4-17-92
DRAWN BY: SPB
CHECKED BY: SPB

JOB NO. 361-04



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

May 6, 1992

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	Wittke, Lowell Gene & Judy Ann	85 SW Wonderview Ct., Gresham, 97080
28A	1714	Wittke, Lowell Gene & Judy Ann	85 SW Wonderview Ct., Gresham, 97080
28A	1717	Wittke, 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

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

22E 21CC 100

Dan W. Zinzer 1992
Linda M. Zinzer

DOC# 92-38574

pg	item
216	1

Env #

570